

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 4562/2013

Ramdas S/o Shri Narayan Singh, R/o Ummedi Nagar, Bye-pass
Chauraha, Rajakhera Road, Dholpur, Raj.

-----Petitioner

Versus

State of Rajasthan Through PP

-----Respondents

For Petitioner(s)	:	Mr. Anil Jain with Mr. Udit Sapra
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP with Ms. Neha Goyal

JUSTICE ANOOP KUMAR DHAND

Order

27/04/2026

1. By way of filing the instant petition, a challenge has been led to the impugned order dated 08.07.2013, passed by the Additional Chief Judicial Magistrate, Dholpur in the proceedings arising out of FIR No. 196/2013, registered with Police Station Nihalganj, District Dholpur, by which the application submitted by the petitioner seeking supurdagi of truck bearing registration No. RJ-11-GA-4766 has been rejected.
2. Aggrieved by the aforesaid order passed by the Court of the Additional Chief Judicial Magistrate, Dholpur, a revision petition was submitted by the petitioner before the Court of the Additional Sessions Judge, Dholpur. However, the same was also rejected vide impugned order dated 31.10.2013. Aggrieved by both the aforesaid orders, the petitioner has approached this Court by way of filing the instant petition.

3. Learned counsel for the petitioner submits that the petitioner had all the valid permits and licenses to possess the beer/liquor and in spite of the above, the petitioner's truck bearing Registration No. RJ-11-GA-4766 was illegally seized by the Police. Seizure of the petitioner's vehicle is causing damage to the truck as the same is lying with Police Station and no fruitful purpose would be served in case the seizure continues till final disposal of the matter. Hence, under these circumstances, appropriate orders be passed for release of the aforesaid vehicle.

4. *Per contra* learned Public Prosecutor opposed the prayed and submitted that as per the bar contained under Section 69 of the Rajasthan Excise Act, the Judicial Magistrate has no territorial jurisdiction to entertain such an application. The jurisdiction lies with the Commissioner (Excise), hence, under these circumstances the Court below has not committed any error in rejecting the application submitted by the petitioner on this technical ground. Hence, under these circumstances, interference of this Court has not warranted.

5. Heard and considered the submissions made at the Bar and perused the material available on record.

6. This fact is not in dispute that the truck bearing registration No. RJ-11-GA-4766 was seized by the Police in connection with FIR No.196/2013, registered with Police Station Nihalganj, District Dholpur for the offences punishable under Section 19/54 of Rajasthan Excise Act. Whether the petitioner had any valid permit or not; this fact cannot be looked into by the learned Magistrate while entertaining any application submitted by the accused or the registered owner of the vehicle for getting *supurdagi* of the seized

vehicle, as there is a specific bar under Section 69 of the Rajasthan Excise Act against the learned Magistrate, to entertain such an application. Hence, the Court below has not committed any error in rejecting the application on this technical ground and a reasoned speaking order has been passed in this regard. This Court finds no error in the order impugned passed by the Court below which warrants any interference of this Court and the petition is liable to be and is hereby rejected. However, the petitioner would be at liberty to file appropriate application before the Commissioner (Excise) under the provisions of Rajasthan Excise Act for getting supurdagi of the vehicle. In case such application is submitted by the petitioner, it is expected from the Commissioner (Excise) to decide the same, strictly in accordance with law, expeditiously, as early as possible by ignoring the period of limitation.

7. Stay application and all pending application(s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J