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Part A*
[Para 44 (i) of Chapter VI of Criminal Manual]

<u>Below Exhibit -20</u>	
IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, AHERI AT AHERI [Presided over by : S.M.H.SHAHID]	
Details of FIR/Crime and Police Station	<u>Crime no. 175/2019</u> Aheri Police Station, District Gadchiroli.
Date of Judgment	07-05-2026
Case No.	S.C.C. 298/2019 CNR – MHGA070008622019
Complainant/Prosecution	State of Maharashtra, (Informant: Devidas Mankar)
Represented by	Mr. Rajkumar Undirwade, (learned Assistant Public Prosecutor)
Accused	1. Pravin Gattu Anguwar Age 35 years, Occupation – Labour, Resident of Cherpalli, Taluka Aheri District Gadchiroli. 2. Adarsh Ashok Yelpulwar Age 24 years, Occupation – Labour, Resident of Cherpalli, Taluka Aheri District Gadchiroli. 3. Sanjay Bapu Sudhar Age 30 years, Occupation – Labour, Resident of Gerra (Vynkatraopetha) Taluka Aheri District Gadchiroli.
Represented by	Mr. Udayprakash Galbale (learned defence Advocate)

* As per Gazette Notification no. 0801/2022 dt. 14th July 2022

Part B*
[Para 44 (ii) of Chapter VI of Criminal Manual]

Date of Offence	18-08-2019
Date of FIR	18-08-2019
Date of Chargesheet	22-11-2019
Date of Framing of Charges	05-08-2022
Date of commencement of evidence	07-11-2022
Date on which judgment is reserved	17-04-2026
Date of the Judgment	07-05-2026
Date of the Sentencing Order, if any	

Accused Details

Rank of the accused	Name of accused	Date of Arrest	Date of Release on Bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.PC.
1.	Pravin Gattu Anguwar	22-11-2019	22-11-2019	65(a) and 83 of Maharashtra Prohibition Act	Acquitted	--	--
2.	Adarsh Ashok Yelpulwar	22-11-2019	22-11-2019		Acquitted		
3.	Sanjay Bapu Sudhar	22-11-2019	22-11-2019		Acquitted		

Abbreviations used in this Judgment (*in alphabetical order*)

Code of Criminal Procedure, 1973	Criminal Code
Indian Evidence Act 1872	Evidence Act
Maharashtra Prohibition Act	Prohibition Act

Appendix**Part C****[Para 44 (iii) of Chapter VI of Criminal Manual]****LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE
PW1	Devidas Markhandi Mankar	Informant
PW2	Rajkumar Chandrabhan Sahare	Investigation Officer
PW3	Rakesh Govinda Sadmek	Panch

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution:**

Sr. No.	Exhibit number	Description
1.	Exh-21-P/PW1	Spot Panchnama
2.	Exh-22-P/PW2	C.A.Form
3.	Exh-23-P/PW2	Oral Report
4.	Exh-24-P/PW2	Printed FIR

D. Material Objects:

Sr. No.	Material Object number	Description
1.	NA	NA
2.	NA	NA

J U D G M E N T**(Delivered on 7th May, 2026)**

The accused person are stands prosecuted of an offence punishable under section 65(e) and 83 of Bombay Prohibition Act.

THE PROSECUTION CASE IN NUTSHELL

2. That on 18-08-2019 at mauja/village Cherpalli Tq. Aheri District Gadchiroli the accused person in furtherance of their common conspiracy illegal transporting the foreign liquor and during raid, found 750 ml's 06 bottles of Imperial Blue .i.e *Foreign Liquor* and the accused not having any pass or permit and thereby committed the offence punishable under section 65(a) and 83 of the Bombay Prohibition Act.

CHARGE

3. The accused appeared before the Court. My Ld predecessor recorded the plea vide Exh. 20. They pleaded not guilty and claimed to be tried. Their defence were of total denial and false implication.

