

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.11432 of 2016

ORDER

The petitioner, who is accused No.4 in crime No.104 of 2016 of Godavarikhani I-Town Police Station, Karimnagar District, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime, registered for the offence punishable under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Heard learned counsel for the petitioner as well as the learned Public Prosecutor appearing for the respondent-State.

The case of the prosecution is that on 12.04.2016 when the Inspector of Police was conducting patrolling duty, seven persons were found carrying bags near Bus Stand, Godavarikhani, under suspicious circumstances. On seeing the Police, the said persons tried to escape. The Police chased them and apprehended six out of seven persons. On enquiry, the said persons revealed their identity and on search the Police seized 2 quintals and 30 kgs. of ganja. Hence, the case.

Learned counsel for the petitioner mainly submits that the Police ought to have complied with the provisions of Section 50 of NDPS Act before effecting search and seizure. The same is disputed by the learned Public Prosecutor stating that ganja was recovered from the bags carried by the accused and as such following Section 50 of the Act would not arise.

Be that as it may, the material on record shows that earlier the petitioner filed two Criminal Petitions vide CrI.P.Nos.7787 of 2016 and 10021 of 2016, which were dismissed by this Court vide orders dated 16.06.2016 and 19.07.2016 respectively. Thereafter, the present

application is filed seeking the same relief. 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 either on fact or in 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

16.08.2016
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^[1] AIR 2005 SC 921