

Date of Judgment-15.05.2026.

FORM-A

<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE CUM-EXCLUSIVE SPECIAL EXCISE JUDGE COURT NO-1, KATIHAR</u> Present- Sanjay Kumar - V Date of the Judgment:- 15.05.2026 Case No.:- G.R. 303/2022 C.I.S. No.:-863/2023 Balia Belon. P.S. Case No.-04/2022, Katihar.	
Informant	State through concerned S.H.O of Balia Belon P.S, Katihar.
Represented By	1. Md. Noor Alam Spl. P.P.
Accused	1. Bablu Mahaldar, S/o- Dinesh Mahaldar, R/o Vill- Katghar Durgapur, P.S.- Prampur, District- Katihar. 2. Gajanand Yadav, S/o- Arjun Yadav, R/o Vill- Beni Jalalpur, P.S.- Balia Belon, District- Katihar.
Represented By	Md. Rizawnul Haque, Advocate.

FORM-B

Date of Offence	20.01.2022
Date of Prosecution Report	N/A
Date of Charge-sheet	30.04.2022
Date of Framing of Charge	04.06.2025
Date of commencement of Evidence	24.07.2025
Date of which Judgment is reserved	06.05.2026
Date of Judgment	15.05.2026
Date of Sentencing Order, if any	N/A

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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.	Bablu Mahaldar	20.01.2022	25.01.2022	U/s 30 (a) of the Excise Act	Acquitted	N/A	N/A
2.	Gajanand Yadav	20.01.2022	25.01.2022		Acquitted	N/A	N/A

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution

Rank	Name	Nature of Evidence
1.	Nil	-

B. Defence Witness, if any:-

Rank	Name	Nature of Evidence
1.	Nil	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

No.	Exhibit Number	Description
1.	Nil	-

B. Defence Witness, if any:-

No.	Exhibit Number	Description
1.	Nil	-

C. Court Witness, if any:-

No.	Exhibit Number	Description
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1	Nil	-
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D. Material Object:-

No.	Material Object Number	Description
1	Nil	-

JUDGMENT

1. The above named accused persons have been charged for the offence punishable U/s 30(a) of the Excise Act in the case instituted on self statement of concerned S.H.O of Balia Belon, Katihar. It is submitted that F.I.R was registered as Balia Belon P.S. Case no- 04-2022 dated 20.01.2022 against accused persons namely Bablu Mahaldar and Gajanand Yadav.
2. As per F.I.R, two persons were coming on foot and when accused- persons were stopped and searched, total 1.62 liters of illegal foreign liquor was recovered from conjoint possession of the accused-persons which was kept in two plastic bags. Thus, they were arrested and seizure list was accordingly prepared. Hence, the F.I.R.
3. On the basis of Charge Sheet cognizance was taken vide order dated 29.09.2023 for the offence U/s 30(a) of the Excise Act.
4. On 04.06.2025 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 the 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 06.05.2026 in which they denied the charge leveled against them and claimed themselves to be innocent.
6. During trial, no evidence has been adduced by the prosecution as already mentioned in FORM- C.

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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 ?

FINDINGS

8. After considering the arguments of both the parties and going through record, this court finds that the prosecution has failed to prove the charge against the accused persons namely Bablu Mahaldar and Gajanand Yadav.

ORDER

9. Accordingly above named accused-persons namely **Bablu Mahaldar and Gajanand Yadav** are hereby acquitted from the charge u/s 30(a) of the Excise Act. Judgment is pronounced in the open court on **15.05.2026**. 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.