

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49165 of 2026

Arising Out of PS. Case No.-369 Year-2025 Thana- DIDARGANJ District- Patna

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Bittu Kumar Yadav @ Bittu Kumar Son of Vijay Kumar R/O VILL-
BASUDEOPUR, PS-MUNGER, DIST-MUNGER, AT PRESENT AT
SAINCHAK MAHAVIR COLONY, PS-BEUR, DIST-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shovendra Kumar

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-07-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a), 32(2), 32(3), 36,
41(1) and 41(2) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that
inadvertently in the instant regular bail application, a relevant
fact that petitioner had earlier approached this Court seeking
anticipatory bail, could not be pleaded. It is submitted that
petitioner had earlier moved this Court seeking anticipatory bail
by filing Criminal Miscellaneous No. 2819 of 2026 and the
same came to be allowed by an order dated 28.01.2026 with a
condition that petitioner would be released on provisional



anticipatory bail and thereafter his criminal antecedent would be verified and if it would be found that petitioner has antecedent of even one case, in that event the order dated 28.01.2026 in Criminal Miscellaneous No. 2819 of 2026 shall not be given effect to. It is submitted that petitioner in Criminal Miscellaneous No. 2819 of 2026 at Para-3 had pleaded that he is a person with clean antecedent when he has antecedent of 11 cases out of which one case is under the Excise Act, on which the learned APP submits that petitioner appears to be a criminal for the reason that he was not implicated in cases relating to Excise, as petitioner has criminal antecedent of one case only under the Excise Act. The learned APP next submits that petitioner tried to obtain privilege of anticipatory bail by concealing his antecedent, on which learned counsel appearing on behalf of the petitioner submits that petitioner surrendered, but when his criminal antecedents were verified, the provisional anticipatory bail was not given effect to and thus petitioner was taken in custody on 05.05.2026.

4. The learned APP for the State, at this stage, submits that if privilege of regular bail is granted to the petitioner, the petitioner may abscond and allegation is of recovery of 7555.68 liters of liquor from a pick up Auto and from godown of Mantu



Singh, on which the learned counsel appearing on behalf of the petitioner submits that liquor was neither recovered from possession of the petitioner nor he has any concern with Mantu Singh.

5. After hearing the learned counsel for the parties, the Court is not inclined to release the petitioner on bail, as he had approached this Court earlier seeking anticipatory bail by concealing his criminal antecedent and if the privilege of regular bail is granted to the petitioner, the petitioner may abscond, as such, **the regular bail application is dismissed.**

6. However, the petitioner would be at liberty to renew his prayer for regular bail after framing of charge.

(Satyavrat Verma, J)

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