

GJSK140003972026**:: Form A ::****Exh-**

In the Court of the Judicial Magistrate First Class, Vadali, Sabarkantha
Judgment Date :17/06/2026
Criminal Case No.347/2026

Section	Gujarat Prohibition Act Sec.65AA
F.I.R No	11209054201248/2020
Police Station	Vadali Police Station
COMPLAINANT	THE STATE OF GUJARAT
REPRESENTED BY	LD.A.P.P. Shri J.A.Raval
ACCUSED	Rajendrasinh Jashwantsinh Hada Age : 47, Occupation - Agriculture Residing at Vadali,Ramnagar,Ta.Vadali,Dist.Sabarkantha
REPRESENTED BY	Ld.Adv. Mr.A.D. Gadhavi

:: Form B ::

DATE OF OFFENCE	11-11-2020
DATE OF FIR	11-11-2020
DATE OF CHARGE SHEET	19-02-2026
DATE OF FRAMING OF CHARGES	12-03-2026
DATE OF COMMENCEMENT OF EVIDENCE	17-04-2026
DATE ON WHICH JUDGMENT IS RESERVED	-
DATE OF THE JUDGMENT	17-06-2026

Details of Accused

Accused No.	Name of the Accused	Date of Arrest	Released on bail date	Charge	Acquitted/ Convicted	Punish ment	Detention period during trial as per CRPC 428
(1)	Rajendrasinh Jashvantsinh Hada	11/11/20	11/11/20	Prohi. Act S.65AA	Acquitted	-	-

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

Sr.No.	Name	Type of Evidence
1	Akashkumar Somabhai	Complainant /Police Witness
2	Vikrambhai Laxmanbhai	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	15	Complaint
2	11	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 possession without any pass or permit, which was found during the checking and the complainant had seized 03 Litre country made liquor valued @ Rs.60/- on Dated:11.11.2020 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 taken 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 207 of the Code 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 313 of the Code 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 03 Litre country made liquor valued @ Rs.60/- in his possession without any pass or permit, which was found during the checking on dated 11.11.2020 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. Vikrambhai Laxmanbhai Bhoi at Exh. 10** according to him, Police has took his signature in a ready-made panchnama, no panchnama is prepared in his presence and no muddamal liquor is recovered in his presence. He recognizes only his signature in the panchnama. These witnesses have turned hostile and not supported the case of the prosecution even after cross-examined by the prosecution. The prosecution failed to produce another panch Santoshbhai Navalsinh sisodiya despite sufficient process issued. Hence, panchnama produced vide **Exh.11** did not proved from deposition of the panch.
8. The deposition of the **complainant-Akashkumar Somabhai has recorded vide Exh-14 & complaint has produced vide Exh-15.** 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 possession without any pass or permit, which was found during the checking & Country Made Liquor seized in the presence of panch witness. The panch witness has denied the fact of panchnama and the panch has only signed on the ready-made panchnama, no panchnama is prepared in his 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 the possession 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 him under a statute need not examine himself. He 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 their possession 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-Rajendrasinh Jasvantsinh Hada, Residing At Vadali, Dharoi Road,Near Pashu Dawakhan Ta.Vadali, Present residing at Ta,Vadali, Dist-Sabarkantha** in view of the provisions of Section-248(1) of the Code of Criminal Procedure,1973 is acquitted from the charges leveled against them 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 437 (A) of the Code of Criminal Procedure.

Signed & Pronounced in open court today on 17th June, 2026.

Date: 17/06/2026
Place: Vadali

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