

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

S.B. Criminal Miscellaneous (Petition) No. 3568/2026

Shree Ram Agro, Through Preparator Babu Lal S/o Gumana Ram
Aged 47 Years R/o Kuchera Mundwa District Nagaur

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Shailendra Gwala
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

07/05/2026

1. The present criminal misc. petition under Section 528 of the B.N.S.S. 2023 has been filed challenging the order dated 29.04.2026 passed by Sessions Judge, Merta in Case No.22/2026 whereby the application of the petitioner seeking release of the vehicle, Tractor – Tanker bearing registration No. MP 20-AA-1004 & Engine No.S33717405 was dismissed.
2. The vehicle in question was seized in connection with FIR No.155/2021, registered at P.S. Kuchera District Nagaur alongwith miscellaneous petroleum product with 20 empty drums, 13 iron drums, 119 iron empty drums, 3 electric motor pumps with 2 Nosal on it and 1 manual pump and one ten litres of iron measurement with one white keep.
3. Learned counsel for the petitioner submits that the petitioner being the owner of the vehicle filed an application under Section 503 of the BNSS seeking release of the vehicle alongwith other

seized items. However, the said application came to be dismissed vide the impugned order. He further submits that the trial will take considerable time, and if the seized items alongwith the vehicle are kept with investigating authorities, it would not only deteriorate but also affect the quality of the petroleum product, apart from causing substantial financial loss to the petitioner.

3.1. Learned counsel for the petitioner places reliance on judgment of a Co-ordinate Bench of this Court dated 28.01.2026 passed in ***S.B. Criminal (Misc.) Petition No.705/2026 (Saddam Hussain & Ors. Vs. State of Rajasthan)***.

4. *Per contra*, learned Public Prosecutor opposed the submissions made on behalf of the petitioner and submitted that the vehicle and the petroleum product contained therein, have been seized in a case registered under the provisions of Section 3/7 of the Essential Commodities Act, 1955 and the same would be required during the trial.

5. Heard learned counsel for the parties.

6. It is to be noted that in the impugned order itself it is stated that the execution proceedings have already been stayed until the disposal of the appeal. In the considered opinion of this Court, the appeal under the Essential Commodities Act will take considerable time, therefore, allowing the seizure of the petroleum product to continue could deteriorate and degrade the quality of the same and the storage of highly inflammable substance in the police station poses a serious threat to life and property. The prolonged seizure of the petroleum product / vehicle significantly disrupts the petitioner's business operations, leading to financial losses.

The petitioner is ready to furnish the appropriate surety for release of the product in question.

7. Consequently, the petition under Section 528 B.N.S.S. is allowed. The impugned order dated 29.04.2026 passed by Sessions Judge, Merta is hereby quashed and set-aside. It is directed that the seized Tractor – Tanker bearing registration No. MP 20-AA-1004 & Engine No.S33717405 alongwith the petroleum product of 29100 litres with 20 empty drums, 13 iron drums, 119 iron empty drums, 3 electric motor pumps with 2 Nosal on it and 1 manual pump and one ten litres of iron measurement with one white keep be released, subject to the petitioner furnishing two solvent sureties of Rs.5 lacs each and a personal bond of Rs.5 lacs to the satisfaction of the trial Court.

8. In the event that the exact measurement and sampling of the petroleum product in the tanker has not been carried out, the Investigating Officer shall ensure that this is done in the presence of the officials from the concerned officers/seizure officer.

9. Pending application(s), if any, stand(s) disposed of.

(SUNIL BENIWAL),J