

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:-17.06.2026 Case No.:-Gr.-4275-2021 C.I.S. No.:- 822-2023 Balia Belon P.S. Case No- 131/2021.	
Informant	State through concerned S.H.O of Balia Belon P.S, Katihar.
Represented By	Md. Noor Alam Spl. P.P.
Accused-persons	1. Chandan Kumar, S/o- Dev Narayan Singh, R/o Vill- Roshanganj, P.S.- Balia Belon, District- Katihar. 2. Pappu Kumar Singh, S/o- Prakash Singh, R/o Vill- Roshanganj, P.S.- Balia Belon, District- Katihar.
Represented By	Shri Prateek Priydarshi, Advocate.

FORM-B

Date of Offence	01.11.2021
Date of Prosecution Report	N/A
Date of Charge sheet	15.03.2022
Date of Framing of Charge	19.04.2024
Date of commencement of Evidence	02.05.2024
Date of which Judgment is reserved	02.06.2026
Date of Judgment	17.06.2026
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.	Chandan Kumar .	01.11.2021	17.11.2021	U/S 30(a)of the Excise Act	Acquitted	N/A	N/A
2.	Pappu Kumar Singh	01.11.2021	17.11.2021		Acquitted	N/A	N/A

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution

Rank	Name	Nature of Evidence
PW-1	Sanjay Pandey	Contested
PW-2	Ganga Marandi	Hostile
PW-3	Nandlal Choudhary	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	Seizure list.
2.	P-2/PW-1	Written application
3.	P-3/PW-1	Endorsement of application
4	P-4/PW-1	Formal F.I.R.
5.	P-5/PW-3	Charge sheet
6.	P-6/PW-3	Chemical examination report

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-persons namely Chandan Kumar and Pappu Kumar Singh have been charged for the offence punishable U/s 30(a) of B.P & Excise Act in the case instituted on self statement of concerned S.H.O of Balia Belon P.S. It is submitted that F.I.R was registered as Balia Belon P.S.

Case No- 131/2021 dated 01.11.2021 against accused-persons namely Chandan Kumar and Pappu Kumar Singh.

2. As per the F.I.R 10 liters of illegal country-made liquor was recovered from the bag which was carried by both the accused-persons by the motorcycle. Thus, they were 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 16.10.2023 for the offence U/s 30(a) of Bihar Prohibition & Excise Act against the accused-persons.
4. On 19.04.2024 after hearing both the parties, charge has been framed and explained to the accused persons in Hindi for the offence U/s 30(a) of Bihar Prohibition & Excise Act to which they pleaded not guilty and claimed to be tried. The accused persons were accordingly put to trial.
5. After closing prosecution evidence, Statement U/s 313 Cr.P.C. of accused persons have been recorded on 02.06.2026 in which they denied the charge leveled against them and claimed themselves as innocent.
6. During trial, three prosecution witnesses have 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- Sanjay Pandey- He is informant of this case and has stated that on 01.11.2021 he along-with police personnels during patrolling received secret information and then they reached at the alleged place of occurrence and noticed that two persons who were riding on a motorcycle and they turned the motorcycle and attempted to flee away but were apprehended and upon searching, total 10 liters of illegal country-made liquor was seized from a bag which was packed in five pouches containing 2 liters each and thereafter seizure list was prepared and FIR was registered. Further he has stated that seizure list was prepared by his own handwriting and signature which is marked as

P1/PW1. Further, he has stated that upon interrogation they disclosed their name themselves as Chandan Kumar Singh and Pappu Kumar Singh and thereafter accused-persons were arrested and brought to police station along-with the seized liquor and the seized motorcycle. Further he has stated that written application in this case was in his own handwriting and his signature which is marked as P2/PW1 and endorsement of this application was also prepared by his own handwriting and signature which is marked as P3/PW1. Further, he has stated that Formal F.I.R. was prepared by his own handwriting and signature which is marked as P4/PW1.

In cross-examination, he has stated that before preparation of seizure list he had made written application at place of occurrence itself which appears to be contradictory as per provision seizure list is made first at the place of occurrence itself when offending material is seized and this witness is said to be informant of this case. He has further stated that he got information about the occurrence at 02.00 p.m. and after five to seven minutes the accused persons were nabbed with alleged alcohol whereas time of occurrence as per Formal F.I.R is alleged to be 14:30 o'clock and at the same time self statement was also written by informant and as per seizure list which was made at 3:10p.m. So, this witness has not supported the case of prosecution.

PW-2- Ganga Marandi- He has been declared hostile and he has not supported the case of the prosecution.

PW-3- Nandal Choudhary- He has stated that on 01.11.2021, the investigation of this case was handed over to him. He further stated that after taking up the investigation, he visited the place of occurrence and he recorded the statements of the informant and witnesses and entered the same in the case diary. Further he has stated that the seizure list and the boundaries of the place of occurrence were entered in the case diary. He further stated that 10 liters of country-made liquor was recovered which was packed in five polythene packets containing two liters each and along-with the motorcycle had been seized and these facts were entered in the case diary. Further he has stated that after completion of investigation, he submitted the charge-sheet No- 35/22 on 15.03.2022 and he further stated that the charge-sheet was prepared in his own handwriting and signature which is marked as Exhibit P-5/PW3. Further, he has stated that he received the report of the chemical examination which is attached to the

case diary and entire examination report was prepared by Excise inspector in his own handwriting and signature which is marked as P6/PW3 and he also recognized the both accused-persons who present in the Court.

In cross-examination, he has stated that police case number has already been mentioned in the seizure list from beginning itself and he has also stated that he has not recorded statement of any witness at place of occurrence and he has further stated that he has not mentioned in the case diary regarding sending of the sample of the alcohol for its examination.

9. From perusal of entire case record, it appears that other important witnesses have not been examined in this case and prosecution has failed beyond reasonable doubt.

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-persons namely Chandan Kumar and Pappu Kumar Singh in this case.

ORDER

11. Accordingly above named accused-persons namely **Chandan Kumar and Pappu Kumar Singh** are here by acquitted from the charge U/s 30(a) of Bihar Prohibition & Excise Act. Judgment is pronounced in the open court on 17.06.2026. 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.