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District- Banka(Bihar)
spl. Excise.- 603/2021
State of Bihar vs Satish Bind @ Chhatish Bind

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:- 16-05-2026]

[**Spl. Excise - 603/2021**]

F.I.R. No.:- 663/2021

Crime:- Under Sections- 30(a) Bihar Prohibition and Excise Act
2016

Police Station:- **Barahat**

INFORMANT	Radhe Shyam Singh
REPRESENTED BY	Mr. Awadhesh Kumar Singh (Ld. Spl. P.P.)
ACCUSED	1. Satish Bind @ Chhatish Bind , S/o- Ram Bind, village - Changari (Mirzapur), P.S.- Barahat, Dist- Banka.
REPRESENTED BY	Mr. Ravindra Kumar Singh (Ld. Adv.)

FORM B

Date of Offence	11.08.2019
Date of F.I.R.	11.08.2019
Date of Chargesheet	25.11.2021
Date of Framing of Charges	22.06.2022
Date of commencement of evidence	08.08.2022
Date on which judgment is reserve	14.05.2026
Date of the Judgment	16.05.2026
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 of section 428 Cr.P.C.

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1	Satish Bind @ Chhatish Bind	03.09.2021	22.09.20 21	30 (a) Bihar Prohibition and Excise Act	Acquitted	N.A	
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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	Amrendra Kumar Sharma	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	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	Nil



LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1	P-1/PW 1	Signature on the seizure list

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	Nil

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	Nil	Nil

D. Material Objects

Sr. No.	Material Object Number	Description
1	Nil	Nil

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J U D G M E N T

1. The above named accused person stands charged under section 30(a) Bihar Prohibition and Excise Act.

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

That on 11.08.2021 at about 04.30 PM, the informant along with other police officials was on routine patrolling and in that process he received a secret message and to verify the same they went to village Mirjapur Changeri at the house of Satish Bind @ Chatish Bind, but no one was present at the house. On search of the house of accused petitioner altogether 45 litres of illicit country made liquor were recovered in three plastic gallon from his house. Thereafter, a seizure list was prepared at the place of occurrence.

3. On the basis of written report, Police investigated the case. After investigation Investigating Officer submitted the charge-sheet under sections 30(a) Bihar Prohibition and Excise Act 2016 on 25.11.21 against accused person namely Satish Bind @ Chatish Bind and accordingly cognizance of the offence was taken and the accused person was summoned to face the trial.

4. On 22.06.2022 Charge under section 30(a) Bihar Prohibition and Excise Act framed, read over to the accused person to which he pleaded not guilty and claimed to be tried.

5. On 26.03.2026 statement of accused person has been recorded under section 313 of Cr.P.C in which he 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 person.

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?



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FINDINGS

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

P.W. 1 Rakesh Kumar Gupta (Member of Raiding team),

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

1. P-1/PW 1- Signature on the 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 of this case, has stated in his examination-in-chief that on 11.08.2021 he was posted as homeguard at Barahat P.S. On that day, Radheshyam along with Congress Yadav and others went for patrolling. While patrolling, He raided at the house of Satish Bind. On search altogether 45 litres of illicit country made liquor were recovered. He has further stated that he identified his signature on the seizure list which is marked as Exhibit- P-1/P.W. 1. He further stated that the accused managed to escape in this way the case was lodged on him. During his cross-examination he has stated that he didn't remember the time when we left the Barahat P.S. He signed on the paper at 04.45 P.M. he didn't know about the search. He has further stated that the officer told that they informed the village head of before the raid on Mirzapur or not. He can only tell that what he know about the occurrence. The raid took place in his presence. He also went to Satish Bind's house. He can not said whether the officer had given his search in front of anyone or not. He has further stated that he went to Changeri villager by vehicle. He cannot say whether the car was searched before leaving the police station and after reaching the village. The paper was presented before him and told him to sign so he signed him. He denied his suggestion that that by using the influence of the uniform we have unnecessarily implicated an innocent person and no liquor has been recovered from the house of accused.

10. Now entering into the appreciation of evidences, it is found that prosecution has examined only one witness to establish this case. As



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per F.I.R. it is alleged that a total 45 liters of illicit country made liquor was recovered. Several important contradictions and deficiencies have appeared in the evidence of P.W. 1. He has stated that he does not remember the time when they left Barahat Police Station. He further admitted that he signed the paper at about 04:45 P.M. and he had no knowledge about the actual search procedure. He also stated that he cannot say whether the mukhiya of Mirzapur was informed before the raid or not. P.W. 1 has further admitted that he cannot say whether the officer conducting the raid had given his personal search before conducting the search of the accused's house. He also stated that he cannot say whether the vehicle used by the police party was searched before leaving the police station or after reaching the village. He clearly admitted that the paper was produced before him and he was simply asked to sign it, and accordingly he signed the same. From the evidence of P.W. 1, it appears that he had no clear and independent knowledge regarding the search and seizure process. His statement shows that he was not fully aware about the manner in which the alleged recovery was made. His evidence further creates doubt regarding compliance of mandatory search and seizure procedure. It is also important to note that P.W. 1 is only a formal witness and member of the raiding party. No independent witness of the locality has been examined by the prosecution to support the alleged recovery. The evidence of P.W. 1 does not inspire full confidence because he himself admitted that he signed the seizure paper on the asking of the officer and he was unaware about several important facts connected with the raid. Therefore, the evidence of P.W. 1 suffers from material contradictions and lacks reliability. His testimony alone is not sufficient to prove beyond reasonable doubt that the alleged liquor was recovered from the conscious possession of the accused. The contradictions appearing in his cross-examination create serious doubt upon the prosecution story. In this case FIR lodged in the year 2021. After investigation police submitted charge sheet in this accused on 25.11.2021 and charge was framed on 22.06.2022. Summons and bailable warrants were issued against the witnesses but the prosecution failed to produce informant, I.O. and another seizure list



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witness in this case. It is further to necessary to mention here that no witness has stated the instructions given section 82 of Bihar Prohibitions and Excise Act have been complied with it, which provides to inform the District Magistrate, superintendent of police within 24 hours around any searched and seizure made by the officers.

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

Accordingly, it is hereby

ORDERED

That the accused person namely Satish Bind @ Chhatish Bind is given benefit of doubt due to lack of evidence and in the result, the accused person namely Satish Bind @ Chhatish Bind is hereby acquitted from the charges leveled against him U/s 30 (a) Bihar Prohibition and Excise Act. He is already on bail, hence his 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- 16.05.2026



Kumar Madhvendra

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

Dated- 16.05.2026

