

**FORM-A**

<b><u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE CUM-EXCLUSIVE SPECIAL EXCISE JUDGE COURT NO-1,KATIHAR</u></b> Present- Sanjay Kumar - V Date of the Judgement:-28.03.2026 Case No.:-Gr.-4982-2018 C.I.S. No.:- 01-2022 Balrampur PS.-170-2018	
<b>Informant</b>	State through S.I, Balrampur P.S, Katihar.
<b>Represented By</b>	Md. Noor Alam Spl. P.P.
<b>Accused</b>	1. Pritam Kumar Bharti, S/o- Mahendra Thakur, R/o Vill- Kali Tola Madhubani, P.S.- K. Hat, District- Purnea.
<b>Represented By</b>	Shri Nitesh, Advocate.

**FORM-B**

<b>Date of Offence</b>	13.11.2018
<b>Date of Prosecution Report</b>	N/A
<b>Date of Charge sheet</b>	28.02.2019
<b>Date of Framing of Charge</b>	21.07.2023
<b>Date of commencement of Evidence</b>	21.08.2023
<b>Date of which Judgment is reserved</b>	16.03.2026
<b>Date of Judgment</b>	28.03.2026
<b>Date of Sentencing Order, if any</b>	N/A

**ACCUSED DETAILS**

<b>Rank of the Accused</b>	<b>Name of Accused</b>	<b>Date of Arrest/ Surrender</b>	<b>Date of release on Bail</b>	<b>Offences Charged with</b>	<b>Whether Acquitted of convicted</b>	<b>Sentence Imposed</b>	<b>Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.</b>
1.	Pritam Kumar Bharti	11.10.2021	11.10.2021	U/s 30(a) of the Excise Act	Acquitted	N/A	N/A

**FORM-C**

**LIST OF PROSECUTION/DEFENCE/COURT WITNESS**

**A. Prosecution**

Rank	Name	Nature of Evidence
PW-1	Rahimul Haque	Contested
PW-2	Rizaul Haque	Hostile
PW-3	Najrul Hussain	Hostile

**B. Defence Witness, if any:-**

Rank	Name	Nature of Evidence
DW-1	Pritam Kumar Bharti	Contested

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution**

No.	Exhibit Number	Description
1	Nil	-

**B. Defence Witness, if any:-**

No.	Exhibit Number	Description
1	A/DW-1	Signature of Pritam Kr. Baharti on Agreement Paper

**C. Court Witness, if any:-**

No.	Exhibit Number	Description
1	Nil	-

**D. Material Object:-**

No.	Material Object Number	Description
1	Nil	-

**JUDGMENT**

1. The above named accused person namely Pritam Kumar Bharti has been charged for the offence punishable U/s 30(a) of Excise Act in the case

instituted on self statement of concerned S.H.O. of Balrampur P.S. It is submitted that F.I.R was registered as Balrampur P.S.- 170/18 dated 13.11.2018 against accused person namely Pritam Kumar Bharti.

2. As per the F.I.R 194.850 liters of illegal foreign liquor was recovered from the pickup van which was kept inside the rear container of the pickup van and accused-person namely Arun Kumar Mahaldar was arrested. Further, upon interrogation the apprehended person disclosed that the driver as well as another person fled away on seeing the police team. He further revealed that driver is the owner of the alleged vehicle and he was also driving the vehicle at the relevant time. Thus, he was arrested and seizure list was accordingly prepared. Hence, the F.I.R.
3. On the basis of Charge Sheet and case diary, cognizance was taken vide order dated 21.02.2022 for the offence U/s 30(a) of Bihar Prohibition & Excise Act against the accused-person.
4. On 21.07.2023 after hearing both the parties, charge has been framed and explained to the accused person in Hindi for the offence U/s 30(a) of Bihar Prohibition & Excise Act to which he pleaded not guilty and claimed to be tried. The accused person was accordingly put to trial.
5. After closing prosecution evidence statement U/s 313 Cr.P.C. of accused person has been recorded on 11.03.2026 in which he denied the charge leveled against him and claimed himself as innocent.
6. During trial, three witnesses have been examined and on the other hand, defence has also produced one witness as mentioned above in FORM- C.
7. Now the point of determination before this court is, whether prosecution has been able to prove its case beyond all reasonable doubts or not ?
8. Analysis of evidence of prosecution evidence.

**PW-1- Rahimul Haque-** He has stated that on 13.11.2018 he along-with police personnels proceeded for patrolling. Further, he has stated that when he reached at Bhelai Chowk and started vehicle checking. He further stated that during checking he noticed one pickup van vehicle was

coming and having seen the police team, the driver attempted to flee away and he finally absconded but co-pilot apprehended by the police team. He further stated that apprehended person disclosed his name as Arun Kumar Mahaldar and further stated that the vehicle was being driven by its owner who fled away from the vehicle on seeing the police team. Further, accused stated that he does not know the name of the driver. Further, he has stated that when the vehicle was searched, 190 liters of foreign liquor was recovered. Further, he has stated that people had gathered nearby, out of whom two independent witnesses were made. Further, he stated that all the documents were prepared at the place of occurrence by the B.K. Singh and thereafter arrested accused-person as well as all the seized materials was brought to the police station and thereafter accused person was arrested and further he stated that he does not recognize the accused because it has been a long time since the occurrence.

In cross-examination, he has stated that his statement was recorded by Investigation Officer and he had not told to the I.O. that vehicle was seized during checking and he has also stated that his earlier statement he had stated that he was not part of the raiding party and he does not know about the occurrence and he has specifically stated that he does not know about the accused and he also does not recognize him. From the above analysis of evidence adduced by this witness, it appears that this witness has failed to support the case of prosecution.

**PW-2- Rizaal Haque-** He has been declared hostile and he has not supported the case of the prosecution.

**PW-3- Najrul Hussain-** He has been declared hostile and he has not supported the case of the prosecution.

9. Analysis of evidence of defence witness.

**DW-1- Pritam Kumar Bharti-** He has stated that he does not about the incidence but in this incidence he was previous owner of the said vehicle whose registration number- BR11E0682. Further, he stated that on 30.12.2009 he had already been sold the vehicle to one Monu Mandal on a stamp paper of Rs.100. He further stated that thereafter the vehicle was not in his possession and thereafter he does not know what happened to the said vehicle. Further, he stated that he had put his signature on the

agreement made on the said stamp paper and the same bears his signature which is marked as A/DW-1.

In cross-examination, he has stated that the witness to the said agreement is Ravi Shankar Kumar who is a resident of Purnea.

### FINDING

10. After considering the arguments of both the parties and going through the evidence on record, this court finds that the prosecution has failed to prove the charge against the accused-person namely Pritam Kumar Bharti in this case.

### ORDER

11. Accordingly above named accused namely **Pritam Kumar Bharti** is hereby acquitted from the charge U/s 30(a) of Bihar Prohibition & Excise Act. Judgment is pronounced in the open court on 28.03.2026. Bailors are also discharged from the liabilities of respective bail bonds. Dictated and corrected by me.

(Sanjay Kumar – V)  
Excl. Spl. Excise Judge-I  
Katihar.

(Sanjay Kumar – V)  
Excl. Spl. Excise Judge-I  
Katihar.