

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

S.B. Criminal Misc(Pet.) No. 6971/2022

Rajesh Choudhary S/o Shri Ramdhan Jat, Aged About 36 Years,

R/o 5 Tuslinagar Sanganer Jaipur

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Abhishek Mehta

For Respondent(s) : Mr. Gaurav Singh, PP

JUSTICE DINESH MEHTA

Order

21/10/2022

1. Mr. Mehta, learned counsel for the petitioner argued that the case under the provisions of Rajasthan Excise Act has been registered only with a view to gain jurisdiction to proceed against the petitioner, because the other offence(s) punishable under Rajasthan Public Gambling Ordinance are not cognizable. It was also argued that, even a case under the provisions of the Excise Act cannot be said to have been made out, as the quantity of the beer (63 cans) seized during the raid was well within the permissible limits given the number of persons (23) available and proceeded against.
2. Issue notice. Issue notice of the stay application also.
3. Mr. Gaurav Singh prays for and granted four weeks' time to file reply.

(DINESH MEHTA),J

RAJASTHAN HIGH COURT



सत्यमेव जयते