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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3808/2024**

YASH TEKWANI

.....Petitioner

Through: Mr.Vikas Pahwa, Sr. Advocate with
Mr.Prabhav Ralli, Mr.Yuvraj Bansal,
Mr.Annada Dubey and Mr.Devrat
Arya, Advocates

versus

DIRECTORATE OF REVENUE INTELLIGENCE.....Respondent
Through: None

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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11.12.2024

CRL.M.A. 36627/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 3808/2024

1. The instant writ petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Earlier Section 482 of the Code of Criminal Procedure, 1973) has been filed on behalf of the petitioner seeking the following reliefs:-

“a) Pass necessary writ(s)/ direction(s)/ order(s) for quashing of the case File No. DRI/DZU/34/ENQ-21/2024 along with all consequential actions/ proceedings arising therefrom;

b) Pass necessary order declaring the arrest of the Petitioner on 23.08.2024 and all consequential remand orders as illegal;



c) Declare the search and seizure carried out in File No. DRI/DZU/34/ENQ-21/2024; as illegal and without any jurisdiction;

Pass any other or further order as this Hon'ble Court may deems fit and proper, in the interest of justice.”

2. Mr.Vikas Pahwa, learned senior counsel for the petitioner submits that in terms of Section 3(b)(ii) of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019, the Custom Officers are not “authorized officers”. It is submitted that in view of Section 14 of the Act, this Act has an overriding effect on other Acts. It is further submitted that the entire proceedings initiated by the Custom Officer is illegal.
3. On filing PF within a week, issue notice to the respondent through all permissible modes, returnable on 21.01.2025.

CRL.M.A. 36626/2024 (Stay)

1. By way of this application, the applicant/petitioner seeks stay on the investigation/proceedings in the present case arising out of the case File No. DRI/DZU/34/ENQ-21/2024.
2. Learned senior counsel for the petitioner submits that as the proceedings themselves were illegal, the complainant may be directed not to file the complaint in File No. DRI/DZU/34/ENQ-21/2024.
3. On filing PF within a week, issue notice to the respondent through all permissible modes, returnable on 21.01.2025.

DINESH KUMAR SHARMA, J

DECEMBER 11, 2024/dy/ht..