

**IN THE COURT OF THE SESSIONS JUDGE, SESSIONS DIVISION,
ALAPPUZHA**

Present: Smt. BHARATHI S., Addl. Sessions Judge II

Tuesday the 21st day of April, 2026

SESSIONS CASE No.70/2025 (Filed on. 16.01.2025)

(C.P. No.52/2024 of the Judicial First Class Magistrate Court, Ambalappuzha)
(Crime No.481/2024 of Ambalappuzha Police Station)

Complainant : The State represented by
the Sub Inspector of Police,
Ambalappuzha Police Station.

(By Addl. Public Prosecutor, Alappuzha.)

Accused : Haridas, aged 62/24 years,
S/o. Karunakaran
Harithabhavan Veedu, Kanjippadam Karayil,
Ambalappuzha North Panchayath Ward No.8,
Ambalappuzha North Village.

(By Adv.Sri.Bijily Joseph)

Offence : u/S. 55(i) of the Kerala Abkari Act.

Plea : Not guilty

Finding : Found Not guilty

Sentence/Order : Acquitted.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's name	Occupation	Residence	Age
1.	Haridas	Karunakaran	-	Harithabhavan Veedu, Kanjippadam Karayil, Ambalappuzha North Panchayath Ward No.8, Ambalappuzha North Village.	62/24

DATES OF

Occurrence	25.03.2024
Complaint	25.03.2024
Apprehension of appearance	25.03.2024
Release on bail	08.04.2024
Commencement of trial	12.03.2026
Close of trial	18.04.2026
Sentence or Order	21.04.2026
Explanation of delay	No delay

This case having been finally heard on 18.04.2026 and the court on 21.04.2026 delivered the following:-

JUDGMENT

1. This is a case taken on file based on a final report filed by the Sub Inspector of Police, Ambalappuzha alleging offence punishable u/Ss.55(a) & (i) of the Kerala Abkari Act.
2. Case of the prosecution is that on 25.03.2024 at 3 p.m, adjacent to the flour mill of one Surendran near to AKG junction of Ambalappuzha North Village, accused was found possessing 3.5 litres of Indian made foreign liquor for the purpose of sale. Thus the accused is alleged to have committed offence punishable under the aforesaid provision of law.
3. Final report was filed before the Judicial First Class Magistrate Court, Ambalappuzha and the said court filed the case as CP.52/2024. After

filing the final report, a further investigation was conducted in the case and an additional final report was filed before the said court. After enquiry, the learned Judicial First Class Magistrate committed the case against the accused to the Hon'ble Sessions Court, Alappuzha. After taking cognizance, the Hon'ble Sessions Court made over the case to this court for trial and disposal.

4. Accused appeared before this court. After hearing both sides, this court framed charge against the accused for offence punishable u/S.55(i) of the Abkari Act, read over and explained to him to which he pleaded not guilty. Prosecution examined PWs 1 and 2 and marked Exts.P1 to P8.
5. On closing the prosecution evidence, this court examined the accused u/S.351 of the Bharatiya Nagarika Suraksha Sanhita. Heard both sides u/S.255 of the Bharatiya Nagarika Suraksha Sanhita. Finding that this is not a fit case for acquittal of the accused u/S.255 of the Bharatiya Nagarika Suraksha Sanhita, this court directed the accused to adduce defence evidence. But, the accused did not adduce any defence evidence.
6. Heard both sides.
7. Following are the points arising for consideration:

1. Whether the prosecution has succeeded in satisfactorily proving that the accused possessed Indian made foreign liquor for the purpose of sale?
2. Whether the prosecution has proved any offence as alleged against the accused?
3. Whether the accused is liable to be convicted or acquitted ?
4. In case of conviction, what shall be the proper sentence ?

