



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 1225 of 2026

Date of Decision: 07.8.2026.

Akash Goyal

.... Petitioner

Versus

State of HP

.... Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?¹ No.

For the Petitioner : Mr. Prajwal Sharma, Advocate.

For the Respondents : Mr Jitender Sharma, Additional
Advocate General.

Rakesh Kainthla, Judge (Oral)

The petitioner has filed the present petition for regular bail in FIR No. 267 of 2025, dated 4.12.2025, registered at Police Station Paonta Sahib, District Sirmour, H.P., for the commission of offences punishable under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act.

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.



2. It has been asserted that as per the prosecution, the police received secret information on 03.12.2025 at 07:40 p.m. at Batapul, Paonta Sahib that a vehicle bearing registration No. HR-51BS-9267 was transporting a huge quantity of prohibited capsules and tablets from Haryana, which could be recovered by searching the vehicle. The police joined Joginder Singh as independent witness and set up a Nakka. The police intercepted the vehicle. The driver identified himself as Arjun and the person sitting beside the driver identified himself as Rahul Kapoor. The police searched the vehicle and recovered a blue bag containing 4560 capsules of Tramadol and 3000 capsules of Alprazolam. The quantity of Tramadol was found to be 2.253 kg, and the quantity of Alprazolam was found to be 420 grams by the FSL. The police seized the vehicle and arrested the occupants. Arjun and Rahul revealed that they were working as medical representatives. They disclosed the petitioner's name as the supplier of the capsules and the tablets. The police arrested the petitioner. No recovery was ever effected from the petitioner. The petitioner was falsely implicated by the co-accused. There is no material to connect the petitioner to the commission of the crime. The police have completed the investigation and the custodial interrogation of



the petitioner is not required. The petitioner would abide by the terms and conditions that the Court may impose. Hence, it was prayed that the present petition be allowed and the petitioner be released on bail

3. The petition is opposed by filing a status report asserting that the police received information at Batapul on 3.12.2025 at 7.40 PM that a vehicle bearing registration No. HR-51-BS-9267 was transporting a huge quantity of capsules and tablets. Arjun and Rahul Kapoor were travelling in the vehicle. The information was credible, and it was reduced to writing. It was sent to the Sub Divisional Police Officer (SDPO), Paonta Sahib. The police joined Joginder Singh on the way and set up a naka ahead of the Behral check post. The vehicle bearing registration No. HR-51-BS-9267 was intercepted at 8.30 p.m. The driver identified himself as Arjun, and the person sitting beside the driver identified himself as Rahul Kapoor. The police searched the vehicle and recovered 4560 capsules of Tramadol and 3000 tablets of Alprazolam. The police arrested the occupants and seized the capsules and the tablets. The police interrogated Arjun, who revealed that he had paid ₹1.00 lac to the petitioner for purchasing the capsules and the tablets, and these



were transported in an auto rickshaw bearing registration No. UP-11CT-5520. The accused Arjun also identified the place where the capsules and tablets were loaded in the vehicle. The police seized the mobile phones. The capsules and tablets were sent to FSL, and as per the report, the capsules contained 2.253 kilograms of Tramadol and the tablets contained 420 grams of Alprazolam. The investigation is complete. The petitioner had earlier filed bail petitions which were dismissed by the Learned Special Judge, Sirmour, H.P. and by this Court. Hence, the status report.

4. I have heard Mr Prajwal Sharma, learned counsel for the petitioner and Mr Jitender Sharma, learned Additional Advocate General for the respondent/State.

5. Mr Prajwal Sharma, learned counsel for the petitioner, submitted that the petitioner is innocent and he was falsely implicated. The police are relying upon the statement made by the co-accused, the financial transactions and the call detail records, which are not sufficient to connect the petitioner to the commission of the crime. The police have filed the charge sheet before the Court, and the petitioner's custodial



interrogation is not required. The petitioner would abide by the terms and conditions that the Court may impose. Hence, he prayed the present petition be allowed, and the petitioner be released on bail.

6. Mr Jitender Sharma, learned Additional Advocate General, for the respondent/State, submitted that the petitioner had earlier filed a bail petition which was dismissed by this Court. A subsequent bail petition only lies when there is a change in the circumstances. The petitioner has not pleaded any change in the circumstances, and he is not entitled to the concession of bail. Hence, he prayed that the present petition be dismissed.

7. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

8. It is undisputed that the petitioner had earlier filed a bail petition, which was registered as Cr.MP(M) No. 332 of 2026 and was dismissed on 31.03.2026. It was held in *State of Maharashtra. Captain Buddhikota Subha Rao (1989) Suppl. 2 SCC 605*, that once a bail application has been dismissed, a subsequent bail application can only be considered if there is a change of circumstances. It was observed:



“Once that application was rejected, there was no question of granting a similar prayer. That is virtually overruling the earlier decision without there being a change in the fact situation. And when we speak of change, we mean a substantial one, which has a direct impact on the earlier decision and not merely cosmetic changes, which are of little or no consequence. Between the two orders, there was a gap of only two days, and it is nobody's case that during these two days, drastic changes had taken place, necessitating the release of the respondent on bail. Judicial discipline, propriety and comity demanded that the impugned order should not have been passed, reversing all earlier orders, including the one rendered by Puranik, J., only a couple of days before, in the absence of any substantial change in the fact situation. In such cases, it is necessary to act with restraint and circumspection so that the process of the Court is not abused by a litigant and an impression does not gain ground that the litigant has either successfully avoided one judge or selected another to secure an order which had hitherto eluded him.

