

IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS,
AT BELLAMPALLI

PRESENT: - Smt. Santhi Soni Noothakki
Judicial Magistrate of First Class, Bellampalli

Friday, this the 17th day of July, 2026

C.C.No. 118 OF 2026

Between:-

The State of Telangana through:-

The Station House Officer, Proh.& Excise Station,
Chennur

...Complainant

//And//

Bikinam Kannayya, S/o. Gattaiah, Age : 60 years, Occ : Coolie, R/o.
Nagaram (V), Vemanapally (M).

...Accused

This case is coming before me on 15.07.2026 for final hearing in the presence of Assistant Public Prosecutor for the State and of Sri. B.Ramesh, learned counsel for accused, having been heard and stood over for consideration till this day, this Court delivered the following :-

*** J U D G M E N T ***

1. The Station House Officer, Prohibition and Excise Station, Chennur has filed charge-sheet against the accused for the offence punishable under section 7(A) r/w 8(e) of TS Prohibition Act in COR.No.419/2023.

2. The case of the prosecution in brief is that on 03.11.2023 on

reliable information about selling of ID. Liquor by the accused, the police officials LW3/P. Subba Rao, with his staff and panchas LW1/Eladi Venkatesham and LW2/Alam Rajanna proceeded to Nagaram (V) Vemanapally (M) and conducted raids. During the raids at 07.30 P.M found one person selling ID Liquor When the police party approached him, he tried to escape from there. But immediately the police party apprehended him along with (10) liters of Gudumba in polythene bag interrogated him in presence of Panchas. On interrogation he disclosed his identity as Bikinam Kannayya and confessed his guilt and undercover of a panchanama and duly drawn one sample bottles of 180 ml from the seized quantity in the presence of LW1 & LW2 for chemical analysis. The accused was taken into custody and brought to PS Nennal.

3. Basing on panchanama, registered a case vide FIR.No. 79/2023, Dated : 03.11.2023, U/Sec. 7(A) r/w 8(e) of T.S Prohibition Act 1995. During the course of investigation, the arrested accused voluntarily admitted guilty of offence and served U/Sec. 41-(A) Cr.P.C. Notice to the accused with instructions. Further, the seized sample was sent to FSL Hyderabad for chemical analysis and report. In turn the analysis report has been received vide FSL. Report No. 1518/2023, Dt: 18.12.2023. wherein it is opined that the sample is illicitly distilled liquor, which is injurious to health and unfit for human consumption. After that the case was transferred along with case file

and property to P&E Station Chennur for further investigation.

Basing on the FIR, panchanama, LW4/K. Laxman, P & E Sub-Inspector, Chennur Re-registered a Suo-moto case vide COR.No.419/2023, Dt. 21.11.2023 under section 7(A) r/w 8(e) of T.S. Prohibition Act against the accused and issued COR and took up the investigation. During the investigation the sample was sent to the REL Nizamabad for chemical analysis report and took up the investigation. The remaining property of I.D. liquor was produced before the Dy.Commissioner of Proh & Excise, Adilabad for confiscation. As per the confiscation order vide RC.No.B2/ID/DCA/2024, dated: 09.07.2024 the I.D. Liquor was destroyed on 30.07.2024 in the presence of District Prohn & Excise officer, Mancherial. The case property is submitted to this Hon'ble Court vide C.P.No.69/2026. After completion of investigation LW5/M. Hari, P & E, Inspector, Chennur filed charge-sheet before this court.

4. This court took cognizance of the offence punishable under section 7(A) r/w 8(e) of T.S. Prohibition Act against the sole accused.

5. On appearance of accused before the Court, copies of all documents that were relied upon by the prosecution side were furnished to the accused as required under section 207 CrPC.

6. Accused was examined under section 239 of CrPC and a charge under section 7(A) r/w 8(e) of T.S. Prohibition Act is framed against accused. The contents of the charge were read over and explained to

the accused in his vernacular language. Accused pleaded not guilty and claimed to be tried.

7. In order to establish the guilt of accused, the prosecution got Two witnesses and they are PW1/Eladi Venkataiah/Panch witness and PW2/K. Laxman/Investigating officer, apart from their oral evidence, it has got marked the Exhibits as in Ex.P1 is the panchanama, Ex.P2 is the FIR, Ex.P3 is the COR, Ex.P4 is the Analysis report, Ex.P5 is the Attested Copy of Destruction proceedings, Ex.P6 is the Attested Copy of Destruction panchanama,. MO-1 is the 180 Ml. Bottle.

