

GJSK140003352026**:: Form A::****Exh-**

In the Court of the Judicial Magistrate First Class, Vadali, Sabarkantha
Judgment Date :18/06/2026
Criminal Case No.290/2026

Section	Gujarat Prohibition Act Sec.65AA
F.I.R No	11209054250438/2025
Police Station	Vadali Police Station
COMPLAINANT	THE STATE OF GUJARAT
REPRESENTED BY	LD.A.P.P. Shri J.A.Raval
ACCUSED	Shaileshkumar Vikrambhai Thakor Age : 32, Occupation - Labour Residing at Nakod, Ta.Vadali, District Sabarkantha
REPRESENTED BY	Ld.Adv.Mr. A.D. Gadhavi

:: Form B ::

DATE OF OFFENCE	30-08-2025
DATE OF FIR	30-08-2025
DATE OF CHARGE SHEET	18-02-2026
DATE OF FRAMING OF CHARGES	11-03-2026
DATE OF COMMENCEMENT OF EVIDENCE	10-04-2026
DATE ON WHICH JUDGMENT IS RESERVED	-
DATE OF THE JUDGMENT	18-06-2026

Details of Accused

Accused No.	Name of the Accused	Date of Arrest	Released on bail date	Charge	Acquitted/ Convicted	Punishment	Detention period during trial as per. S. 468 BNSS
(1)	Shailesh Vikrambhai Thakor	31/08/25	31/08/25	Prohi. Act S.65AA	Acquitted	-	-

:: Form C ::**(List of Witness complainant/Defence/Court)****(A) Prosecution**

Sr.No.	Name	Type of Evidence
1	Kiranbhai Laljibhai	Complainant /Police Witness
2	Raghubhai Tejabhai Thakor	Panch Witness
3	Rameshbhai Punjabhai Parmar	Panch Witness

(B) Defence

Sr.No.	Name	Type of Evidence
1		

(C) Court

Sr.No.	Name	Type of Evidence
1		

(List of Exh. complainant/Defence/Court)**(A) Prosecution**

Sr.No.	No of Exh.	Particulars
1	11	Complaint
2	17	Panchnama

(B) Defence

Sr.No.	No of Exh.	Particulars
1		

(C) Court

Sr.No.	No of Exh.	Particulars
1		

J U D G M E N T

1. The accused of this case has been charged under the provisions of Sections 65AA of The Gujarat Prohibition (Amendment) Act, 2016. The brief facts of case are as under:-

According to the Complainant, the accused had illegally kept country liquor in his residential house without any pass or permit, which was found during the checking and the complainant had seized 02 Litre of Country Made Liquor valued @ Rs.400/- on Dated:30.08.2025 and complainant had lodged the complaint. After completion of the Investigation, the charge-sheet for alleged commission

of offenses came to be filed against accused, which in turn, has been sent to this court for the adjudication as per law.

2. That, this court has took cognizance in the matter and has issued process to the accused, which was duly served upon the accused and in pursuance thereof, the accused has appeared before this court and the accused was given copies of charge-sheet along with statements and documents, in compliance to the provisions of Section 230 of the Bharatiya Nagarik Surakhsha Sanhita, 2023 and charge was framed against accused vide Exh.07 and plea of the accused was recorded vide Exh.08. Thereafter, evidence was recorded in the presence of the accused/Ld. Advocate of the accused.
3. After completion of the evidence of the prosecution, the statement of the accused under Section 351 of the B.N.S.S. was not recorded because, the court has not received any evidence against the accused. Hence, the statement of the accused was not recorded.
4. Thereafter, Id. A.P.P. Mr. J. A. Raval for the prosecution and Id. Advocate for the defense has made his oral submissions.
5. That, following issues are necessary for the just determination of the offense.

Sr. No.	I S S U E S
1.	Whether the prosecution, beyond reasonable doubt, proves that, during the checking, the accused had illegally kept 02 Litre of Country Made Liquor valued @ Rs.400/- in his residential house without any pass or permit, which was found during the checking on dated 30.08.2025 and thereby, he has committed an offense

	punishable under the provision of Sections 65AA of The Gujarat Prohibition (Amendment) Act, 2016?
2.	What order?

