

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.2804 of 2016

ORDER:

The petitioner, who is accused No.1 in Crime No.801 of 2015-2016 of Prohibition and Excise Station, Pargi, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime, registered for the offences punishable under Sections 8 (c) read with 22 (b) (ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

At the time when the matter is taken up for hearing, it is brought to the notice of the Court that earlier the petitioner filed Criminal Petition No.12947 of 2015, which was rejected by this Court on 14.12.2015. Thereafter, the present application is again filed seeking same relief. Since there are no changed circumstances either on facts or law the request of the petitioner cannot be considered. The issue as to whether an application for bail/anticipatory bail can be filed without there being any changed circumstances, came up for consideration before the Apex Court in ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu***^[1], wherein the Apex Court held as under:

“Even though there is room for filing a subsequent bail application in cases where earlier applications have been rejected, the same can be done if there is a change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete.”

In the absence of any change in fact or law and having regard to the judgment of the Apex Court referred to above, I am not inclined to grant bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

09.03.2016
gkv

[\[1\]](#) AIR 2005 SC 921