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Exhibit	

**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL
JUDGE & ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, AT LALPUR**

CRIMINAL CASE NO. 80 of 2026

Complainant	The State of Gujarat.
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Versus

Accused	Hareshbhai Naranbhai Makwana,
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Subject:	Offence punishable under Section 65AA The Gujarat Prohibition (Amendment) Act, 2016
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APPEARANCE :

Ld. Public Prosecutor for the state	Ms. N.P.Jani
Ld. Advocate for the Accused	Mr. H.H.Jadeja

J U D G M E N T

1. FACTS OF THE COMPLAINT

The present prosecution arises out of an allegation that the accused was found in illegal possession of country liquor without any valid pass or permit. It is the case of the prosecution that on 28/04/2025 at about 20:30 hours at resident of the accused, a raid was conducted and during the said operation, a quantity of 4 litres of country liquor, valued at Rs.800/-, was allegedly seized from the possession of the accused. A formal complaint was thereafter lodged and, upon completion of investigation, a charge-sheet was filed alleging commission of the offence under Section 65AA of The Gujarat Prohibition (Amendment) Act, 2016, which was then taken on file by this Court for trial in accordance with law.

2. PROCEDURE AFTER FILING OF COMPLAINT

Upon receipt of the charge-sheet, the Court furnished the copies of charge-sheet, statements and relied documents to the accused under Section 230 BNSS, 2023 (corresponding to Section 207 CrPC). The charge came to be framed vide *Exh.4* and the particulars of the accusation were explained to the accused, who pleaded

not guilty and claimed to be tried. The plea was recorded at *Exh. 5* and the prosecution was directed to lead its evidence.

3. EVIDENCE PRODUCED AT TRIAL

The prosecution has produced oral and documentary evidence in support of its case.

ORAL EVIDENCE:

1. Deposition of Investigating Officer – Exh.6
2. Deposition of Panch witness – Exh. 16
3. Deposition of Complainant – Exh. 17

DOCUMENTARY EVIDENCE:

1. Complaint – Exh. 7
2. Panchanama of Raid – Exh. 8

4. FURTHER STATEMENT OF THE ACCUSED

No further statement of the accused was recorded under Section 316 BNSS, 2023 (corresponding to Section 313 CrPC) as no incriminating evidence was found to be duly proved on record warranting any such explanation.

5. FINAL ARGUMENTS

The Learned Asst. Public Prosecutor and the Learned Advocate for the accused submitted their final oral arguments, which have been carefully heard and considered along with the entire material on record.

6. POINTS FOR DETERMINATION

- (1) Whether the prosecution has successfully proved beyond reasonable doubt that the accused was found in illegal possession of *4 litres of country liquor* without any valid pass or permit and thereby committed an offence punishable under Section 65AA of The Gujarat Prohibition (Amendment) Act, 2016?
- (2) What order?

7. DECISION AND REASONS

Findings:

Point No. 1: In Negative

Point No. 2: As per Final Order

- 7.1** Upon appreciation of the evidence on record, it appears that the version of the prosecution suffers from material infirmities. It emerges from the depositions of the

prosecution witnesses and the documentary evidence that there is an absence of independent corroboration from neutral witnesses, despite the place of alleged seizure being accessible to the public. The panch witnesses examined vide Exh.16, thereby rendering the panchanama at *Exh.8* insufficiently not proved in accordance with law.

7.2 It further appears that the alleged seized liquid was not substantiated through any credible chemical analysis report brought on record to establish that it was indeed country liquor as defined under law. The settled principle of criminal jurisprudence is that the burden rests on the prosecution to prove its case beyond reasonable doubt. In the present matter, in view of the gaps and inconsistencies in the depositions and the lack of independent corroboration, the benefit of reasonable doubt must necessarily go in favour of the accused.

7.3 Accordingly, it is held that the prosecution has failed to discharge its burden.

ORDER

1. The accused **Hareshbhai Naranbhai Makwana**, is hereby acquitted of the charge under Section 65AA of The Gujarat Prohibition (Amendment) Act, 2016, in terms of Section 251 BNSS, 2023 (corresponding to Section 248(1) CrPC).

2. The muddamal shall be disposed off once appeal period is over as per the provisions of Criminal Meanual and The Gujarat Prohibition (Amendment) Act, 2016.
3. The bail bond and surety given earlier shall further continue for six months under Section 493 BNSS, 2023 (corresponding to Section 437A CrPC).

Pronounced in open Court on this 08th day of July, 2026

Date : 08/07/2026

Place: Lalpur

(Narendra Mohanlal Kadoliya)

Addl. Sr. Civil Judge & Addl.C.J.M.
at Lalpur Judge Code: GJ01115