

IN THE COURT OF JINDER PAL SINGH,
JUDICIAL MAGISTRATE IST CLASS, MALERKOTLA
(UID NO.PB00634)

CNR No.	PBSGC1-0003579-2025
Case Type	Challan Act
Case No.	3570-2025
Date of Filing	09.10.2025
Date of decision	09.10.2025

State	Versus	Sarabjit Singh son of Mewa Singh resident of Takhar Kalan, PS Sandaur
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....Accused

FIR No.71 Dt. 26.06.2025
U/S 61/1/14 Excise Act
Police Station: Sandaur

Present: Sh. Gurpreet Singh, APP for the State.
Accused on bail with counsel Sh. Zakir Hussain Advocate.

JUDGMENT

1. The above named accused has been forwarded by Station House Officer, P.S. Sandaur to face trial under Section 61/1/14 Excise Act.
2. Brief facts of the prosecution case are that on 26.06.2025, HC Gurjot Singh along-with other police officials in connection with patrolling and checking of suspected persons were present at Govt. School, village Bhudan, that at about 09.20 PM, IO/HC Gurjot Singh received secret information that Sarabjit Singh son of Mewa Singh resident of Takhar Kalan, PS Sandaur is habitual of purchasing liquour on lower price and used to supply the same to his customers without any permit and license on his vehicle TATA ACE bearing no. PB-29R-4009. On that day also the accused is going from village Takhar Kalan towards village Bhudan. If timely checkpost is held at the side of village Bhudan then the accused could be

apprehended red handed alongwith TATA ACE bearing no. PB-29R-4009 and excess quantity of liquor. Finding the information reliable, ruqa was prepared and sent the same to police station through PHG Kuldeep Singh for registration of FIR against the accused. Thereafter, police party held naka/checkpost on the road from village Bhudhan towards Takhar Kalan where Ajay Mittal, Excise Inspector Circle Ahmedgarh and Daljit Singh Excise Inspector Circle Malerkotla met the police party and they were also joined in the investigation. The police party saw one TATA ACE coming from the side of village Takhar kalan and driver of said TATA ACE tried to turn back his vehicle but the same got stopped. After opening the door of the car the driver of the car by taking advantage of dark fled away. SC Vishavdeep Singh and C Simranjit Singh chased the driver of the car but he successfully ran away. On checking, two boxes of country made liquor were recovered from the cabin of car TATA ACE and on checking the said boxes 12 bottles (each bottle of 750 ML) of countrymade liquor make CULAB malta were recovered from each box (Total 24 bottles). All the recovered bottles of country made liquor were manufactured by DISTILLED BLENDED & BOTTLED BY HARYANA LIQUORS PVT. LTD and FOR SALE IN HARYANA ONLY was scribed on the same. After returning to the police, SC Vishavdeep Singh and C Simranjit Singh stated that the persons was Sarabjit Singh who fled away and could not be found. Thereafter, IO arranged a plastic cane and put the liquor of recovered 24 bottles in the said plastic cane. Thereafter, he took out one sample of 180 ML from the same and sealed the sample parcel and plastic cane containing $23\frac{3}{4}$ bottles with

his seal bearing impression GS. The empty bottles were converted into parcel and the same was also sealed by IO with his seal bearing impression GS. After using seal, IO/HC Gurjot Singh handed over it to SC Kuldeep Singh. On 08.07.2025, accused joined the investigation as per order dated 04.07.2025 passed by Sh. Parminder Singh Grewal, Ld. Additional District Judge, Malerkotla and arrested by IO in the present case. His personal search was also conducted. Thereafter accused was released on bail as per order of Ld. Additional District Judge, Malerkotla. After the completion of investigation challan against the accused has been presented in the court.

3. On appearance of the accused before the court, copies of the challan and other documents as relied upon by the prosecution were supplied to the accused free of costs as envisaged under section 207 Cr.P.C./230 BNS. His statement also recorded in this regard.

4. After finding a prima-facie case, accused was charged under Section 61/1/14 of the Excise Act, to which he pleaded not guilty and claimed trial. Then, the prosecution was called upon to lead its evidence.

5. In order to prove its case, prosecution examined PW-1 IO/HC Gurjot Singh. Thereafter, Ld. APP for the State closed the prosecution evidence vide separate statement dated 09.10.2025.

6. Statement under Section 313 Cr.P.C./351 BNSS of the accused was recorded, in which all the incriminating evidence appearing against the accused was put to him, to which accused admitted and pleaded that he

admit his fault. The accused also stated that he does want to lead defence evidence.

7. Learned APP for the State has argued that accused are liable to be convicted for the offence charged with in view of the prosecution evidence on record as well as admission of his guilt by accused in his statement recorded under section 313 Cr.P.C/351 BNSS.

8. On the other hand, learned Defence Counsel has argued that since accused has admitted his guilt voluntarily, so lenient view may be taken.

9. On appreciation of arguments and sifting of evidence, the following point arise for determination :-

Whether prosecution proved beyond shadow of reasonable doubt that on 26.06.2025 in the area of village Bhudhan PS Sandaur the above named accused was found in possession of two boxes containing 12 bottles each i.e. 24 bottles of 750 ML each of country made liquor Culab Malta loaded in his vehicle i.e. TATA ACE bearing no. PB29R-4009 for sale in Haryana without any permit or licence and thereby accused committed offence under Section 61(1) of Punjab Excise Act 1914 ?

