

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6830 of 2018**

Ramesh Naidu S/o Late Shankar Rao Naidu Aged About 59 Years
Occupation- Private Job, R/o- Ayurvedic College Colony, P.S.-
Saraswati Nagar, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Kabir Nagar, District-
Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Saurabh Dangi, Advocate
For the State	:	Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.18/2018 registered in Police Station Kabir Nagar, District Raipur (C.G.) for the offence punishable under Section 34(2) of CG Excise Act.
3. Case of the prosecution, in brief is that Head Constable Devendra Kujur, Police Station Kabir Nagar received information that two persons are transporting Beer in a auto from Govt. Country Liquor Shop. On very day at about 15.10 hours Auto bearing registration number C.G.04 LL 9243 was searched. The driver was Deman Sahu and another person was the applicant. From the possession of the applicant 119.500 bulk liters beer was seized.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated, hence, he be released on bail.
5. On the other hand, the State opposed the bail application. He further submits that there is no antecedent against the applicant.
6. Counsel for the applicant further submits that applicant is an employee of O.T.Y. Tourist Club, Sarona Raipur. A transport permit was in favour of O.T.Y. Tourist Club. At the time of alleged incident server was down, thus applicant was not acquainted with the period for which the permit was valid.
7. From the photocopy of the transport permit Annexure A/02 the permit was

valid up to 7.00 p.m. to 8.00 p.m.

8. Looking to the above mentioned facts and circumstances of the case and looking to the huge quantity of the beer, this Court is not inclined to grant the benefit of bail to the applicant, accordingly bail application is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde