

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58785 of 2023**

Arising Out of PS. Case No.-267 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Surya Narayan Sharma Son of Late Ganesh Sharma R/o vill - Malti Bedulia,
P.S. - Ujiarpur, Dist. - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the total recovery of 575 ml foreign liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the said recovery has been made from a vehicle. The said vehicle has already been sold by the petitioner to other.

5. Learned counsel for the petitioner further submits that the petitioner is a doctor by profession and he is a law

abiding citizen. Counsel further submits that petitioner has sold the said motorcycle to one Ranjit Kumar, in this regard he has made categorical statement in paragraph 6 of the petition. Counsel further submits that the said motorcycle was sold by him on 19.05.2016 itself.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that even the petitioner have sold his motorcycle, then also he shall have responsibility till the said motorcycle shall not be transferred in the name of the purchaser under the provisions of the Motor Vehicles Act, 1988.

7. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks' from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge Excise- 1, Samastipur, Bihar, in connection with Mufassil P.S. Case No. 267 of 2023, dated 12.05.2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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