

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22517 of 2022**

Arising Out of PS. Case No.-58 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Patna

=====

Chanchal Pandey, S/o Pawan Pandey, Resident of Village- Mayil, P.S.-  
Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Manish Kumar No.2, Advocate  
For the Opposite Party/s : Mrs. Asha Devi, APP

=====

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      05-08-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special Case No. 7418 of 2021, arising out of P.R. Alamganj P.S. Case No. D-58 of 2021, registered for the alleged offences under Sections 30 (a), 32 (1), 32 (3), 56 (b), 41 (1) and 41 (2) of the Bihar Prohibition and Excise Act.

As per the prosecution case, from the concealed compartments of a Tempo, 155 liters of country made liquor was recovered and the petitioner was apprehended, who is stated



to be the driver of the said Tempo.

The learned counsel appearing on behalf of the petitioner submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Neither the seized liquor nor the vehicle from which recovery has been made belong to this petitioner. The petitioner is merely a driver and has been driving the vehicle as a part of his duty as per desire of his owner. The owner was knowing about the liquor kept in Tempo and he ran away on seeing the police. The charge sheet has been submitted in this case and the petitioner is in custody since 15.11.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Special Case No.7418 of 2021, arising out of P.R. Alamganj P.S. Case No.D-58 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) One of the bailors will be Pawan Pandey, father of the petitioner, who has sworn the affidavit in this case.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

V.K.Pandey/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