STATEMENT

4. Statements of the accused under Section 313 of Cr.P.C. was recorded below Exh.20 . Their defence is of total denial.

ARGUMENT

5. Heard argument advanced by the learned Assistant Public Prosecutor and Learned advocates for the accused.

6. After considering material available on record following points arose for my determination. I also recorded my findings against each of them for the reasons to follow:

<u>S.No</u>	<u>Points</u>	<u>Findings</u>
01	Whether the prosecution prove that on 18-08-2019 at mauja/village Cherpalli Tq. Aheri District Gadchiroli the accused person in furtherance of their common conspiracy illegal transporting the foreign liquor and during raid, found 750 ml's 06 bottles of Imperial Blue .i.e <i>Foreign Liquor</i> and the accused not having any pass or permit and thereby	In the Negative

	committed the offence punishable under section 65(a) and 83 of the Bombay Prohibition Act?	
02	What order?	Accused person are acquitted.

REASONS

7. In the present matter prosecution has examined two witnesses mentioned in part C of judgment in order to bring home guilt of accused.

AS TO POINTS NOS.1 AND 2 :-

8. **PW-2 Devidas Mankar** is informant who deposed that on secret information that the accused person are illegally transporting the liquor and on 18-08-2019 during raid at mauja/village Cherpalli Tq. Aheri , the accused person found transporting the foreign liquor and during search, police found 750 ml's 06 bottles of Imperial Blue .i.e *Foreign Liquor* in possession of the accused person that too without any pass or permit. During search the police has seized all bottles of foreign liquor from possession of the accused person out of which one bottle is prepared to Chemical Analysis and on the spot has prepared Spot Panchnama, CA Form and Recovery Panchnama. Thereafter, he has lodged report with police station. During the examination in chief, he admitted contents of Exh. 21 to Exh. 24 to be true and correct. It is imperative to note here that only suggestions were offered and all those suggestions were denied by the witness in cross-examination.

9. **PW-2 Rajkumar Sahare** is Investigating officer. He deposed that he also entrusted with the investigation of present crime and after completion of investigation has chargesheet. It is imperative to note here that during cross-examination of this witness only suggestions were offered.

However, all these suggestions were denied by the witness in cross-examination.

10. In the present case one sample of Foreign liquor bottle was sent to the Chemical Analyzer for further examination. The report of said examination was filed on record but no witness is examined to prove the same. It is doubtful whether the sample sent to Chemical analyzer was a Foreign liquor or any other chemical. Even otherwise as the panch witness are not examined by the prosecution therefore seizure of foreign liquor from custody of accused is doubtful. Moreover, no independent witnesses are examined by the police. The informant and investigating Officer are forming part of investigating agency and their failure to tell the batch number and manufacturing date of the muddemal is to be taken as a serious thing which creates reasonable doubt about there being involvement of accused in the alleged crime. Therefore, neither seizure panchanama is proved nor the FIR is proved beyond the reasonable doubt. Even the seizure panchanama does not contain the manufacturing date and batch number of the muddemal. For all these reasons, question of identification of muddemal is of vital importance. But same has not been complied with by the prosecution. Thus, the prosecution failed to prove the guilt of the accused person beyond reasonable doubt. Similarly, the prosecution failed to satisfy necessary ingredients of the offence punishable under section 65(a) and 83 of the Prohibition Act.

11. After considering the evidence available on record, arguments advanced by learned APP for the state and advocate for accused and facts and circumstances of this case, I come to the conclusion that the prosecution failed to prove that accused has committed an offence punishable under section 65(a) and 83 of the Prohibition Act beyond reasonable doubt. that is why I have recorded my finding as to point no.1 in negative. From the record it appears that the police has seized the vehicle which is already released during pendency of the matter. Hence, custody of vehicle is to be

confirmed after appeal period is over. In view of negative finding of above point, accused is required to be acquitted. In the result I proceed to pass the following order.

ORDER

1. The accused **1. Pravin Gattu Anguwar, 2. Adarsh Ashok Yel pulwar and 3. Sanjay Bapu Sudhar** are hereby acquitted vide section 255(1) of the Code of Criminal Procedure for the offense punishable under section 65(a) and 83 of the Bombay prohibition Act.
2. Vehicle seized in the matter is released on Supratnama, custody of vehicle is to be confirmed after appeal period is over.
3. The accused person directed to furnish bond with surety in compliance of section 437-A of Criminal Procedure Code of Rs.15,000/- .
(Judgment is typed and pronounced in the open court)

Date:- 07-05-2024

(S.M.H.Shahid)
Judicial Magistrate First Class
Aheri