

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 1399/2026

Rajesh Bhai Jat Alias Rajesh Kumar S/o Karan Singh, Aged About 46 Years, R/o Bhadesara, P.s. Bhiwani Sadar, District Bhiwani, Haryana At Present Residing At In Front Of Hanuman Park Vidhyanagar, Bhiwanai P.s. Industrial Area Bhiwani, District Bhiwani Haryana

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. R.K. Charan

For Respondent(s) : Mr. N.S.Chandawat, Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

16/03/2026

1.By way of the present Misc. Petition, the petitioner has invoked the inherent jurisdiction of this Court with the primary objective of quashing the proceedings initiated by the order dated 23.12.2025, passed by the learned Judicial Magistrate, Revdar, District Sirohi, in relation to FIR No. 113/2023, under Sections 14/57 & 19/57, 54D of the Excise Act. The petitioner seeks the annulment of the order whereby he was declared an absconder, and a warrant of arrest was issued against him. The petitioner contends that the coercive measures undertaken were in clear contravention of the procedural safeguards enshrined under the law, and accordingly, prays for the setting aside of such

actions with appropriate directions to secure the ends of justice.

2. Without delving into superfluous details, the facts pertinent to the adjudication of the present petition are succinctly summarized. FIR No.113/2023, lodged at Police Station Revdar, District Sirohi, concerns the interception of a vehicle and the subsequent recovery of a specified quantity of Indian Made Foreign Liquor (IMFL). In the course of the incident, one Devabhai, the alleged driver of the vehicle in question, was taken into custody by the police authorities.
3. I have heard the learned counsel for the respective parties and has examined the material made available on record.
4. According to the prosecution's case, the registered owner of the truck from which the contraband liquor was allegedly recovered is one Karmur Vishal S/o Ramabhai, resident of Jamnagar, Gujarat. During the investigation, the authorities sought to trace various links concerning the ownership and transfer of the said vehicle, attempting to establish a chain of transactions involving multiple intermediaries who were purportedly involved in the sale or transfer of the vehicle from one individual to another.
5. The material on record further reveals that, eventually, the charge-sheet was filed against two individuals, namely, Devabhai and Rameshbhai. However, the investigation remains pending with respect to certain other persons, including Mahipal @ Sanjay Jakhad and Bhaveshbhai.

Additionally, Karmur Vishal, the registered owner of the vehicle, and one Puranmal were also mentioned in the investigation. A thorough examination of the case diary and accompanying documents, however, fails to substantiate any specific or substantial allegations regarding the petitioner's direct involvement in the alleged transportation of illicit liquor.

6. Notably, the prosecution material does not provide convincing evidence of the petitioner's participation in the offense or a clear causal link attributable to him. The connection that is sought to be established appears to be tenuous and indirect, primarily resting upon transactional links relating to the vehicle's ownership or transfer, rather than any direct or substantive act of transporting or possessing contraband liquor.

7. It is further disclosed in the order-sheet dated 23.12.2025 that the warrant of arrest issued against the petitioner under Section 37 of the Police Act could not be executed and was returned unserved. In light of this unexecuted warrant, the learned Magistrate, instead of issuing a fresh warrant or adopting alternative procedural measures to secure the petitioner's presence, deemed it expedient to initiate proceedings for declaring the petitioner an absconder.

8. Upon careful reflection of the factual backdrop and procedural course adopted by the learned trial court, this Court is of the firm view that the decision to initiate

proceedings for declaring the petitioner an absconder was undertaken with undue haste, and in clear violation of the procedural safeguards typically required before resorting to such drastic measures. A declaration of abscondence constitutes a severe coercive step, which must be preceded by earnest and diligent attempts to secure the individual's presence through legally sanctioned modes. Furthermore, the material on record, prima facie, indicates that the petitioner's involvement in the matter is primarily based on a remote and derivative connection arising from the alleged ownership or transfer of the vehicle, rather than any direct or overt participation in the alleged act of transporting contraband liquor.

9. In view of the above, and in an effort to strike a balance between safeguarding the interests of the investigation and ensuring the protection of procedural fairness, this Court deems it just and proper to dispose of the present miscellaneous petition with the following directions:

(a) The petitioner shall appear before the learned trial court on or before 18.04.2026 and shall submit an application for regular bail in accordance with the applicable provisions of law.

(b) Upon the appearance of the petitioner before the trial court, the proceedings initiated against him for declaring him an absconder under Sections 82 to 85 of the Cr.P.C. shall be immediately dropped.

c) The warrant of arrest issued against the petitioner shall stand withdrawn forthwith.

(d) Upon the petitioner's appearance and submission of a regular bail application, the petitioner shall be released on bail on the same day, subject to the furnishing of appropriate bail bonds to the satisfaction of the learned Magistrate.

(e) It is further directed that, until 18.04.2026, the petitioner shall not be arrested in connection with the aforementioned FIR.

10. In view of the above observations and directions, the present miscellaneous petition stands disposed of. Consequently, the stay application and all other pending applications also stand disposed of in the same manner.

(FARJAND ALI),J