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District- Banka(Bihar)
Spl. Excise Case No.- 939/2021
State of Bihar vs Sunil Hembram

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:- 08-04-2026]

[**Spl. Excise Case No. - 939/2021**]

F.I.R. No.:- 70/2021

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

Amendment Act 2016

Police Station:- **Belhar**

INFORMANT	Balbir Bilakshan
REPRESENTED BY	Mr. Awadhesh Kumar Singh (Ld. Spl. P.P.)
ACCUSED	1.Sunil Hembram, S/o- Lakhan Hembram, village - Jorila Kuram, P.S.- Jaipur, Dist- Banka
REPRESENTED BY	Mr. Ravi Shankar Yadav (Ld. Adv.),

FORM B

Date of Offence	13.11.2021
Date of F.I.R.	13.11.2021
Date of Chargesheet	13.12.2021
Date of Framing of Charges	07.09.2022
Date of commencement of evidence	07.11.2022
Date on which judgment is reserve	08.04.2026
Date of the Judgment	08.04.2026
Date of the Sentencing Order, if any	

Accused Details

Rank of the Accus	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or	Sentenc e Imposed	Period of Detention Undergone
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ed					convicted		during Trial for purpose of section 428 Cr.P.C.
1	Sunil Hembram	14.11.21	22.11.21	30 (a) Bihar Prohibition and Excise Act	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	Balbir Bilakshan	Informant

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 1	Signature on seizure list
2	P-2/PW 1	Signature on the written application
3	P-3/PW 1	Signature on the written application by S.I. Murlidhar Sah

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	Nil	

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D. Material Objects

Sr. No.	Material Object Number	Description
1	Nil	

J U D G M E N T

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

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

That on 13.11.2021 at about 18.30 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 reached near Raktrohna Mor and started to check vehicle there and in the meantime one person tried to escape. The police chased and nabbed him and on enquiry he discloses his name as Sunil Hembram and on search altogether 10 litres of country made liquor were recovered from a white and green colored plastic container.

3. On the basis of written application, Police investigated the case. After investigation, Investigating Officer submitted the charge-sheet under sections 30(a) Bihar Prohibition and Excise amendment Act 2018 on 13.12.2021 against accused person namely Sunil Hembram and accordingly cognizance of the offence was taken and the accused persons were summoned to face the trial.

4. On 07.09.2022 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 18.02.2026 statement of accused persons have been 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

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prosecution has been able to bring home the guilt of the accused persons beyond the shadow of reasonable doubts?

FINDINGS

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

P.W. 1 Balbir Bilakshan (informant),

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

1. P-1/PW 1- seizure list
2. P-2/PW 1- Signature on the written application
3. P-3/PW 1- Signature on the written application by S.I. Murlidhar Sah

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 informant of this case, has stated in his examination-in-chief that on 13.11.2021 he was posted as S.I. at Jaipur Police Station. He was on patrolling along with four sepoy, one hawaldar and one A.S.I at around 05.30 P.M. They reached Raktmohan Mor at around 06.30 P.M. and started liquor checking. During patrolling, they saw one person is coming is coming with liquor in his both hand. After the police nabbed him and on enquiry he disclose his name as Sunil Hembram and on search altogether 10 litres of illicit country made liquor were recovered. Not any single witnesses has been examined at the place of occurrence. So, seizure list was prepared using a police personal as a witness and seizure list which is his handwriting and signature and marked as exhibit P-1/PW-1. The two copy were made of the seizure list and one copy is given to the accused. Thereafter, he came to the police station with accused and seized liquor. The written application has submitted by him which is his handwriting and signature which is marked as exhibit P-2/PW-1. The written application endorsed by the Station Officer Murlidhar Sah which is in his handwriting and signature which is marked as exhibit P-3/PW-1. He identified the

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accused after seeing. In his cross-examination, he has stated that he don't remember the date when he was posted at Jaipur Police Station and He was relieved on 24 January 2022. He left the police station at around 05.30 P.M. and reached the Raktmohan Mor at 06.30 P.M, the distance between the place of occurrence and police station at around 15 KM. He stated that while going to the police station to Raktmohana, no vehicle was checked in the way, Raktmohana Mor is the road where the people come and go. He stated that he didn't know Raktmohana Mor is connected with Katoriya. He stated that when he was on Raktmohana Mor there was many people on there. He didn't know the name of the independent witness. He stated that he had a alcohol in the gallon in his hand, which colour is white and black. He had measured the alcohol without measuring instrument. He looked the gallon but he don't know what is written on gallon. After seized the gallon, the case no. is written on it but no paperwork has done on the place of occurrence. Seizure list is prepared at the place of occurrence.

10. Now entering into the appreciation of evidences, it is found that prosecution has examined only one witness to establish this case. As per F.I.R. it is alleged that a total 10 litres of illicit country made liquor was recovered from the possession of Sunil Hembram. P.W. 1 is the informant of this case. He has partly supported the case of prosecution in examination-in-chief. The prosecution story gets a sever blow when the informant in this case states in his examination-in-chief in para 01 that he recovered 10 litres of country made liquor from the possession of Sunil Hembram. Except one witness P.W. 1 (informant), prosecution has not examined any other witnesses. Charge was framed on 07.09.2022 and several opportunities were given to the prosecution but prosecution failed to examine other witnesses and they never turned up in the case. Summons andailable warrants were issued against the witnesses but the prosecution examine the key witnesses i.e. informant, I.O. and seizure list witnesses in this case.

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

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Accordingly, it is hereby

ORDERED

That the accused persons namely Sunil Hembram is given benefit of doubt due to lack of evidence and in the result, the accused person namely Sunil Hembram is hereby acquitted from the charges leveled against them U/s 30 (a) Bihar Prohibition and Excise Act. He is already on bail, 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- 08.04.2026

Kumar Madhvendra

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

Dated- 08.04.2026