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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1716 OF 2023

Pradeep Rajaram Sahani] .. Applicant
vs.
Union of India & Anr.] .. Respondents

Mr.Tarak Sayed a/w Ashwini Achari i/b Advait Tamhankar for the Applicant.

Mr.Y.M. Nakhwa, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 4th October, 2023.

P.C.

1] This Application for bail is preferred for second time, the first having been permitted to be withdrawn on 14.11.2022, when I expressed my disinclination to entertain the same on merits.

2] The learned counsel for the Applicant would submit that the material which ought to have been considered, was not placed before the Court when the first Bail Application was heard and, therefore, this is a good ground to entertain the Bail Application for second time.

3] The submission deserve to be rejected outrightly since it is

settled position of law that successive Bail Application unless and until they propagate a change in circumstance, are not to be entertained.

No doubt, there is no bar in entertaining the second Bail Application, when there is change in surrounding circumstance, but definitely, the point which ought to have been canvassed, but has not been canvassed, do not amount to change in circumstance.

A feeble attempt is made by the learned counsel to invite my attention to the notice under Section 50 of the NDPS Act, which is at page 33 of the Application, there is reference to a luggage bag, but according to him the panchanama do not make any reference to the same.

The above argument fail to impress me since, barring the presence of the luggage bag, the information led to the present Applicant and when inquired whether he is carrying contraband, he answered in the affirmative and took out the contraband in form of 70 Gram of MD from left front pocket of his jeans pant and handed it over to the Investigating Officer.

4] The minor inconsistencies as regards the luggage bag do not bear any relevance to the search and seizure, which is carried out after adhering to the procedure prescribed under the NDPS Act.

Hence, the ground which is sought to be canvassed on the

second application being preferred, since it do not amount to any material change in circumstance, the Application do not warrant any consideration and the same deserve to be rejected.

In the wake of above, Bail Application stands rejected.

[BHARATI DANGRE, J]