GAHC010226432026

undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Crl.)/1058/2026

SODHAR PRASAD
S/O LATE BABUL PRASAD @ BABU LAL PRASAD
R/O- PANBARI BORO VILLAGE
NEAR PANBARI ASSAMESE SCHOOL
P.S.- DIPHU
DIST- KARBI ANGLONG
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR
ASSAM

Advocate for : MR A W AMAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

13.10.2026

1. Heard Mr. S. Nawaz, learned counsel appearing for the applicant. Also heard Mr. D.P. Goswami, learned APP appearing for the State of Assam.

2. By this application filed under Section 430(1) of the BNSS, 2023 the applicant has prayed for suspension of the sentence imposed upon him by the sentencing order dated 19.09.2026 whereby he was sentenced to undergo rigorous imprisonment for a period of three years with fine and default stipulation. The applicant has further prayed for his release on bail during the pendency of the appeal.

3. The Hon'ble Supreme Court in case of *Bhagwan Ram Shinde Gosai vs. State of Gujarat* reported in *(1999) 4 SCC 421* held that where a person is convicted and sentenced to a short term of imprisonment, the normal rule is to suspend the sentence and release the applicant on bail during the pendency of the appeal. It was further held that in such cases the appeal should be listed for early hearing and disposal as allowing the sentence to run its course during the pendency of the appeal may render the appeal infructuous.

4. In the instant case, it is seen that the applicant has been sentenced to undergo rigorous imprisonment for a period of three years. The learned counsel appearing for the applicant submits that the applicant has already undergone incarceration for a period of one year and five months.

5. It is further noticed that the appeal has been filed recently and is unlikely to be taken up for hearing in the near future. Accordingly, keeping in view the principles laid down by the Hon'ble Supreme Court, this Court deems it fit to suspend the sentence imposed upon the applicant by the judgment and order dated 16.09.2026 and the subsequent sentencing order dated 19.09.2026 passed by the learned Special Judge, NDPS, Karbi Anglong, Diphu in NDPS Case No. 57/2025 during the pendency of the appeal.

6. Resultantly, the applicant shall be released on bail upon furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand only) with one local surety of a like amount to the satisfaction of the learned Special Judge, NDPS, Karbi Anglong, Diphu.

7. The interlocutory application stands disposed of.

JUDGE

Comparing Assistant