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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 235/2025

MEHBOOB ALI

.....Applicant

Through: Ms. Ritika Singh and Mr.
Raj Narayan Singh, Advts.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP
for the State with SI
Jagbir, Anti-Narcotics
Cell, North.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

08.04.2025

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1. By the present application, the applicant seeks regular bail in FIR No. 192/2023 dated 25.03.2023, registered at Police Station Subzi Mandi, for offences under Sections 20/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The bail application filed by the applicant on the earlier occasion before this Court was dismissed as withdrawn by order dated 03.10.2024.
3. The learned counsel for the applicant submits that the present bail application was thereafter filed on 17.01.2025.
4. The learned counsel submits that three months have passed and the trial has not progressed, which led to the applicant filing the present bail application.
5. On being pointedly asked, the learned counsel for the applicant submits that the liberty was granted by this Court to file the petition afresh at a later point of time.
6. The Courts, on occasions, permit the applicants to withdraw bail applications when they are not inclined to allow



the same. The Courts permit bail applications to be withdrawn instead of dismissing the same since the order dismissing bail applications have the tendency of prejudicing the Trial Courts on the merits of the case.

7. Though an accused is entitled to file bail application on account of delay in trial since each additional day in custody could potentially alter the circumstances under which bail is considered, thereby necessitating a fresh evaluation of the bail application. However, that does not mean that the applicants are permitted to file repeated bail applications because some time has elapsed since the dismissal of earlier application. Three months having been elapsed since the dismissal of the last bail application is not a change in circumstance for the Court to consider another application seeking bail.

8. This Court in ***Raj Kumar v. State (NCT of Delhi) : 2006 SCC OnLine Del 112*** held that dismissal of bail application as withdrawn should be treated as rejection on merits because as a matter of practice, the counsel withdraws the bail application only when they find that the Court is not inclined to exercise the discretion in his favour.

9. While it is the right of the accused to prefer successive bail applications when there is a change in circumstance, it cannot be denied that if an accused is allowed to persistently file repeated applications merely on the contention that he was unable to take some grounds previously or that some period has elapsed and the trial has not concluded, the same would only lead to filing of endless applications unless a favourable order is received.

10. The only change in circumstances, seems to be that the roster has since changed. The present application is, therefore, an abuse of the process of law.



11. In view of the above, the present application is dismissed.

AMIT MAHAJAN, J

APRIL 8, 2025

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