

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13688 of 2020

Arising Out of PS. Case No.-104 Year-2019 Thana- AGIAON BAZAR District- Bhojpur

PRINCE RAI @ PRINCE KUMAR, Male, aged about 35 years, Son of Late
Haresh Ray Resident of Village - Telarh, P.S.- Agiyaon Bazar, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 09-07-2020 Heard learned counsel for the petitioner as well as
learned A.P.P.

Learned counsel for the petitioner has submitted that
how the police implicate the persons in order to get illegal gain
is apparent from the facts of the present case.

Learned A.P.P. controverted the same and submitted
that the police officials might have knowledge since before
regarding activity of the petitioner.

From the written report, it is evident that on a tip of
that wine supplier Arbind Yadav, Sonu Rai are to carry the wine
in huge quantity over a pick-up van driven by the driver Prince
Rai, whereupon they indulged in vehicle checking. During
course thereof, a pick-up van came. The driver instead of
stopping escaped away being chased by the prosecution party



and after parking the vehicle all the occupants succeeded in their escape taking benefit of darkness. Furthermore, on search of the vehicle large quantity of foreign wine (Indian origin) were seized (as per seizure list), So, the narration itself creates suspicion over proper identification of the petitioner and being named in predetermined manner irrespective of the fact whether presence of the petitioner inside the vehicle was there or not.

In the aforesaid facts and circumstances of the case, let the petitioner Prince Rai @ Prince Kumar, in the event of his arrest or surrender before the court below within four weeks today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 4th Addl. Sessions Judge cum Special Excise Act, Bhojpur, Arrah in Agiyaon Bazar P.S.Case No. 104/2019, Excise Case No. 1399/2019, subject to the conditions as laid down under section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J)

Surendra/-

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