9. Similarly, it was held in *Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav* (2004) 7 SCC 528 that where an earlier bail application has been rejected, the Court has to consider the rejection of the earlier bail application and then consider why the subsequent bail application should be allowed. It was held:

“11. 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 the said court will have to give specific reasons why in spite



of such earlier rejection the subsequent bail application should be granted.”

10. A similar view was taken in *State of T.N. v. S.A. Raja*, (2005) 8 SCC 380, wherein it was observed:

9. When a learned Single Judge of the same court had denied bail to the respondent for certain reasons, and that order was unsuccessfully challenged before the appellate forum, without there being any major change of circumstances, another fresh application should not have been dealt with within a short span of time unless there were valid grounds giving rise to a tenable case for bail. Of course, the principles of res judicata are not applicable to bail applications, but the repeated filing of bail applications without there being any change of circumstances would lead to bad precedents.”

11. This position was reiterated in *Prasad Shrikant Purohit v. State of Maharashtra* (2018) 11 SCC 458, wherein it was observed:

“30. Before concluding, we must note that though an accused has a right to make successive applications for the 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 the fresh grounds, which persuade it to take a view different from the one taken in the earlier applications.”

12. It was held in *Ajay Rajaram Hinge v. State of Maharashtra*, 2023 SCC OnLine Bom 1551, that a successive bail application can be filed if there is a material change in the



circumstances, which means a change in the facts or the law. It was observed:

“7. It needs to be noted that the right to file successive bail applications accrues to the applicant only on the existence of a material change in circumstances. The sine qua non for filing subsequent bail applications is a material change in circumstances. A material change in circumstances settled by law is a change in the fact situation or law that requires the earlier view to be interfered with or where the earlier finding has become obsolete. However, a change in circumstance has no bearing on the salutary principle of judicial propriety that successive bail applications need to be decided by the same Judge on the merits, if available at the place of sitting. There needs to be clarity between the power of a judge to consider the application and a person's right based on a material change in circumstances. A material change in circumstance creates in a person accused of an offence the right to file a fresh bail application. But the power to decide such a subsequent application operates in a completely different sphere, unconnected with the facts of a case. Such power is based on the well-settled and judicially recognized principle that if successive bail applications on the same subject are permitted to be disposed of by different Judges, there would be conflicting orders, and the litigant would be pestering every Judge till he gets an order to his liking resulting in the credibility of the Court and the confidence of the other side being put in issue and there would be wastage of Court's time and that judicial discipline requires that such matter must be placed before the same Judge, if he is available, for orders. The satisfaction of material change in circumstances needs to be adjudicated by the same Judge who had earlier decided the application. Therefore, the same Judge needs to adjudicate whether there is a change in circumstance as claimed by the applicant, which entitles him to file a subsequent bail application.”



13. Therefore, the present bail petition can only be considered on the basis of the change in circumstances, and it is not permissible to review the order passed by the Court.

14. It was submitted that the police have filed a charge sheet before the Court, which amounts to a change in the circumstances. This submission cannot be accepted. It was laid down by the Hon'ble Supreme Court in *Virupakshappa Gouda v. State of Karnataka*, (2017) 5 SCC 406: (2017) 2 SCC (Cri) 542: 2017 SCC OnLine SC 295 that the filing of a charge sheet does not amount to a change in circumstances. It was observed:

“12. On a perusal of the order passed by the learned trial Judge, we find that he has been swayed by the fact that when a charge sheet is filed, it amounts to a change of circumstance. Needless to say, the filing of the charge sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge sheet establishes that after due investigation, the investigating agency, having found materials, has placed the charge sheet for the trial of the accused persons.”

15. Thus, the petitioner cannot claim bail on the ground that the charge sheet has been filed.

16. The Court had earlier found that the petitioner had abetted the possession of a commercial quantity of Tramadol and the rigours of Section 37 of the NDPS Act applied to the present



case. The petitioner had failed to satisfy the twin conditions laid down under Section 37 of the NDPS Act, and he was not entitled to bail; these considerations have not changed.

17. It was submitted that there is no material against the petitioner except the statement made by the co-accused and the call detail record. The submission cannot be accepted. The court had referred to various circumstances while deciding the earlier bail petition connecting him to the commission of the crime. It was laid down by the Hon'ble Supreme Court in *State of M.P. v. Kajad*, (2001) 7 SCC 673: 2001 SCC (Cri) 1520: 2001 SCC OnLine SC 1070, that it is impermissible to review the earlier order of bail in the subsequent bail petition, and the Court can only consider the change in circumstances. It was observed at page 676:

8. It has further to be noted that the factum of the rejection of his earlier bail application bearing Miscellaneous Case No. 2052 of 2000 on 5-6-2000 has not been denied by the respondent. Successive bail applications are indeed permissible under the changed circumstances. But without the change in the circumstances, the second application would be deemed to be seeking a review of the earlier judgment, which is not permissible under criminal law, as has been held by this Court in *Hari Singh Mann v. Harbhajan Singh Bajwa* [(2001) 1 SCC 169: 2001 SCC (Cri) 113] and various other judgments.



18. Therefore, it is impermissible to review the earlier findings recorded by the Court while deciding the present bail petition.

19. The petitioner has failed to show any change in circumstances, and the petitioner is not entitled to bail. Hence, the present petition fails, and it is dismissed.

20. The observations made hereinabove are regarding the disposal of this petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

7th August, 2026
(Ravinder)