

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19650 of 2020**

Arising Out of PS. Case No.-35 Year-2020 Thana- MANIGACHI District- Darbhanga

=====

PREM SAHANI, Son of Late Munai Sahni Resident of Village- Nehra Laxmi  
Tol, P.S.- Manigachhi, Nehra O.P., Distt- Darhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Akshansh Ankit

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2      26-06-2020                      Heard Mr. Ashok Kumar Choudhary, learned  
  
counsel for the petitioner and Mr. Md. Aslam Ansari, learned  
  
APP for the State.

The petitioner, who is in custody since 09.02.2020  
  
and is a person of clean antecedents, seeks bail in  
  
connection with Manigachhi (Nehra O.P.) P. S. Case No. 35  
  
of 2020 dated 08.02.2020 instituted for the offences  
  
under Sections 272, 273 and 34 of the Indian Penal Code



and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It appears from the prosecution report that 1400 litres of liquor was found stored in the orchard belonging to Himanshu Choudhary. The petitioner is alleged to have been spotted running away from the place where the liquor was stored, on seeing the police party.

The learned counsel for the petitioner submits that the petitioner is being prosecuted in this case on a mistaken identity. He further submits that the recovery is from the orchard of another person with whom the petitioner has no connection and that also from an open space which is accessible to all and sundry.

Thus, under no circumstance, can the recovery be saddled upon the petitioner.

Regard being had to the afore-stated facts, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge –



cum – Special Judge (Excise), Darbhanga in connection with  
Manigachhi (Nehra O.P.) P. S. Case No. 35 of 2020 (giving  
rise ot G.O. Case No. 169 of 2020).

The petition stands allowed.

**(Ashutosh Kumar, J)**

skm/-

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