



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1466 OF 2025

Mersing @ Murli Gathiya Kharte

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. H.V. Tungar, Advocate for applicant

Mr. P.P. Dawalkar, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 7th JANUARY, 2026

PER COURT :

By this application, the applicant seeks his release on regular bail in connection with Crime No.201/2022, registered at Erandol Police Station, District Jalgaon for the offences punishable under Sections 8(b), 20(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard.

3. Learned counsel for the applicant submits that, this is a successive Bail Application.

4. As a matter of record, the Charge has been framed and it has been recorded by the learned Additional Sessions Judge, Jalgaon. The record further indicates that present applicant has avoided to offer response to the notice under Section 294 of the Code of Criminal Procedure resulting into unwarranted adjournments.

5. Perusal of the record indicates that the applicant has deliberately ensured that the trial does not progress and has approached this Court by filing the present application, contending that there is delay in trial.

6. The Hon'ble Apex Court in case of **Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. [(2004)7 SCC 528]**, while laying down the guidelines for grant or refusal of bail in serious offences, has observed as under :

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the

court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.)

12. In regard to cases where earlier bail applications have been rejected there is a further onus on the court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration if the court is of the opinion that bail has to be granted then said court will have to given specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted."

7. Thus, the Hon'ble Apex Court has underscored the obligation of the Court when an earlier bail application has been rejected. A significant onus is placed on the Court while deciding a successive bail application/s to justify the grant of bail. The Court must specifically consider the grounds on which the previous application was rejected. If, after this consideration, the Court forms an opinion that bail should be granted, it must record explicit, specific reasons for doing so.

8. Apart from aforestated aspect, the conscious approach

of the applicant to delay the trial disentitles him from the relief. When confronted about the change in circumstances, the learned counsel has failed to demonstrate the same. Resultantly, in absence of any fresh ground, the application does not warrant consideration.

9. In that view of the matter, no case is made out for grant of bail. The Bail Application is rejected.

(SACHIN S. DESHMUKH, J.)

fmp/-