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District- Banka(Bihar)
spl. Excise.- 153/22
State of Bihar vs Gulshan Kumar and others.

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FORM A

IN THE COURT OF EXCLUSIVE SPECIAL JUDGE EXCISE Court No.-1

Present:- Sri Kumar Madhvendra,

Exclusive Spl. Excise judge, Court -1, Banka

[Date of Judgment:- 15.04.2026]

[Spl. Excise - 153/2022]

F.I.R. No.:- Bounsi P.S. Case No. 30/22

Crime:- Under Sections- 30(a) and 32(2) of Bihar Prohibition and
Excise Act 2018

Police Station:- **Bounsi**

INFORMANT	Arvind Kumar Rai
REPRESENTED BY	Mr. Awadhesh Kumar Singh (Ld. Spl. P.P.)
ACCUSED	1. Gulshan Kumar, S/o- Kailash Sharma, village -Belanoubad, P.S.- Belnour, Dist- Khagariya. 2. Rahul Kumar S/o- Vishwanath Sharma, village -Belanoubad, P.S.- Belnour, Dist- Khagariya.
REPRESENTED BY	Mr. Gunjan Kumar Singh (Ld. Adv.)

FORM B

Date of Offence	10.02.2022
Date of F.I.R.	10.02.2022
Date of Chargesheet	28.03.2022
Date of Framing of Charges	20.04.2022
Date of commencement of evidence	07.05.2022
Date on which judgment is reserve	25.03.2026
Date of the Judgment	15.04.2026
Date of the Sentencing Order, if any	

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose
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							of section 428 Cr.P.C.
1	Gulshan Kumar	10.02.20 22	22.07.2 022	30(a) and 32(2) of Bihar Prohibition and Excise Act 2018	Acquitted	N.A	
2	Rahul Kumar	10.02.20 22	08.07.2 022	30(a) and 32(2) of Bihar Prohibition and Excise Act 2018	Acquitted	N.A	

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Deepak Paswan	Member of raiding team.
PW 2	Anirudh Kumar	Member of raiding team.
PW 3	Pankaj Kishore	Member of raiding team.

B. Defene Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	Nil	

C. Court Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1	P-1/PW 2	Signature over Seizure list.

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	

C. Court Exhibits



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Sr. No.	Exhibit Number	Description
1	Nil	

D. Material Objects

Sr. No.	Material Object Number	Description
1	Nil	

J U D G M E N T

1. The above named accused persons stand charged under section 30(a) and 32(2) of Bihar Prohibition and Excise Act 2018.

2. The case of the informant in brief as made out in self statement of the informant is as follows:-

The case of the prosecution in short is that on 10.02.2022 at about 04.15 a.m the informant along with other police officials was on his routing patrolling and in that process they were checking vehicles near Kudro More (Bounsi) and in the meantime they saw one Sumo Gold vehicle bearing Reg. No. WB 20 H 4353 was coming there. On suspicion police asked the driver to stop the vehicle, with the help of police officials the vehicle was stopped and the driver and one other person who was sitting inside the vehicle were nabbed by the police. On inquiry the driver discloses his name as Gulshan Kumar and one another persons who was also nabbed by the police discloses his name as Rahul Kumar and on search of the truck altogether 197.640 litres of illicit foreign made liquor was recovered from the vehicle. Thereafter both the accused were arrested by the police

3. On the basis of written report, Police investigated the case. After investigation Investigating Officer submitted the charge-sheet under sections 30(a) and 32(2) of Bihar Prohibition and Excise Act 2018 on 28.03.2022 against accused persons namely Gulshan Kumar and Rahul Kumar and accordingly cognizance of the offence was taken and the accused persons was summoned to face the trial.

4. On 20.04.2022 Charge under section 30(a) and 32(2) of Bihar Prohibition and Excise Act 2018 framed, read over to the accused persons to which they pleaded not guilty and claimed to be tried.

5. On 09.02.2026 statement of accused persons have been



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recorded under section 313 of Cr.P.C in which they denied the case of the prosecution and claimed to be innocent.

6. Defence case in brief is of denial of the entire occurrence and innocence of the accused persons.

7. Now, The point for determination arises as to whether prosecution has been able to bring home the guilt of the accused person beyond the shadow of reasonable doubts?

FINDINGS

8. The prosecution has produced only one witness to substantiate the charge against the accused.

P.W. 1 Deepak Paswan (member of raiding team)

P.W. 2 Anirudh Kumar (member of raiding team)

P.W. 3 Pankaj Kishore (member of raiding team)

The prosecution has also proved certain documents which are as follows:-

1. P-1/PW 2- seizure list.

The defence has not given any defence witness and has not produced any documentary evidence in support of his case.