Point Nos. 1 to 3:

8. All these points can be discussed together for the sake of convenience. PW2 is the detecting officer. He deposed about the detection and procedure followed by him. According to him, on 25.03.2024, while he was on patrolling duty and reached near the flour mill of one Surendaran adjacent to AKG junction in Ambalappuzha village, he saw the accused walking with a cover in his hand. On seeing the Police party, the accused was perplexed. Therefore, PW2 inspected the bag possessed by the accused and it was found containing 7 bottles of Indian made foreign liquor of 500 ml each. Accused was also possessing ₹270/-. Believing that the accused possessed the Indian made foreign liquor for the purpose of sale, PW2 arrested the accused at 3.30 p.m. He took two bottles as samples, sealed and labelled them. He has also sealed the remaining

bottles. He seized all the contraband, the plastic cover and ₹270/- possessed by the accused. Ext.P1 is the mahazar allegedly prepared by PW2. He then registered the case. Ext.P3 is the first information report. Ext.P4 is the property list prepared by him. Ext.P5 is the copy of the forwarding note. He thereafter conducted the investigation. He identified Ext.P6 as the scene plan and Ext.P7 as the chemical report obtained in the case. On completing the investigation, he filed the final report.

9. PW1 is an independent witness examined by the prosecution. PW1 deposed that he did not witness the alleged seizure. Though he identified his signature in Ext.P1 mahazar, he did not support the case of the prosecution regarding the detection. He turned hostile.
10. Though prosecution examined PW1 as independent witness, he deposed that he did not witness the detection of contraband from the possession of the accused. But however, want of independent evidence alone is not sufficient to find that the prosecution case is not correct. The prosecution can prove its case by relying upon the evidence of the official witnesses alone, provided, their evidence is free from doubts and embellishments.
11. There is no case for the prosecution that the liquor seized is illicit liquor or that the accused possessed it knowing the same to have been unlawfully imported, transported or manufactured. The question herein is

whether the accused had indulged in sale of liquor or had kept or possessed liquor for the purpose of sale.

12. Section 55(i) of the Abkari Act deals with the offence of sale of liquor. As per the relevant portion of this section, ***whoever in contravention of this Act or of any rule or order made under this Act, sells or stores for sale of liquor or any intoxicating drug shall be punishable with imprisonment for a term which may extend to 10 years and with fine which shall not be less than ₹1 lakh.***

13. Prosecution has no case that PW2 and party have witnessed the accused engaging in sale of liquor. Of course, the prosecution claims seizure of an amount of ₹270/- from the accused. Seizure of such a meager amount which any common person will be possessing alone cannot lead to a conclusion that the said money was received by the accused as sale consideration by selling liquor. There is no sufficient evidence in order to prove the sale of liquor by the accused.

14. Ext.P4 is the property list produced in this case. But, it is seen that the specimen of the seal allegedly affixed on the samples is not affixed in Ext.P4 property list. Therefore, there is no sufficient evidence to ensure that the samples reached the court and thereafter the chemical laboratory in a tamper free condition. Consequently, it cannot also be said that the

prosecution has properly proved the detection of Indian made foreign liquor as alleged from the accused.

15. In view of the above and on analysis of the evidence of the prosecution, it is found that prosecution did not satisfactorily prove the allegation against the accused beyond reasonable doubt. Accused is not found guilty of the offence alleged and is entitled for an acquittal. Points are answered accordingly.

Point No.4:

16. In view of the findings on the above points, this point does not arise for consideration. Point is answered accordingly.
17. In the result, accused is not found guilty of offence punishable u/S. 55(i) of the Abkari Act. He is acquitted of the above offence u/S. 258(1) of Bharatiya Nagarika Suraksha Sanhita and is set at liberty. His bail bond stands cancelled. Confiscate the cash property seized in this case after the appeal period.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 21st day of April, 2026.

Sd/-
BHARATHI S.
ADDL. SESSIONS JUDGE-II

APPENDIX**Witnesses for the Prosecution side:-**

PW1/CW4	Sreenivasan	Eye witness
PW2/CW7	C.R.Haridas	Police witness

Exhibits for the Prosecution side:-

P1/PW1	25.03.2024	Mahazar
P2(series)/PW2	25.03.2024	Arrest memo, Inspection memo, Arrest Notice
P3/PW2	25.03.2024	First Information Report
P4/PW2	25.03.2024	Property List
P5/PW2	25.03.2024	Copy of forwarding note
P6/PW2	29.04.2024	Scene Plan
P7/PW2	25.01.2025	Chemical Examination Report
P8/PW2	-	Report

Witness for the Defence side:- NIL**Exhibits for the Defence side:-NIL****Material Objects:-NIL**

Id/-
ADDL. SESSIONS JUDGE-II