

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 646 of 2019**

Ramesh Naidu S/o Late Shankar Rao Naidu Aged About 59 Years  
Occupation Private Job, R/o Ayurvedic College Colony, Police Station  
Sarswati Nagar, District Raipur Chhattisgarh, District : Raipur,  
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police  
Station Kabir Nagar, District Raipur Chhattisgarh, District : Raigarh,  
Chhattisgarh.

---- Respondent

|                   |   |                                |
|-------------------|---|--------------------------------|
| For the Applicant | : | Shri Rajat Agrawal, Advocate   |
| For the State     | : | Shri Vinod Tekam, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****11/02/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was dismissed by this Court on 05/10/2018 in MCRC No. 6830 of 2018.
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 further submitted that charge-sheet has been filed and applicant is in jail since five months, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. There is no change of circumstances of the case on the strength of which the applicant is entitled to get benefit of Section 439 CrPC, consequently, second bail application is rejected.

Sd/-  
**(Sharad Kumar Gupta)**  
Judge

Kamde