9. P.W. 1, who is the member of raiding team, has stated in his examination-in-chief that on 10.02.2022 he was posted at Bounsi P.S., he joined a team led by S.H.O. Arvind Kumar Ray which included S.I. America Ram, S.I. Panka Kumar, S.I. Anirudh Kumar and the ALTF team. Acting on secret information, he reached Kudor More around 04.15 am and intercepted a white TATA Sumo Gold coming from the Hansdiha side. The driver, Gulshan Kumar, hesitated during questioning. A search of the vehicle led to the recovery of 197.640 litres of "True Gold" foreign liquor. A seizure list and arrest memo were prepared. He identified the accused, Gulshan Kumar and Rahul Kumar (who was seated next to the driver. In his Cross-Examination he stated that he admitted that the team checked 25 to 30 vehicles that day but stated he could not recall the registration number or name of any of those other vehicles. He testified that he did not know the accused



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prior to this incident and confirmed that mobile phones were recovered from the accused and liquor was found in the vehicle

10. P.W. 2, who is the member of raiding team, on 10.02.2022 at 02.00. a.m he left the station with the S.H.O and the team for vehicle checking, reaching Kudro More at 02.30 am. At 04.15 am they attempted to stop a TATA Sumo Gold. The vehicle tried to flee but was intercepted with the help of the force. The search yielded 22 cartons of liquor. 15 cartons of 750ml (180 bottles), 6 cartons of 374ml (144 bottles) and 1 carton of 180 ml (48 bottles) totaling 197.640 litres. He stated that he wrote the seizure list and signed it under the S.H.O's direction (Exhibit P-1/PW2). In his Cross-Examination he confirmed the team was under the leadership of inspector America Ram and that they checked 25 to 30 vehicles between the police station and Kudro More. Similar to P.W.-1 he stated he could not recall the registration numbers of any of the other vehicles checked.

11. P.W. 3, who is the member of raiding team, has corroborated that the team left the station around 02.00 am and reached the spot at 02.30 am. He confirmed the interception of the TATA Sumo Gold at 04.15 am and the recovery of 197.640 litres of foreign liquor. He testified that the seizure list was prepared and the accused were arrested and brought to the station. In her Cross-Examination he stated that S.H.O received the secret information. They had checked 25 to 30 vehicles during the operation. He admitted he could not provide the registration number, driver's name or even the color of any of the other 25 to 30 vehicles checked that night. He denied the suggestion that the accused were innocent and had been falsely implicated

12. Now entering into the appreciation of evidences, it is found that the search and seizure took place on a public road (Hansdiah-Bhagalpur main road). However, the two witnesses to the seizure list Naval Kishor Singh and Raj Kishor Paswan are member of the Anti Liquor Task Force and police personnel. While the S.H.O. claimed local witnesses were unavailable due to the night time hour. The seizure



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process continued until 06.30 AM. At such an hour, the presence of independent civilian is expected, yet no effort was documented to involve them. During cross-examination all three prosecution witnesses admitted that they checked 25 to 30 vehicles during the operation. Remarkably, none of these officers could recall the registration number, color or any descriptive details of any other vehicle checked that night. This uniformity in their inability to recall details suggests a mechanical approach to their testimony and casts doubt on the authenticity of the specific interception. The prosecution claims that the police team offered their own personal search to the accused before searching the vehicle, however there is no independent corroboration of this procedural safeguard. The F.I.R suggests the vehicle belonged to one Rabin Kumar, who was allegedly involved in prior smuggling cases. However, the connection between the owner and the current accused regarding the specific cargo of liquor was not established through independent evidence. Furthermore, while the seizure of mobile phone was recorded, no forensic evidence from these devices was presented to link the accused to a smuggling syndicate. The prosecution's case rests entirely on the testimony of police officer without a single independent witness to corroborate the recovery in a public. In the absence of independent corroboration, it is unsafe to convict the accused based solely on the self-serving testimony of the raiding party.

13. Hence the prosecution has miserably failed to prove the charges leveled against the accused persons beyond the shadow of all reasonable doubts.

Accordingly, it is hereby

ORDERED

That the accused namely Gulshan Kumar and Rahul Kumar are given benefit of doubt due to lack of evidence and in the result, the accused namely Gulshan Kumar and Rahul Kumar are hereby acquitted from the charges leveled against them U/s 30(a) and 32(2) of Bihar Prohibition and Excise Act 2018. They are already on bail,



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hence their bailors are also discharged from the liabilities of their bail bonds respectively.

File to be consigned to the record room.

Let a copy of this judgment be sent to the District Magistrate.

O/c is directed to issue a letter to concern P.S. for return all unexecuted process.

(Dictated, corrected, signed and pronounced by me in the open court)

Kumar Madhvendra
(Kumar Madhvendra)
Excl. Spl. Excise court no.-1
Banka

Dated- 15.04.2026

Kumar Madhvendra
(Kumar Madhvendra)
Excl. Spl. Excise court no.-1
Banka.

Dated- 15.04.2026

