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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 3014/2025 & CRL.M.A. 23314/2025,**
CRL.M.A. 23315/2025

SHAILENDER

.....Applicant

Through: Ms. Stuti Aggarwal, Adv.
(through VC)

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP
for the State with SI Shri
Narayan, PS Hauz Qazi,
Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **11.08.2025**

1. By the present bail application, the applicant seeks regular bail in FIR No. 07/2021 dated 14.01.2021, registered at Police Station Hauz Qazi, for offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').
2. At the outset, it is pointed out that an application seeking bail on earlier occasion was dismissed by this Court on merits by order dated 03.08.2022 noting that the procedural deficiency in sampling can only be considered after evidence is led and no reasonable grounds were made out to satisfy the rigours under Section 37 of the NDPS Act. Subsequently, another bail application was preferred by the applicant which was dismissed by order dated 06.09.2024. It was observed that there was no change in circumstances after the dismissal of the previous



application.

3. Thereafter, the bail application filed by the applicant was dismissed as withdrawn by this Court by the order dated 21.03.2025. The applicant was however granted liberty to file an application afresh if the trial is unduly delayed. Neither of the prior bail orders have been annexed in the bail application.

4. It is common knowledge that when the Courts are not convinced to admit the accused on bail, the permission is granted to withdraw the bail application. At times, liberty is also given to the accused to file a fresh application seeking bail in case the trial is unduly delayed.

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

6. The Hon'ble Apex Court in the case of ***Kalyan Chandra Sarkar v. Rajesh Ranjan : (2004) 7 SCC 528*** had observed as under:

“20. Before concluding, we must note that though an accused has a right to make successive applications for grant of bail the court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications.”

7. It has been held in a catena of judgments that there must be change in circumstances to warrant fresh consideration of the bail application. The successive bail applications filed without there being any material change in circumstances, is strongly discouraged, and is a gross abuse of the process of law.

8. Apart from the period spent in custody, no change in circumstances has been pointed out.



9. It is relevant to note that not even five months have elapsed since the passing of the last order rejecting the bail of the applicant.

10. It is pointed out that after dismissal of the last bail application, the matter had been fixed on three dates before the learned Trial Court, and on one of the dates, adjournment was taken on behalf of the applicant.

11. In view of the above, at this stage, this Court does not consider it apposite to entertain the present bail application.

12. The present bail application is, therefore, dismissed. Pending application(s) also stand disposed of.

13. It is, however, made clear that if the recording of evidence does not conclude within a period of next 6 months, any bail application filed by the applicant subsequently shall be considered on its own merits.

14. The learned Trial Court is requested to expedite recording of evidence.

AMIT MAHAJAN, J

AUGUST 11, 2025

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