

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15778 of 2023**

Arising Out of PS. Case No.-31 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

Subash Kumar Tiwary @ Subhash Tiwary, son of Kamla Tiwary, resident of
village- Sareya, P.S. Goriyakothi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16127 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

Ranjeet Mahto, S/o Jagnath Mahto, resident of village- Lohijra Ojha ke tola,
P.S. Sidhwalia, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15778 of 2023)

For the Petitioner/s : Ms.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 16127 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

- 2 08-05-2023 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.
2. Heard learned counsels for the petitioners and the learned APPs for the State.
3. Petitioners seek regular bail in connection with



Siwan Excise P.S. Case No. 31 of 2023 dated 09.01.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The main submissions advanced by the learned counsel for the petitioner Subash Kumar Tiwary @ Subhash Tiwary are that in the alleged vehicle the petitioner was traveling as a bonafide passenger and he had no knowledge regarding the alleged wine which is stated to have been loaded in the said vehicle.

5. Learned counsel for the petitioner Ranjeet Mahto has argued that this petitioner is stated to be the driver of the Bolero vehicle from which the recovery of the alleged wine was made, he was simply discharging his duty as a driver in the said vehicle when the alleged wine was recovered and he had no knowledge about the said loaded wine and he is not the registered owner of the said vehicle and he was simply following the direction of the vehicle's owner.

6. The common submissions made by learned counsels for both the petitioners are that they have no concern with the Scorpio vehicle which was allegedly seized with the alleged Bolero vehicle in which the recovery of alleged wine was made. The petitioners have fair and clean antecedent and



have been languishing in jail since 10.01.2023 and there is no independent witness of the recovery of the alleged wine.

7. Learned APPs appearing for the State opposes the bail prayer.

8. Considering the above submissions and mainly fair and clean antecedent of the petitioners and the completion of the investigation against them, in the opinion of this court, the petitioners deserve to a lenient approach of this court. Accordingly, let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Siwan Excise P.S. Case No. 31 of 2023.

(Shailendra Singh, J)

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