

IN THE HIGH COURT OF JUDICATURE AT PATNA
GOVT. APPEAL (SJ) No.1 of 2025

In
GOVT. APPEAL (DB) No.2 of 2025

Arising Out of PS. Case No.-356 Year-2018 Thana- TEGHRHA District- Begusarai

=====

The State of Bihar through the District Magistrate, Begusarai Bihar

... .. Appellant

Versus

Sangeeta Kumari W/O Sanjev Raman R/O Vill.- Mathurapur South
Tola, P.S.- Teghra, Dist.- Begusarai.

... .. Respondent

=====

Appearance :

For the Appellant/s : Mr.Rajendra Nath Jha, Advocate
For the Respondent/s : Mr.Rakesh Kumar, Addl.PP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 16-02-2026

Heard learned counsel appearing for appellant and
learned APP appearing for the State.

2. The present appeal filed on behalf of the
appellant under Section 378 1(b) iii of Code of Criminal
Procedure or Section 419(b)(3) of the B.N.S.S., 2023, which
has been preferred against the judgment of acquittal dated
14.06.2024 rendered by learned Exclusive Special Excise
Judge, Begusarai in connection with Teghra P.S. Case No.
356 of 2018 whereby the present respondent/accused has
been acquitted from the charges levelled against her.



3. The case of the prosecution is that on secret information the informant and other police personnels reached at the house of one Sanjeev Kumar Singh and when police vehicle stopped, three persons started fleeing away. The police party entered into the house and found a truck bearing Registration No. RJ20GA-9837 is standing and the driver and cleaner of the vehicle were indulged to unload the cartoons of foreign liquor from the truck. The informant caught two accused persons namely, Mangal Chand and Birma Ram on the spot. On search of the aforesaid truck, 43 cartoons of 180 ml. and seven *dibba* of old freeze having with foreign liquor from the possession of the driver and *khalasi* were recovered. Upon questioning, the apprehended persons disclosed that at behest of Sanjeev Raman, they were unloading the foreign liquor from the said Truck and when police came, Sanjeev Raman, and his associates fled away. The informant recovered 154 cartoon of 750 ml each cartoon having with 12 bottles, 290 cartoon of 375 ml each with 24 bottles, 194 cartoons of 180 ml each 48 bottles, 70 pieces of 180 ml, 35 pieces of 180 ml, 28 pieces of 180 ml total 5896.



100 litres foreign liquor were seized from house of Sanjeev Raman and, accordingly, seizure list was prepared.

4. On the basis of written report of the informant (PW-6), the instant case was lodged against the accused for the offence u/s-30(a)(b) of the Excise Act and accordingly cognizance was taken by Special Court (Excise).

5. To substantiate the case, the prosecution produced eight (8) witnesses in this case and they are (1) P.W.1 Ramagayan Prasad; (2) P.W 2 Bhual Prasad; (3) P.W 3 Rajesh Kumar; (4) P.W 4 Rinku Devi; (5) P.W 5 Bhola Sahni; (6) P.W.6 the informant namely, Budhdeo Paswan; (7) P.W 7 Ram Kumar Singh and (8) PW 8 Raj Bindu Prasad.

6. The prosecution has also produced the following documentary evidence, which are as under:

Exhibit -1 Signature of P. W 1 on seizure list.

Exhibit - 2 Signature of P. W 1 on memo of arrest.

Exhibit - 1/1 Identification of signature of witness no. 3 on seizure list.

Exhibit - 2/2 -Identification of signature of witness no. 4 on memo of arrest.

Exhibit - 3- Identification of signature of witness no. 5 on his self statement



Exhibit -1/2- Identification of signature on seizure list.

Exhibit -2/2 - Identification of signature on memo of arrest.

Exhibit - 1/3- Identification of signature of witness no. 5 on seizure list

Exhibit - 1/4- Identification of signature of witness no. 6 on seizure list.

Exhibit -4- Received FSL report by the Court.

7. On the basis of testimony of aforesaid prosecution witnesses, the statement of accused/respondent was recorded under section 313 of the Cr.P.C. where she completely denied the evidences surfaced against her and claimed complete innocence and false implication. After the conclusion of trial, the learned Trial Court acquitted the respondent/accused namely, Sangeeta Kumari through impugned judgment from the charges levelled against her. Being aggrieved with aforesaid order of acquittal, appellant/State preferred the present government appeal.

8. Hence, the present appeal.

9. It is submitted by learned counsel appearing on behalf of the appellant/State that judgment of learned trial



court is not convincing in terms of law for the reason that the presence of accused/respondent inside the room, where the huge consignment of Indian Made Foreign Liquor was recovered, was totally ignored.

10. It is submitted that even the seizure list witnesses testified before the learned trial court to identify their signatures and, moreover, the informant (PW-6) and Investigating Officer (PW-8) of this case supported the recovery of liquor.

11. Learned counsel, while arguing for the accused/respondent, submitted that seizure list witnesses i.e. PW-5 & PW-6 completely denied during the trial that any recovery of illicit liquor was made before them. It is submitted that in view of testimony of these two witnesses only, nothing survives in this matter and, therefore, the appeal was preferred without any convincing grounds.

12. It is submitted that nothing transpired during trial that accused/respondent was involved in any conspiracy or she was even found connected with consignment of illicit liquor, rather she was present inside the room where illicit



liquor was alleged to be stored being wife of co-accused namely, Sanjeev Raman.

