



IN THE COURT OF THE PRL. CIVIL JUDGE AND
JMFC., AT RANEBENNUR.

Dated this 01st day of July 2026.

Present: Sri. ADITHYAKUMAR.H.R., B.A. LL.B.

Prl. Civil Judge and JMFC, Ranebennur

C.C.No. 710/2024

Complainant: State of Karnataka
Inspector of Excise,
Ranebennur.

(Rep. By A.P.P.)

V/s

Accused: Karakappa S/o Siddappa Pujar,
Age: 72 years, R/o: Benakankonda,
Tq: Ranebennur, Dist: Haveri.

(Rep. By Sri. S.N.K., Adv.,)

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| 1. | Date of report of offence | : 04.10.2024 |
| 2. | Offences alleged | : U/s 32(1) & 38(a) of
Karnataka Excise Act. |
| 3. | Date of recording of evidence | : 10.06.2025 |
| 4. | Date of Judgment | : 01.07.2026 |
| 5. | Opinion of the judge | : As per final order. |

(Adithyakumar H.R.)
Prl. Civil Judge and JMFC.,
Ranebennur.

J U D G M E N T

The Sub-Inspector of Excise, Ranebennur Sub-Division, has filed a charge sheet against the accused for the commission of offences under Sections 11, 14, 32(1), 38A & 43(A) of the Karnataka Excise Act.

2. The brief facts of the case as per prosecution is as under;-

On 20.04.2024 at about 11.30 a.m. acting upon credible information regarding the illegal transportation of liquor on a Motor cycle bearing Reg. No. KA-35/EK-5812, CW-1 and CW-4 conducted a warrantless raid under recorded exigent circumstances on Ranebennur-Benakanakonda road, under NH-48 bridge, Ranebennur. In the presence of panch witnesses, Accused was found to be in unauthorized possession of various quantities of liquor, as detailed below;

- A.** Haywards Cheers Whiskey - 90 ml - 24 tetra packets.
- B.** Original Choice Whiskey - 90 ml - 24 tetra packets.

Following the seizure under a duly drawn panchanama and the issuance of a notice under Section 41A of the Cr.P.C., an FIR was registered in the matter. Upon completion of the investigation by CW-7, a charge sheet was filed against the

accused for the offences punishable under Sections 32(1) and 38(A) of the Karnataka Excise Act.

3. The accused person is on bail granted by this Court. The prosecution papers were furnished to the accused in compliance with Section 207 of the Cr.P.C. Thereafter, the charges for the offences punishable under Sections 32 and 38A of the Karnataka Excise Act were read over and explained to him in the Kannada language known to him. The accused person pleaded not guilty and claimed to be tried. Accordingly, the case was posted for trial.

4. In order to bring home the guilt of the accused person, the prosecution has cited total 7 witnesses and examined total 7 witnesses as PW-1 to PW-7, marked documents as per Ex.P-1 to 21 and material objects were marked as per MO No.1 to 49.

5. After closure of prosecution evidence 313 statement of the accused person was recorded. Accused denied all the incriminating materials appearing in the evidence of prosecution. The accused person has not lead any defense evidence.

6. The defense contends that, the case was fabricated for statistical purposes and denies that the alleged material objects (MOs) was ever seized from the accused's possession.

Counsel argues that no permit was required as the accused was not engaged in the sale of liquor. Furthermore, the defense highlights several critical lapses in the prosecution's case: (1) the absence of photographs at the seizure site, casting doubt on actual possession; (2) the Investigating Officers failure to obtain prior magisterial permission or record necessary reasons for a warrantless search and seizure; (3) the fact that independent witnesses turned hostile; and (4) the lack of investigation into the liquor's source. Consequently, the defense maintains that the prosecution has failed to prove its case beyond a reasonable doubt, necessitating an acquittal.

7. Heard arguments from either sides and perused records. The points that arises for my consideration is:

POINTS

I. Whether the prosecution proves beyond all reasonable doubt that on 20.04.2024, at about 11.30 a.m., on Ranebennur-Benanakanakonda road, uner NH-48 bridge, Ranebennur, accused was illegally transporting liquor on a motorcycle, in contravention of the provisions of the Karnataka Excise Act, 1965, and thereby committed an offence punishable under Section 32(1) of the said Act.?

