

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.2851 of 2016

ORDER:

The petitioner, who is accused No.1 in Crime No.89 of 2015-2016 of Prohibition and Excise Station, Peddapuram, 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 20 (b) (ii) (c) 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 along with accused Nos.2 and 3 filed Criminal Petition No.7610 of 2015. By an order dated 13.08.2015, this Court while granting bail to accused Nos.2 and 3 rejected the request of the petitioner, having regard to the nature of allegations made against him. Thereafter, the petitioner also filed Criminal Petition Nos.13039 of 2015 and 339 of 2016, which were dismissed on 15.12.2015 and 01.02.2016 respectively. Again the present application is filed seeking same relief. Since there are no changed circumstances either on fact 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
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[\[1\]](#) AIR 2005 SC 921