6. My findings to above mentioned issues are as under:-

Sr. No.	FINDINGS
1.	In Negative.
2.	As per final order.

-::Reasons::-

7. The prosecution has examined the witness of panch **Mr. Raghubhai Tejabhai Thakor at Exh.-18 and Mr. Rameshbhai Punjabhai Parmar at Exh.-16** according to them, Police has took their signature in a ready-made panchnama, no panchnama is prepared in their presence and no muddamal liquor is recovered in their presence. They recognize only their signatures in the panchnama. These witnesses have turned hostile and not supported the case of the prosecution even after cross-examination by the prosecution. Hence, panchnama produced vide **Exh.-17** does not prove from deposition of the panch.
8. The deposition of the **complainant-Kiranbhai Laljibhai has recorded vide Exh-10 & complaint has produced vide Exh-11.** He deposed as per fact of the complaint. During the cross examination, complainant has mostly denied the suggestion put by the defence Advocate.
9. Thus, looking at the evidence on record, the accused had illegally kept country made liquor in his residential house without any pass or permit, which was found during the checking & Country Made Liquor seized in the presence of panch witnesses. The panch witnesses have denied the fact of

panchnama and the panches have only signed on the ready-made panchnama, no panchnama is prepared in their presence. Further, the place of incident is public place but, they have not taken statement of any independent witnesses. Considering the charge sheet in this case, the complainant has taken only the police personnel as the witnesses who are working with the complainant and the Investigating Officer. The place of incident is public place and considering the time of occurrence, the public interaction was natural at the place of incident, but in spite of that they have not taken any independent witnesses but only taken police personnel as a witness. Therefore, after considering the evidences, it is clear that, the prosecution could not prove that, the liquid found in his residential house of the accused was **Country Made Liquor**. It is also to be noted herein that perusing the police papers no documents found regarding sending of muddamal liquor to FSL for in certificate of FSL regarding the contents of seized muddamal. Above all discussion and as per Hon'ble High court's principal for evidence of burden of proof,

“An accused for discharging the burden of proof placed upon her under a statute need not examine herself. She may discharge his burden on the basis of the material already brought on records. An accused has constitutional rights to maintain silence. Standard of proof on part of an accused and that of the prosecution in a criminal case is different.”

Furthermore, whereas prosecution must prove the guilt of an accused beyond all reasonable doubt, the standard of proof so as to prove a defense on the part of an accused is “Preponderance of probabilities” Inference of

Preponderance of probabilities can be drawn not only from the material brought on records by the parties but also by reference to the circumstances upon which he relies.

So, after considering the facts and circumstances of the present case, the prosecution failed to prove that the accused had illegally kept country liquor in his residential house without any pass or permit, which was found during the checking and as the panch witnesses have denied the fact of panchnama and the panch has only signed on the ready-made panchnama and the prosecution has failed to prove the case against the accused. Hence, I answer issue No.1 in Negative and for issue No.2 following order is passed in the interest of Justice:-

-::O R D E R::-

1. The **Accused-Shaileshkumar Vikrambhai Thakor, Residing At Nakod, Ta,Vadali, District Sabarkantha** in view of the provisions of Section-271(1) of the Bharatiya Nagarik Surakhsha Sanhita, 2023 is acquitted from the charges leveled against him for alleged Commission of offenses punishable under the provisions of Sections 65AA of The Gujarat Prohibition (Amendment) Act, 2016.
2. The Muddamal Country Made Liquor is hereby ordered to be destroyed after appeal period.
3. The bail bond along with a surety of the like amount submitted earlier by the accused are ordered to continue for Six months under Section 480 of the Bharatiya Nagarik Surakhsha Sanhita, 2023.

Signed & Pronounced in open court today on 18th June, 2026.

Date: 18/06/2026

Place: Vadali

[Sunilkumar M. Patel]
Judicial Magistrate First Class
Vadali, Judge Code-GJ01704.