II. Whether the prosecution proves that, on the aforesaid date, time, and place, Accused was

possessing the aforesaid quantity of liquor, and thereby committed an offence punishable under Section 38A of the Karnataka Excise Act.?

III. What order.?

8. My finding to the above points is in **Negative** for reason assigned below;-

REASONS

9. Point Nos. 1 & 2 ;-

PW2 & 3 cited by the prosecution as an independent panchas and witness to the raid and seizure, turned completely hostile. In their testimony, they did not support the prosecution's narrative and claimed total ignorance regarding the alleged raid or the drawing of the seizure panchanama. Despite a thorough cross-examination by the Public Prosecutor, nothing was elicited from their testimony to prove the recovery of the material objects from the possession of the accused.

9.1. The prosecution primarily relies on the testimony of **PW-1 & 4**, who are official witnesses involved in the raid, the lodging of the First Information Statement (FIS), and the subsequent investigation. **PW-1**, the first informant, deposed that while on patrolling duty, he received credible information regarding the illegal transporting of liquor.

According to their testimonies, the accused was apprehended 'red-handed' in the presence of panchas witnesses while in illegal possession of liquor. They further deposed that the accused failed to produce any valid permit or license and could not provide a satisfactory explanation for the possession. PW-1 detailed the recovery of specific contraband—namely, *90 ml - 24 tetra packets of Haywards Whiskey and Original Choice Whiskey - 90 ml - 24 tetra packets*, all of which were allegedly seized from the accused possession under the Ex.P2 Mahazar.

9.2. PW-1 further deposed that upon confirming the accused was transporting liquor to the general public, the raiding party conducted an inquiry regarding the accused's identity and the existence of any valid license or permit. Upon finding none, they seized the material objects (MO), conducted the panchanama at the spot, and subsequently registered the FIR at the station. PW-4, who assisted in the raid, provided a corroborative account consistent with PW-1. While the testimonies of these official witnesses align with the prosecution's narrative, it must be noted that their evidence remains uncorroborated by any independent source.

9.3. PW5 & 7, the Investigating Officers, deposed to the procedural aspects of the case, including obtaining property details of the vehicle, forwarding the MO for chemical examination before filing the charge sheet. While the hostility of independent witness PW-2 & 3 & 6 are not always fatal to the prosecution, the case rests heavily on the credibility of the initial raid conducted by PW-1. In this instance, a fatal procedural irregularity exists: PW-1 failed to comply with the mandates of Sections 154 and 157 of the Cr.PC. Instead of registering an FIR upon receiving 'credible information,' the prosecution was initiated solely on the basis of a pre-prepared Mahazar, with the FIR being registered post-facto. This 'investigation-first, FIR-later' approach undermines the foundational legality of the search and seizure.

9.4. The Hon'ble High Court of Karnataka in the case of ***G. Puttaraju Vs. State of Karnataka*** in **WP No.20816/2023** decided on 31.01.2024 held that, without registering FIR, commencement of investigation, is in violation of the provisions of the Cr.PC. That apart, sending the less quantity of the bottles than the seized quantity of bottles for examination, and without recording the reasons for not obtaining warrant, seizing the articles and commencing the investigation without registering

FIR, is violative of the provisions of the K.E. Act as well as Cr.PC. Therefore, the criminal proceedings is not sustainable in law.

9.5. Further, in the case of ***Dayananda Uruf R. Babu & another Vs. State of Karnataka- 2024 Live Law KAR 171***

also has categorically held thus;

“16. Ex.P1 being a panchanama, it cannot be termed as a complaint. FIR cannot be registered on the basis of panchanama, however, in the present case, the respondent has registered the FIR on the basis of panchanama which is erroneous and not proper. The Trial Court ought not to have acted upon such FIR and cognizance should not have been taken on the strength of the said FIR. However, the Trial Court and the Appellate Court have committed error by considering the said FIR as appropriate and proper and recorded the conviction. Such conviction would be rendered as ineffective and the same can be termed as non est in law.

