

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 14458/2025
CNR: RJHC011092412025
URN: CRLMB / 30141U / 2025

Mukna Ram @ Mukesh S/o Chimnaram Jat, Aged About 28
Years, R/o Khara Rathodan, PS Ramsar, Dist Barmar.
(Lodged In Dist Jail Chittorgarh)

----Petitioner

Versus

State of Rajasthan, PP

----Respondent

For Petitioner(s)	:	Mr. Vijay Raj Bishnoi.
For Respondent(s)	:	Mr. S.S. Rathore, PP.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
Order

16/07/2026

1. The present sixth bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner, who is in custody in connection with FIR No.22/2021, Police Station Bassi, District Chittorgarh for the offence punishable under Section 8/15 of NDPS Act.
2. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.
3. Learned counsel for the petitioner submits that after the rejection of the fifth bail application of the petitioner on 14.11.2025, out of 19 listed prosecution witnesses, the testimony of only 13 prosecution witnesses has been recorded before the trial court so far. Learned counsel submits that the petitioner has suffered incarceration for more than 5 and a half years and the trial is not likely to be concluded in near future.
4. Learned counsel for the petitioner further submits that the

delay in trial is not at all attributable to the petitioner and the same is not likely to be concluded in near future. Learned counsel for the petitioner has placed reliance on the cases of **Rabi Prakash V/s State of Odisha (Special Leave to Appeal Crl. No.4169/2023)** decided on 13.07.2023 and **Mohd. Muslim V/s State (NCT of Delhi)** reported in **AIR 2023 SC1648**. He, therefore, submits that considering the delay in completion of trial and the fact that petitioner faced incarceration for more than 5 and a half years, the petitioner may be enlarged on bail.

5. Learned Public Prosecutor opposes the bail application, however, is not in a position to refute the submissions made by the counsel for the petitioner and he submits that out of 19 witnesses, only 13 prosecution witnesses have been examined so far and the petitioner has suffered incarceration for more than 5 and a half years.

6. I have considered the submissions made at the Bar and gone through the relevant record of the case.

7. The petitioner is facing trial for an offence under the NDPS Act and has suffered incarceration for more than 5 and a half years. It is a fact that out of 19 witnesses, only 13 witnesses have been examined before the trial Court so far. It appears that trial is not likely to be completed in near future.

8. Hon'ble Supreme Court in the case of **Union of India V/s K. A. Najeer**, reported in **2021 (3) SCC 713** has held as under:-

"17. It is thus clear to us that the presence of statutory restrictions like Section 43-D(5) of the UAPA per se does not oust the ability of the constitutional courts to grant bail⁷ on grounds of violation of Part -III of the Constitution. Indeed, both the restrictions under a statute as well as the powers exercisable under constitutional jurisdiction can be well harmonised. Whereas at commencement

of proceedings, the courts are expected to appreciate the legislative policy against grant of bail but the rigours of such provisions will melt down where there is no likelihood of trial being completed within a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence. Such an approach would safeguard against the possibility of provisions like Section 43-D(5) of the UAPA being used as the sole metric for denial of bail or for wholesale breach of constitutional right to speedy trial”.

9. Recently, the view taken in **K.A. Najeeb’s** case has been reiterated by the Hon’ble Supreme Court in the case of **Mohd. Muslim** (supra).

10. In view of the discussions made above, this Court deems it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

11. Accordingly, the present sixth bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner **Mukna Ram @ Mukesh S/o Chimnaram Jat**, shall be released on bail in connection with FIR No.22/2021, Police Station Bassi, District Chittorgarh, provided he furnishes a personal bond in a sum of Rs.1,00,000/- (Rupees: One Lac Only) with two sound and solvent sureties of Rs.50,000/- (Rupees: Fifty Thousand Only) each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(VINIT KUMAR MATHUR),J