



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL No. 4694/2025
[Arising out of SLP (Crl.) No.12438/2025]**

SURESH KUMAR

APPELLANT

VERSUS

STATE OF RAJASTHAN

RESPONDENT

ORDER

1. Leave granted.
2. The High Court of Judicature for Rajasthan, Bench at Jaipur, by the impugned judgment and order

dated 28th April, 2025, has rejected the appellant's prayer for suspension of sentence under Section 389 of the Code of Criminal Procedure, 1973.

3. The appellant, convicted for an offence punishable under Section 8/18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, been sentenced to ten years rigorous imprisonment along with fine.

4. The criminal appeal filed by the appellant challenging the aforesaid conviction and sentence is pending for a couple of years.

5. The appellant has been in custody for a period of two years and five months approximately.

6. We are informed that the co-convict viz. Sanjay Kumar has been released on bail upon suspension of sentence by the High Court vide judgment and order dated 11th February, 2025. At paragraph 6 of the order dated 11th February, 2025 of the High Court, an observation has been made that final hearing of the

appeal is not probable in the near future.

7. The appellant claims parity.
8. Considering the law laid down by this Court in *Kashmira Singh Vs. State of Punjab*¹, we are inclined to allow the prayer for suspension of sentence and release the appellant on bail.
9. Accordingly, we set aside the impugned judgment and order.
10. The appellant be released on bail, subject to such terms and conditions as may be fixed by the trial court.
11. We clarify that the observations made in this order and grant of bail will not be treated as findings on the merits of the appeal.
12. The appellant shall, however, diligently pursue the appeal before the High Court. If the High Court finds the appellant disinterested in taking the appeal to its logical conclusion, it may pass appropriate order

¹ 1977 (4) SCC 291

including cancellation of bail.

13. The appeal is, accordingly, allowed on the aforesaid terms.

14. Pending application(s), if any, stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(AUGUSTINE GEORGE MASIH)

New Delhi;
October 30, 2025.

ITEM NO.13

COURT NO.7

SECTION II-D

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)
No(s).12438/2025

**[Arising out of impugned final judgment and order
dated 28-04-2025 in SBCRMSSOSA(A) No.545/2025
passed by the High Court of Judicature for
Rajasthan at Jaipur]**

SURESH KUMAR

Petitioner

VERSUS

STATE OF RAJASTHAN

Respondent

I.A. No.199314/2025 - EXEMPTION FROM FILING O.T.

**Date : 30-10-2025 This matter was called on for
hearing today.**

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

For Petitioner(s) : Mr. Namit Saxena, AOR

**For Respondent(s) : Mr. Divynk Panwar, Adv.
Mr. Kshitij Mittal, Adv.
Ms. Nidhi Jaswal, AOR**

**UPON hearing the counsel the Court made the
following**

O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

**(RASHMI DHYANI PANT) (SUDHIR KUMAR SHARMA)
ASST. REGISTRAR-CUM-PS COURT MASTER (NSH)
(signed order is placed on the file)**