17. When the registration of FIR itself is void abinitio, the subsequent proceedings including the judgments are liable to be set aside. Therefore, the interference by the Revisional Court in setting aside the concurrent findings is justified.”

(Emphasis supplied by me)

9.6. This lacuna goes to the root of the case as it is non-compliance of the safeguards provided under Cr.PC. Though

testimonies of official witnesses should not brushed aside with complete disbelief, yet when such officers give complete go by to the mandate of a statute, this court will certainly infer a doubt in the case of the prosecution. Independent panch witnesses, PW-2, 3 & 6 also not supported the prosecution. Thus, I conclude that the prosecution was not able to prove the seizure and its version by placing cogent evidence to convince this court to hold the charges leveled against the accused person. As such this court holds Points No.1 & 2 in the **Negative**.

When the matter came to be posted for arguments the counsel for the accused person filed an application under section 437-A of the Cr.P.C. along with a surety. As they are already on court bail, this court thought it fit to accept the surety after due inquiry.

10. Point No.3;-

For the above reason the accused entitled for acquittal. Thus, I proceed to pass following;

ORDER

“Acting u/s 248 (1) of Cr.P.C., 1973, I hereby acquit the accused for the offences p/u/s 32(1) & 38(A) of Karnataka Excise Act, 1965.

The bail bond and surety bond executed by the accused other than furnished under Section 437 (a) of Cr.P.C. stands canceled.

Material Object being tetra packets are ordered to be destroyed after the expiry of period prescribed for appeal in accordance with law.

The accused person is set at liberty, if he is not required in any other case.”

(Dictated to Stenographer directly on the computer, transcript is corrected and signed by me and then pronounced by me in the open court on this 01st day of July 2026).

**(Adithyakumar H.R.)
Prl. Civil Judge and JMFC.,
Ranebennur.**

:: ANNEXURE ::

1. List of Witness examined on behalf of prosecution

PW1	:- Smt.Geetha Teggihala
PW2	:- Sri. Nagaraj Olekara
PW3	:- Sri. Holiyappa Channabasanaguoda
PW4	:- Sri. Hanumanthappa Rangannavar
PW5	:- Sri. Manjappa M.
PW6	:- Sri. Krishnappa Ramappa
PW7	:- Sri. Shankar Gudadara

2. List of Exhibits marked on behalf of prosecution:-

Ex.P.1	:- Search warrant
Ex.P.1(a)	:- Signature of PW-1
Ex.P.2	:- Spot mahazar
Ex.P.2(a)	:- Signature of PW-1
Ex.P.2(b)	:- Signature of PW-2
Ex.P.2(c)	:- Signature of PW-3
Ex.P.2(d)	:- Signature of PW-4
Ex.P.3	:- Complaint
Ex.P.3(a)	:- Signature of PW-1
Ex.P.4	:- FIR
Ex.P.4(a)	:- Signature of PW-1
Ex.P.5	:- Notice U/Sec.41(a)
Ex.P.6	:- Property list
Ex.P.7	:- FSL report
Ex.P.8	:- Letter to RTO
Ex.P.8(a)	:- Signature of PW-5
Ex.P.9	:- Letter for FSL
Ex.P.9(a)	:- Signature of PW-5
Ex.P.10 & 11	:- Receipts

- Ex.P.12 :- Notice
Ex.P.13 :- Letter dated 26.08.2024
Ex.P.14 :- Letter dated 12.09.2024
Ex.P.13 & 14 :- Signature of PW-5
Ex.P.15 :- Transport permit labels
Ex.P.16 :- Form CL-2
Ex.P.17 :- Delivery note
Ex.P.18 :- Form No.29
Ex.P.19 :- Form No.30
Ex.P.20 & 21 :- Bills

3. List of M.O. marked on behalf of prosecution

- M.O.1 to 48 :- Whiskey Tetra Packets.
M.O.49 :- A bag.

4. List of Witness examined on behalf of Accused

NIL

5. List of Exhibits marked on behalf of Defence:-

NIL

**(Adithyakumar H.R.)
Prl. Civil Judge and JMFC.,
Ranebennur.**