

2026:DHC:8894



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

% *Date of Decision: 08.10.2026*

CNR No. DLHC010487262026

+ **BAIL APPLN. 4285/2026 & CRL.M.A. 31671/2026**

POOJA

.....Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. C. M. Sangwan, Mr.
Saksham Aggarwal, Ms. Dipika
Prasad, Mr. Bharat Khurana and Mr.
Mukul Malik, Advocates.

versus

THE STATE(GOVT OF NCT OF DELHI)Respondent

Through: Mr. Amit Ahlawat, APP for State.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. By way of this second application before this court, the accused/applicant seeks anticipatory bail in case FIR No.270/2026 of PS Palam Village for offence under Section 20/25/27A/29 of NDPS Act, Section 95 BNS and Section 78 JJ Act.

2. The previous bail application of the accused/applicant, registered as Bail Application No. 3553/2026 was dismissed as withdrawn on 30.09.2026, with specific observations, as extracted below:

BAIL APPLN. 4285/2026

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“2. After last date, the affidavit in terms with order dated 25.08.2026 was filed on behalf of the accused/applicant.

3. Today, **after addressing at length**, learned counsel for accused/applicant, on instructions, seeks permission to withdraw this anticipatory bail application with liberty to raise same grounds in the regular bail application after surrender.”

(emphasis supplied)

3. Despite that dismissal dated 30.09.2026, the accused/applicant has again filed the present anticipatory bail application in the same case. Admittedly, after 30.09.2026, there has been no change in circumstances.

4. Learned Senior Counsel for accused/applicant contends that the status report filed in Bail Application No. 3553/2026 was not considered by the Court, therefore, this second anticipatory bail application is sustainable. It is also submitted by learned Senior Counsel that filing of the successive bail applications after withdrawal of the earlier bail application is not prohibited as a rule of law, but only as a rule of prudence.

5. No doubt, it is not a rule of law that bars entertaining successive bail applications after withdrawal of the earlier one. But it is a rule of prudence. As regards the non-consideration of the status report in Bail Application No. 3553/2026, as recorded above, the said application was not withdrawn without addressing arguments. Rather, the arguments were advanced at length and only thereafter that the said bail application was withdrawn. Even that withdrawal was with clear understanding that the accused/applicant would surrender and apply for regular bail.

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6. In somewhat similar situation, I had an occasion to examine this issue in the case of ***Sikandar Singh Tandon vs The State Govt of NCT of Delhi***, from which the relevant observations are extracted herein below:

“6. The provision under Section 403 BNSS prohibits this Court to recall orders dated 23.07.2026 whereby the anticipatory bail applications were dismissed as withdrawn.

*7. Besides that, in the case of **Gurvinder Singh vs Jasbir Singh**, SLP (CRL.) 3843/2025, decided on 15.09.2025, in similar situation, the Hon’ble Supreme Court set aside order passed by the Single Judge of Punjab & Haryana High Court and held that having passed an order of disposal of the anticipatory bail, the Single Judge could not have revived the proceedings, much less by way of restoration.”*

7. Considering the above circumstances, I do not find it a fit case to entertain this second application for grant of anticipatory bail. Therefore, the anticipatory bail application and the accompanying application are dismissed.

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(JUDGE)

OCTOBER 8, 2026/dr