HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal) No. 1539/2026
CNR: RJHC020659442026 | URN: SOSA / 2765U / 2026
In
S.B. Criminal Appeal No.1636/2026

1. Rakesh Kumar S/o Shri Jairam, Aged About 26 Years, Resident Of Karda, Police Station Karda, District Jalore (Rajasthan) (At Present Accused- Appellant Is Confined In Central Jail, Bikaner)
2. Tikam Singh S/o Shri Mohan Singh, Aged About 44 Years, Resident Of Feench, Police Station Luni, District Jodhpur, Rajasathan. (At Present Accused- Appellant Is Confined In Central Jail, Bikaner)

----Appellants

Versus

State Of Rajasthan, Through The Public Prosecutor.

----Respondent

For Appellant(s)	:	Mr. Dinesh Bishnoi
For Respondent(s)	:	Mr. Gaurav Gupta, PP with Mr. Navdeep Singh, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

19/08/2026

Instant application for suspension of sentence has been preferred on behalf of the applicant-appellants under Section 430 of B.N.S.S. alongwith the appeal, to suspend the sentence awarded by the Court of learned Additional Sessions Judge, Laxmangarh, District Sikar (Raj.) *vide* its judgment dated 01.07.2026 in Sessions Case No. (CIS NO.)01/2024, whereby the applicant-appellants were convicted for the alleged offence(s) &

sentenced to undergo maximum period of one year rigorous imprisonment with fine.

Learned counsel for the applicant–appellant submits that the applicants remained in custody for a certain period during the course of trial, subsequently, enlarged on bail and, presently, they are behind the bars since 01.07.2026. Counsel further submits that, in the present case, 234 grams of opium was allegedly recovered and three samples, namely A-1, B-1 and C-1, were sent to the Forensic Science Laboratory for examination. As per the FSL Report (Ex.P-28), no opium constituents was detected in sample A-1. Therefore, the original/net quantity of the alleged contraband recovered in the matter is 100 grams only. Counsel further submits that the learned Trial Court has not appreciated the facts & circumstances of the case holistically and the hearing of the appeal will take its own time, hence, the sentence awarded to the applicant-appellants may be suspended during the pendency of the appeal.

Learned Public Prosecutor has vehemently opposed the submissions made herein-above.

Heard learned counsel for the parties and perused the material made available on record.

Taking into consideration the conviction, term of sentence & the submissions made at bar and without commenting upon the merits of the case, this Court deems it just and proper to suspend the sentence awarded to the applicant-appellants during the pendency of the appeal.

Accordingly, the application for suspension of sentence is **allowed** and it is, hereby, ordered that the execution of sentence awarded to accused-applicants, namely **Rakesh Kumar S/o Shri Jairam & Tikam Singh S/o Shri Mohan Singh,** by the learned Trial Court shall remain suspended during pendency of the appeal, provided each of them furnish a personal bond in the sum of Rs.50,000/- together with two sureties of Rs.25,000/- each, to the satisfaction of the learned Trial Court with the stipulation that they shall appear before this Court on 18.09.2026 and thereafter, as and when they are called upon to do so.

(VINOD KUMAR BHARWANI),J

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