

FORM-A

<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE CUM-EXCLUSIVE</u> <u>SPECIAL EXCISE JUDGE COURT NO-1,KATIHAR</u> Present- Sanjay Kumar - V Date of the Judgment:-09.04.2026 Case No.:-Gr.-2545-2024 C.I.S. No.:- 358-2024 Barsoi Excise P.S.- 216/2024.	
Informant	State through concerned P.A.S.I of Barsoi Excise P.S, posted at Balrampur Checkpost, Katihar.
Represented By	Md. Noor Alam Spl. P.P.
Accused	1. Md. Halim Ansari, S/o- Marhum Md. Karim Ansari, R/o Vill- Rampada, P.S.- Nagar, District- Katihar.
Represented By	Manish Kumar, Advocate.

FORM-B

Date of Offence	15.05.2024
Date of Prosecution Report	N/A
Date of Charge sheet	27.05.2024
Date of Accusation explaining /Framing of Charge	30.05.2024
Date of commencement of Evidence	13.06.2024
Date of which Judgment is reserved	26.03.2026
Date of Judgment	09.04.2026
Date of Sentencing Order, if any	N/A

ACCUSED DETAILS

Rank of the Accused	Name of Accused	Date of Arrest/ Surrender	Date of release on Bail	Offences Charged with	Whether Acquitted of convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P. C.
1.	Md. Halim Ansari	15.05.2024	30.05.2024	U/S 37 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	Arjun Kumar	Contested

B. Defence Witness, if any:-

Rank	Name	Nature of Evidence
-	Nil	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

No.	Exhibit Number	Description
1	P-1/PW-1	Signature of Arjun Kumar as well as accused on the Breath analyzer report.
2.	P-2PW-1	Breath analyzer report
3.	P-3/PW-1	Arrest Memo
4	P-4/PW-1	Signature on written application
5.	P-5/PW-1	Signature of S.H.O on F.I.R.
6.	P-6/PW-1	Form-VI

B. Defence Witness, if any:-

No.	Exhibit Number	Description
1	Nil	-

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 Arjun Kumar has been charged for the offence punishable U/s 37 of B.P & Excise Act in the

case instituted on self statement of concerned P.A.S.I. of Barsoi Excise P.S. posted at Balrampur Check-post, Katihar. It is submitted that F.I.R was registered as Barsoi Excise P.S.- 216/2024 dated 15.05.2024 against accused person namely Md. Halim Ansari.

2. As per F.I.R accused was apprehended by the police in drunken state and when accused namely Md. Halim Ansari was checked by the breath analyzer, then alcoholic result of mouth was found 41mg/100ml. Thus, he was arrested. Hence, the F.I.R.
3. On the basis of Charge Sheet and case diary, cognizance was taken vide order dated 29.05.2024 for the offence U/s 37 of Bihar Prohibition & Excise Act against the accused-person.
4. On 30.05.2024 after hearing both the parties, charge has been framed and explained to the accused person in Hindi for the offence U/s 37 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 24.03.2026 in which he denied the charge leveled against him and claimed himself as innocent.
6. During trial, one witness has been examined named 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- Arjun Kumar- He is informant of this case and has stated that on 15.05.2024 he along with other police personnel proceeded for patrolling and reached at Daychan. During checking, he saw that one person was coming on foot from Tunnigadhi road in staggering

condition and then accused-person was stopped. Further, he has stated that upon interrogation the accused disclosed his name as Md. Halim Ansari and while interrogation, the smell of liquor was coming from his mouth. Due to suspicion, when accused was checked by breath analyzer machine in presence of witness Gopal Kr. Singh and Ghanshyam Bishwash, then alcoholic result was found 41mg/100ml. Further, he has stated that breath analyzer report bears the signature of arrested accused as well as his signature whom he identified and same is marked as Ext-P1/PW1. Further, he stated that he prepared breath analyzer report in his own handwriting and signature which is marked as Ext-P2/PW1. Further, he has stated that accused-person was arrested and arrest memo was prepared in his own handwriting and signature as well as the signature of accused which is marked as Ext-P3/PW1. Further, he has stated arrested accused-person was brought to the Barsoi Excise P.S. and the typed application of this case was given to the S.H.O. which bears his own signature and endorsement by the S.H.O and upon his identification whole typed application is marked as P4/PW1. and further proved the Formal FIR, which was prepared by the SHO in his handwriting and signature which is marked as Ext- P5/PW-1. Further he stated that this case was entrusted to him by the S.H.O for investigation. He has further stated that Form-6 was prepared by him in his own handwriting and signature which is marked as Ext-P6/PW1. Further, he has stated that during the course of investigation, it was found that the accused had previously been arrested in Purnia Excise P.S. Case no-1270/2023 dated 01.05.2023 and the accused was later released by the court upon deposit of the fine amount and it has already been recorded in the case diary. Further he has stated that on 16.05.2024, the place of occurrence was inspected by him and noted its boundary and he further stated that after obtaining permission from the senior officer on the basis of supervision, charge sheet no- 96/2024 dated 27.05.2024 was submitted before the court against the accused namely Md. Halim Ansari. He also recognize accused Halim Ansari who is present today before the court.

He has tried to support the case of prosecution but no other witness has been produced by the prosecution in this case to prove the guilt of the accused person beyond reasonable doubt. Moreover, this witness has admitted that breath analyzer machine keeps old reading as well and the same is not made to be zero as the machine may hang. So, this fact also creates doubts as to allegation against the accused person.

FINDING

9. 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 Md. Halim Ansari in this case.

ORDER

10. Accordingly above named accused namely **Md. Halim Ansari** is here by acquitted from the charge U/s 37 of Bihar Prohibition & Excise Act. Judgment is pronounced in the open court on 09.04.2026. Bailors are also discharged from the liabilities of respective bail bonds.

Dictated and corrected by me.

Sd/-

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

Sd/-

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