

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
BULDHANA

(Presided over by **Shaikh Akbar Shaikh Jafar**)

MHBU010007322024	Special Case No. 47/2024
	State of Maharashtra ..Versus.. Chandrapal and Another

ORDER BELOW EXH.44

(Passed on this 23rd day of March 2026)

1] This bail application is filed by applicant/accused Veersingh. It is not disputed that this applicant has filed first bail application vide Exh.9 which was rejected by this Court on 13.3.2025. The applicant has challenged said order before Hon'ble Bombay High Court in Criminal Bail Application No.666/2025 which was withdrawn by him on 14.7.2025. It is the contention of the applicant that he has no connection with the crime. He is falsely implicated. All material witnesses have been examined. No witness has deposed incriminating against present applicant. There is nothing on record to show that applicant/accused was having any knowledge or control over the custody of alleged contraband articles and prayed for grant of bail.

2] Learned APP resisted the application by filing reply contending that application of present applicant/accused is well founded and contraband article of Rs.52,52,000/- was seized from the driver of Container owned by this applicant. CDR and SDR are

available on record which connect present applicant in the crime and prayed for rejection of bail application.

3] Heard rival parties at length. I am of the view that it is being successive application for grant of bail, the applicant is required to make out fresh grounds for grant of bail other than which were considered while rejecting earlier bail application. The earlier bail application was filed after filing of charge-sheet. The prosecution has recorded few witnesses which are relating to the conducting raid and search of the Container. The applicant/accused being owner of the Truck, the investigation regarding his involvement is found on the basis of CDR and SDR. The evidence relating to the involvement of accused/applicant is to be examined after the examination of the witnesses of raiding party. Therefore, the absence of incriminating evidence against the applicant/accused by the witnesses of raiding party is not material nor it amounts to fresh grounds to apply for bail.

4] In the instant case, the rejection of earlier bail application was challenged before Hon'ble High Court and having disinclination to grant bail, the applicant/accused has withdrawn the said application. To me, such withdrawn amounts to rejection of application by the Hon'ble High Court. In such cases, only option is to apply before Hon'ble High Court for grant of bail. Entertaining successive bail application would be violative of principle of binding nature of judgment of the superior Court rendered between the

same parties. I am enlightened by the judgment passed by Hon'ble Supreme Court in the case of **Kalyan Chandra Sarkar Vs. Rajesh Rajan @ Pappu Yadav & Anr**, reported in **2004(7), SCC 528**. In the cited case, the rejection of bail application was confirmed by Hon'ble Supreme Court many times and thereafter, the Hon'ble High Court has granted the bail. Having found no fresh ground to grant bail, the Hon'ble Supreme Court has opined that;

“ Such approach of High Court, in our opinion, is violative of the principle of binding nature of the judgment of the superior Court rendered in a lis between the same parties, and in effect tends to ignore and thereby rendered ineffective principles initiated therein which have binding nature”.

5] In view of observations of Hon'ble Supreme Court in the case cited supra and circumstances of the present case, the application is devoid of merits and same is liable to be rejected. Hence, I proceed to pass the following order.

ORDER

Application [Exh.44] is rejected.

Buldhana
Date: 23.3.2026

(Shaikh Akbar Shaikh Jafar)
Additional Sessions Judge,
Buldhana