13. Arguing further, it is submitted by learned counsel that even the seized liquor was sent to Forensic Science Laboratory (FSL), Patna, after ten days of the occurrence. It is further submitted that other prosecution witnesses like PW-1 & PW-2 also testified during the trial that they did not even marked the seized bottles or cartoons or put any signature thereon.

14. In view of aforesaid finding of learned trial court *qua* acquittal cannot be said a perverse finding, and, therefore, same not required to be interfered with.

15. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Chandrappa and Others Vs. State of Karnataka [(2007) 4 SCC 415]**, where the Hon'ble Apex Court has held in **paragraph '42'** which reads as under:

“**42.** From the above decisions, in our considered view, the following general principles regarding powers of appellate Court while dealing with an appeal against an order of acquittal emerge;

(1) An appellate Court has full power to review, reappraise and reconsider the evidence upon which



the order of acquittal is founded;

(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate Court on the evidence before it may reach its own conclusion, both on questions of fact and of law;

(3) Various expressions, such as, 'substantial and compelling reasons', 'good and sufficient grounds', 'very strong circumstances', 'distorted conclusions', 'glaring mistakes', etc. are not intended to curtail extensive powers of an appellate Court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of language' to emphasize the reluctance of an appellate Court to interfere with acquittal than to curtail the power of the Court to review the evidence and to come to its own conclusion.

(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.”

16. I have perused the trial court records carefully and gone through the evidences available on record and also considered the rival submissions as canvassed by learned counsel appearing on behalf of the parties.



17. Upon perusal of records, it transpires from the deposition of **PW-1 namely, Manoj Prasad**, who was the member of raiding team, that he supported the case of the prosecution as far recovery of liquor is concerned, but upon cross-examination, he deposed that no cartoon was found by him. He was not even aware about the sample of bottles and even seized materials were not produced before the court during the trial.

18. Similarly, **PW-2 namely Bhual Prasad**, who was also one of the member of raiding team and supported the case of the prosecution as far recovery of illicit liquor is concerned, but, upon cross-examination, he testified during trial that not even a single bottle of liquor out of recovered liquor was brought before him in the court during the trial. He also deposed that the liquor was not sealed and it was also not marked.

19. **PW-3 is Rajesh Kumar**. He appears to support the recovery and also identified his signature over seizure list. He identified his signature before the learned trial court as **Exhibit -1/1**. Upon cross-examination, it was



deposed by him that as the other family members of Sanjeev Raman was living in different parts of the building, therefore, they were arrested. He also deposed that seized materials were sealed before him.

20. **PW-4 is Rinku Kumari.** She has also supported the recovery of illicit liquor and identified her signature on arrest memo which on her identification exhibited as **Exhibit – 2/1** before the learned trial court. She was the member of raiding team, but could not explain the brand and name of the company of the liquor. She upon her cross-examination, also testified that she is not in a position to disclose the exact quantity of recovered illicit liquor for the reason that recovery was made in the night.

21. **PW-5 and PW-7 are Bhola Sahani and Ram Kumar Singh.** Both are seizure list witnesses and identified their signature as **Exhibit – 1/3 and 1/4** respectively. PW-5 failed to identify the accused/respondent during the trial whereas PW-7 identified the accused but failed to disclose her name. Upon cross-examination, both witnesses categorically deposed before the court that neither any paper



in connection with seizure was prepared before them nor any recovery was made, rather it was deposed by PW-5 that while he was crossing the police station on 20.09.2018, his signature was obtained by Police Inspector on paper. He has no idea about the house of accused/respondent. Similarly, PW-7 said that he was called by Police Inspector to police station and thereafter his signature was obtained on paper.

22. **PW-6 is Budhdeo Paswan.** He is the informant of this case and supported the recovery of 5696.100 litres of illicit liquor, where accused/respondent was present as housewife. During cross-examination, he categorically stated that accused/respondent neither present on the truck nor near to it. It is deposed that accused/respondent was arrested only for the reason that she was the wife of main co-accused Sanjeev Raman, who was not present at the time of raid in his house. He also deposed that he has no knowledge regarding the articles loaded on the truck.

23. **PW-8 is Raj Bindu Prasad,** who is Investigating Officer of this case. He has also supported the



recovery of illicit liquor from the room of the accused/respondent and also from the truck, which was parked in front of her house supported total recovery of 595 cartoons of liquor. Upon cross-examination, it was deposed by him that recovered articles were sent for forensic examination after ten days of the recovery.

24. In view of aforesaid evidence as available on the record, it can be said safely that prosecution miserably failed to establish recovery of alleged illicit liquor from conscious physical possession of this accused/respondent. It also appears that accused/respondent was implicated only for the reason that she was the wife of main co-accused Sanjeev Raman. Appreciating all such evidences, as discussed above, learned trial court acquitted the accused/respondents.

25. In view of same, it cannot be said that finding of acquittal as recorded by the learned trial court not appears perverse on its face and, therefore, by taking a guiding note of the legal report of Hon'ble Apex Court as available through **Chandrappa's case (supra)**, this Court does not find any occasion to interfere with the impugned judgment of



acquittal, which is under challenge.

26. In view of aforesaid, the present appeal is devoid of any merit. Accordingly, the same stands dismissed.

27. Let a copy of this judgment alongwith TCR be sent to learned trial court, immediately.

(Chandra Shekhar Jha, J)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2026
Transmission Date	18.02.2026

