HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal) No. 211/2026

CNR: RJHC020116682026 | URN: SOSA / 436U / 2026

In

S.B. Criminal Appeal No.265/2026

Dheeraj Kumar Son Of Suraj Choudhary, Aged About 19 Years, Resident Of Near Neem Ka Chowk, Hazrat Jandaah, Police Station Harjan Jandaah, District Vaishali, Bihar
(Presently Confined In Central Jail, Jaipur)

----Petitioner

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Rajveer Singh Gurjar, Adv. Mr. Kapil Nagayach, Adv.
For Respondent(s)	:	Mr. Manvendra Singh, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR
Order

27/10/2026

1. This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the accused-applicant. The applicant has been convicted and sentenced by the learned Special Judge, NDPS Act Cases, Jaipur Metropolitan-I, vide judgment dated 09.12.2025 passed in Sessions Case No. 06/2020 as under:-

Under Section 8/20 of NDPS Act:

Ten years' rigorous imprisonment and a fine of Rs. 50,000/-, in default whereof, three months' additional rigorous imprisonment.

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ASHWANI KUMAR
SRIVASTAVA
Date: 2026.10.27
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2. Learned counsel for the applicant submitted that the applicant has already undergone approximately half of the sentence awarded to him by the learned trial Court. It is further submitted that the regular hearing of the appeal is likely to take considerable time, therefore, in the light of the judgment passed by the Hon'ble Supreme Court in **Legal Aid Committee Representing Undertrial Prisoners v. Union of India**[1], the application for suspension of sentence may be allowed.

3. Certificate under Rule 311(3) of the Rajasthan High Court Rules to the effect that the accused-appellant is presently confined in Central Jail, Jaipur, since the date of the judgment i.e., 09.12.2025.

4. Learned Public Prosecutor has vehemently opposed the submissions made by learned counsel for the applicant.

5. Heard and perused the material available on record.

6. The applicant has undergone approximately half of the sentence of conviction imposed by the learned trial Court i.e. 5 years four months and 26 days. The regular hearing of the appeal is likely to take considerable time and having regard to the judgment passed by the Hon'ble Supreme Court in **Legal Aid Committee Representing Undertrial Prisoners (supra)**, this Court deems it just and proper to allow the application for suspension of sentence.

7. Accordingly, the application for suspension of sentence filed under Section 430 of the BNSS is allowed. It is ordered that the sentence awarded to the applicant-appellant **Dheeraj Kumar Son Of Suraj Choudhary,** by the learned Special Judge, NDPS Act

1 (1994) 6 SCC 731

Cases, Jaipur Metropolitan-I, in Sessions Case No. 06/2020, vide judgment dated 09.12.2025, shall remain suspended during the pendency of the appeal and the applicant-appellant shall be released on bail, provided he furnishes a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Court, undertaking to appear before this Court on the date fixed and as and when called upon to do so till the disposal of the appeal, subject to the following conditions:-

i. That he will appear before the learned trial Court in the month of January of every year till the appeal is decided.
ii. That if the applicant changes the place of residence, he will give in writing his changed address to the learned trial Court as well as to the learned counsel in the High Court who shall, in turn, inform this Court.
iii. Similarly, if the surety(ies) change(s) his/their address(es), he/they will give in writing his/their changed address to the learned trial Court.

8. The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file(s). Such file(s) be registered as Criminal Misc. Case relating to original case in which the accused-applicant was tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file(s) shall not be taken into account for statistical purpose relating to pendency and disposal of the cases in the learned trial Court. In case, the said accused-applicant does not appear before the learned trial Court, the learned trial Judge shall report the matter to the High Court for cancellation of benefit extended by this order.

(PRAVEER BHATNAGAR),J

59/Ashwani Kr Srivastava