8. Here, the prosecution reported that the prosecution evidence is closed. After closure of the prosecution evidence, the accused was examined under section 313 CrPC on the incriminating circumstances in prosecution evidence. The same was read over and explained to the accused, for which the accused denied the same and reported no defence evidence on his behalf either oral or documentary. Hence, the defence evidence is closed.

9. Heard the learned Assistant Public Prosecutor and the learned counsel for the accused.

10. *Now the point for determination is,*

Whether the prosecution has established the guilt of the accused for the offence punishable under section 7(A) r/w 8(e) of T.S. Prohibition Act beyond all reasonable doubts?

11. POINT:-

(i). In this case, the prosecution has examined Three witnesses. Out of them, PW1/E. Venkataiah is the panch witnesses for panchanama in this case. He deposed that about 4 years ago, on one day, while he we went to bear by Excise police station, they obtained his thumb impression on some white paper but he do not know its contents and Excise police did not seize any material and conducted any panchanama in his presence.

(ii). PW2/K. Laxman, is the Investigating Officer in this case, deposed the lines of investigation and contents of the charge sheet. He stated that he went in their vehicle to the scene of offence along with his staff. He has not examined any of them and he has not seized any polythene covers in this case. There are surrounding houses at the scene of offence and he has not examined any of them.

12. Upon careful scrutiny of the evidence of PW1 and PW2, it is evident from the evidence PW2 that, the case was registered on the strength of the panchanama which was prepared by PW2 before the mediators of PW1. However, PW1 had turned hostile and did not support the prosecution version. PW2, being the Excise official, deposed only about the lines of investigation, and has emphasized about the commission of offence in this case by the accused, but there was no corroboration of any independent witnesses. The contraband was seized on 03.11.2023 and destroyed on 30.07.2024

and it is unexplained by the prosecution as to where the seized property was kept during said period. However, the question is 'was the contraband seized from the possession of the accused in this case?'. To prove that, the prosecution has examined two witnesses, who is the pancha for the panchanama, but witnesses for panchanama of this case had turned hostile and did not support the case of the prosecution. PW3, being the Excise official and interested witness, naturally he will have an interest in the success of his case. But, his evidence cannot be believed in the absence of any independent evidence. In this case, except the evidence of PW2, there is no independent evidence to support the seizure of ID Liquor from the possession of accused. It is true that the evidence of PW1 cannot be brushed aside on the ground that they are interested witness, but the circumstances as discussed above raise doubts as whether the contraband was seized from the accused and if so why was it unexplained by the prosecution as to where it was stored from the time of seizing to destroying it. Hence, this court finds it not safe to arrive at the guilt of accused placing reliance on the self-serving testimony of police officials. Hence, for the reasons discussed above, this Court is of the view that the prosecution failed to prove the guilt of the accused beyond reasonable doubt, thereby accused is entitled for benefit of doubt. The point is answered accordingly.

13. IN THE RESULT, the accused is found not guilty of the offence

punishable under section 7(A) r/w 8(e) of T.S. Prohibition Act and accordingly accused is acquitted of the same under section 248 (1) CrPC. The bail bonds executed by the accused and the surety bonds executed by the sureties on behalf of the accused shall stand cancelled after the expiry of six months as contemplated under section 437-A of CrPC. MO-1 shall be destroyed after expiry of appeal time.

Typed to my dictation by Stenographer Gr-III, corrected and pronounced by me in open court on this the 17th day of July, 2026.

Sd/-
**Judicial Magistrate of First Class,
Bellampalli.**

Appendix of evidence
Witnesses examined

For prosecution:

For Defence: **None**

PW1/Eladi Venkataiah/Panch Witness

PW2/K. Laxman/Investigating officer

Exhibits marked

For Prosecution:

For Defence: **Nil**

Ex.P1 is the panchanama,

Ex.P2 is the FIR,

Ex.P3 is the COR,

Ex.P4 is the Analysis report,

Ex.P5 is the Attested Copy of Destruction proceedings,

Ex.P6 is the Attested Copy of Destruction panchanama,

Material Objects Marked

MO-1 is the 180 ML Bottle

**Sd/-
Judicial Magistrate of First Class,
Bellampalli.**

// True Copy//

**Judicial Magistrate of First Class
Bellampalli.**