

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 7314/2019

Narendra Singh S/o Chhagna, aged about 34 Years, Resident of
village Lamana, Police Station Mangaliyawas, District Ajmer

-----Petitioner

Versus

State of Rajasthan, through the P.P.

-----Respondent

For Petitioner(s) : Mr. Anutosh Mishra and
Mr. Ashish Sharma for
Mr. Ashvin Garg

For Respondent(s) : Mr. N.S.Dhakar-PP
Mr. Devi Singh -PP

JUSTICE ANOOP KUMAR DHAND
Order

17/03/2026

1. By way of filing the instant petition, a challenge has been led to the impugned order dated 30.08.2019, passed by the Judicial Magistrate, Ajmer by which the application submitted by the petitioner under Sections 451 and 457 Cr.P.C., seeking supurdagi of the vehicle bearing No. RJ-01TA-3788, has been rejected.
2. Aggrieved by the aforesaid order, a revision petition was submitted by the petitioner before the Court of Additional Sessions Judge No. 3, Ajmer, however, the same was also rejected vide impugned order dated 06.11.2019 and the order dated 30.08.2019 passed by the Judicial Magistrate, Ajmer was upheld.
3. Counsel for the petitioner submits that the application submitted by the petitioner, seeking supurdagi of the vehicle, has not been decided on its merit but the same has been rejected on a technical count that the Magistrate has no jurisdiction to entertain

such application. Counsel submits that the learned Magistrate has the jurisdiction to entertain such application even if the offence is punishable under the Rajasthan Excise Act. In support of his contentions, counsel has placed reliance upon the judgment passed by the Co-ordinate Bench of this Court at Principal Seat, Jodhpur in the case of **Sanjay Kumar @ Sonu V. The State of Rajasthan through Public Prosecutor** in S.B. Criminal Misc. Petition No. 1175/2018, decided on 13.11.2018.

4. Per contra, learned Public Prosecutor opposes the arguments raised by counsel for the petitioner and submits that no illegality has been caused by the Courts below, which warrants any interference of this Court.

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

6. Perusal of the record indicates that the vehicle in question was found to be carrying illicit liquor for which a criminal case under Section 19/54 of the Rajasthan Excise Act, 1950 was registered and subsequently, the subject vehicle was seized by the Investigating Agency. Thereafter, the petitioner submitted an application, under Sections 451 and 457 Cr.P.C. for release of the aforesaid vehicle, before the Court of Judicial Magistrate, Ajmer, however, the same was rejected on the ground that he has no jurisdiction to hear, entertain and decide the said application.

7. Section 69(2B) of the Rajasthan Excise Act, 1950 states that whenever any article/vehicle is seized by the concerned authority, the District Excise Officer alone has the jurisdiction to decide the application seeking delivery/disposal of such property and no

Court, Tribunal or any other authority has the jurisdiction to entertain such application.

8. In the considered opinion of this Court, the Courts below have not committed any error in rejecting the application submitted by the petitioner on the ground of lack of jurisdiction, hence this Court finds no error in the impugned orders passed by the Courts below, which warrants any interference of this Court.

9. Accordingly, the present petition stands disposed of, granting liberty to the petitioner to file an appropriate application before the concerned Authority seeking supurdagi of the subject vehicle. In case, such application is submitted by the petitioner within a period of four weeks from today, it is expected from the said authority to decide the same strictly in accordance with law ignoring the period of limitation.

10. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J