Point for Determination

10. Considered. In order to prove its case prosecution examined PW-1 HC Gurjot Singh investigating officer of the present case who stepped into the witness box and deposed as per the investigation conducted by him. He also proved on record ruqa as Ex. P1, FIR as Ex. P2, endorsement

regarding FIR as Ex. P3, sample seal as Ex.P4, recovery memo as Ex. P5, site plan of the place of recovery as Ex.P6, arrest cum intimation memo as Ex.P7, personal search memo as Ex.P8, Chemical Examiner report as Ex.P9, form no. 29 as Ex. P10. He also identified the accused in the Court and also proved the case property as Ex.MO1 to Ex.MO3.

11. In present case in order to bring home the guilt of accused, prosecution examined PW-1 IO/HC Gurjot Singh who has fully supported and corroborated the case of prosecution. This witness has proved the relevant documents as detailed above. He also identified the accused in the Court. The chemical examiner report Ex.P9 is on record which shows that sample sent resembles country liquor. Moreover, the accused admitted his guilt vide his statement recorded under Section 313 Cr.P.C/351 BNSS. Therefore, no more elaborate discussion is required into the matter. On account of testimony of PW-1 HC Gurjot Singh and admission made by accused in his statement u/s 313 Cr.P.C/351 BNSS prosecution has successfully proved its case against the accused beyond reasonable doubt and thus, the point for determination is decided in favour of prosecution and against the accused. Hence, the accused is convicted u/s 61/1/14 of Excise Act. Let, he be taken into custody and be heard on quantum of sentence.

Pronounced.

Dated: 09.10.2025

Ruchi

JW-II

(Jinder Pal Singh)
Judicial Magistrate Ist Class,
Malerkotla.
UID No.PB00634

QUANTUM OF SENTENCE

Present: Sh. Gurpreet Singh, APP for the state.
Convict in custody represented by Sh. Zakir Hussain Advocate.

15. Heard on the quantum of sentence. Learned APP for the state argued that accused could not produce his valid license or permit when he was apprehended with the alleged two boxes containing 12 bottles each i.e. 24 bottles of 750 ML each of country made liquor Culab Malta loaded in his vehicle i.e. TATA ACE bearing no. PB29R-4009 for sale in Haryana and this causes a loss to state exchequer. He also argued that vice of alcohol is dangerous to society and convict deserves to be punished.

13. Learned counsel for the convict pleaded that convict is the only bread winner of his family and is the first offender and as such, benefit of probation be bestowed upon him.

14. Keeping in view the antecedents of the convict and nature of the case, I have come to the conclusion that ends of justice shall be fully met, if convict is afforded an opportunity to come to the path of rectitude. As such, the convict is ordered to be released on probation subject to his furnishing of probational bonds for period of six months in the sum of ₹ 10,000/-, without any surety with the undertaking that he will not commit breach of peace or do any act that may occasion breach of peace or do any such similar offence. He will maintain good behavior to the government and to all citizens of India during the said period. In default thereof he will be liable to deposit a sum of ₹ 10,000/- in favour of government. It is also stipulated that in case of violation during probation of six months, he will

appear and receive sentence as and when he be called upon to do so. Probation bonds furnished, which are accepted and attested. Convict is also directed to deposit ₹ 100/- as cost of litigation. Cost of litigation paid. Case property, if any, be disposed of/dealt as per rules after lapse of period of appeal/revision or the outcome of the same, as the case may be. File be consigned to the record room.

Pronounced.

Dated: 09.10.2025

Ruchi,
JW-II

(Jinder Pal Singh)
Judicial Magistrate Ist Class,
Malerkotla.
UID No.PB00634

This judgment contains 07 pages and every page has been signed by undersigned.

(Jinder Pal Singh)
Judicial Magistrate Ist Class,
Malerkotla.
UID No.PB00634

Present: Sh. Gurpreet Singh, APP for the State.
Accused on bail with counsel Sh. Zakir Hussain Advocate.

Challan presented today. Report of Ahlmad perused. It be checked and registered. Copies of challan and other documents as envisaged by the prosecution under Section 230 of BNS have been supplied to the accused free of costs. Statement of accused has been recorded in this regard. Sh. Zakir Hussain advocate has filed power of attorney on behalf of accused.

The offence in which the accused has appeared to face trial are bailable in nature, therefore, the accused is admitted on bail in the present case on furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount. Accused submitted that he is unable to arrange surety and prayed to admit him on bail on furnishing personal bonds. Request heard. Allowed. Personal bonds have been furnished by the accused, which are accepted and attested.

Heard. Finding prima facie, charge for the offences punishable under Section 61/1/14 of Excise Act framed upon the accused. Contents of charge have been read over and explained to the accused in simple Punjabi language, to which accused pleaded not guilty and claimed trial.

PW-1 HC Gurjot Singh is present and examined. Ld. APP for the State has closed the prosecution evidence by making statement. Statement of accused under Section 313 Cr.P.C. recorded. Accused did not opt to lead his defence evidence.

Arguments heard. Vide my separate judgment of even date, the accused has been convicted and released on probation, as stated therein. Cost of litigation paid. Case property be disposed of as per rules, after expiry of period of appeal/revision, if any preferred against this judgment. Copy of judgment be given to accused, free of costs. File be consigned to the record room.

Pronounced
09.10.2025
Ruchi, JW-II

(Jinder Pal Singh),PCS,
Judicial Magistrate Ist Class,
Malerkotla, UID-PB0634