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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 749/2025**

NEERAJ KUMARApplicant

Through: Mr. Aditya Aggarwal &
Ms. Shivani Sharma,
Advts.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Aashneet Singh, APP
for the State.
ASI Virender Singh,
Crime Branch.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **18.03.2025**

1. The present application is filed seeking regular bail in FIR No. 82/2023 dated 01.04.2023, registered at Police Station Crime Branch 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 The bail application filed by the applicant on an earlier occasion before this Court was dismissed as withdrawn by order dated 30.04.2024. Another application was filed by the applicant which was dismissed by this Court by a detailed order dated 12.08.2024. Subsequently, a third bail application was preferred by the applicant before this Court which was dismissed by order dated 12.11.2024. The present application is the fourth bail application preferred by the applicant before this Court within a span of one year.

3. The learned counsel for the applicant submits that the present application has been filed since some grounds were not agitated on the earlier occasion.

4. It is not in doubt that the applicant is entitled to file a bail
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application on account of delay in trial. It is well settled that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits, even if filed repeatedly. The Hon'ble Apex Court in a catena of cases has observed that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is part of a broader approach emphasizing that the law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. This leads to the principle that each additional day in custody could potentially alter the circumstances under which bail is considered, thereby necessitating a fresh evaluation of the bail application.

5. In the present case, however, it is evident that there is no change in circumstance since the previous bail application preferred by the applicant was dismissed. It is further pointed out that 16 out of 26 witnesses have already been examined. Thus, in the opinion of this Court, the trial has been proceeding expeditiously.

6. Though the applicant has the right to file successive bail applications, the same can only be entertained in light of material change in circumstances.

7. The practise of filing successive bail applications in a short interval of time, thus, without there being a change in circumstance is deprecated. Even though it is contended that the grounds raised in preferring the present application were not agitated on an earlier occasion, the present case is one where the applicant's bail applications have been adjudicated by a Coordinate Bench of this Court on two occasions on merits. It is pertinent to note that the present application is the fourth bail



application preferred by the applicant within a span of one year. The applicant has not cited any reason as to why such grounds as the ones sought to be raised could not be agitated on the previous occasions. 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, the same would only lead to filing of endless applications unless a favourable order is received.

8. It is for this reason that the Hon'ble Apex Court, with a view to maintaining consistency in different bail applications arising out of the same FIR, in *Shekhar Prasad Mahto @ Shekhar Kushwaha v. The Registrar General Jharkhand High Court & Anr. : Arising out of Writ Petition (Criminal) No. 55/2025* had observed that the applications arising out of the same FIR should be placed before one learned Judge. It was further noted that if, on account of the change in roster, the application is subsequently heard by another Judge, due weightage may be given to the view taken by the earlier Judge.

9. It appears that after the third bail application preferred by the applicant was dismissed, the applicant filed the present bail application only in view of the change in the Roster. The same is gross abuse of the process of law.

10. I therefore find no reason to entertain the present application.

11. The application is, therefore, dismissed.

AMIT MAHAJAN, J

MARCH 18, 2025/"SK"

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