

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



S.B. Criminal Miscellaneous (Petition) No. 7879/2018

Shokat Ali @ Shokat S/o Jasmal, R/o House No.116, Block-1,
Near Hotel, Jamalgarh Road, Jamalgarh, Police Station Punhana,
District Noonh Mewat, Haryana.

----Petitioner

Versus

State of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s) : Mr. Hemendra Goyal

For Respondent(s) : Mr. Jitendra Singh Rathore, PP

**JUSTICE ANOOP KUMAR DHAND
Order**

22/04/2026

1. By way of filing the instant petition, a challenge has been led to the impugned order dated 30.10.2018 passed by the Court of the Additional Sessions Judge, Kaman, District Bharatpur in Criminal Case No.524/2018, by which the application submitted by the petitioner for getting supurdagi of the vehicle in question i.e., Tata Zest Car bearing registration No.RJ02-TA-2765 has been rejected.

2. Learned counsel for the petitioner submits that nothing has been recovered from the aforesaid vehicle, but in spite of above the subject vehicle has been illegally seized by the police only on the ground that the recovery of bovine and illicit liquor was effected from another seized vehicle cantra bearing registration No.GJ-15-YY-7727 which was escorted by the vehicle in question. He further submits that under these circumstances, an application was submitted by the petitioner for release of the aforesaid vehicle in question on supurdagi, but the same has been rejected by the

Court below, not on merits, but on technical grounds that the Concerned Court has no jurisdiction to entertain such application.

3. Learned counsel further submits that neither the provisions contained under the The Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995 (for short 'the Act of 1995'), nor the Rajasthan Excise Act, 1950 are applicable in the instant case, because no such recovery of bovine or illicit liquor has been effected from the vehicle in question. Hence, under these circumstances, the Concerned Court did not had the jurisdiction to entertain the aforesaid application for supurdagi of the subject vehicle to the petitioner. Hence, under these circumstances, the Court below has committed an error in passing the impugned order.

4. *Per contra* learned Public Prosecutor oppose the prayer and submits that as per the allegations levelled in the FIR, the subject vehicle was escorting the other vehicle from which the bovine and illicit liquor has been recovered. He further submits that the subject vehicle is also equally liable to be seized as the offence pertains to Section 16/54 of the Rajasthan Excise Act and Section 5/8 of the Act of 1995. He further submits that in presence of a statutory bar with regard to jurisdiction of Civil Courts under the Rajasthan Excise Act, the jurisdiction to entertain application/appeal with regard to release of such seized vehicles lies with the Commissioner Excise only. Hence, under these circumstances, the Court below has not committed an error in passing the impugned order, which warrants an interference of this Court and the instant petition is liable to be rejected.

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

6. Perusal of the FIR and the allegations levelled therein indicates that the subject vehicle was escorting the other vehicle from which recovery of bovine and illicit liquor has been effected, hence, both the vehicles were seized by the Investigating Officer.

7. It is the settled preposition of law, that whenever, there is a statutory bar under the statutory Act with regard to jurisdiction of a Criminal/Civil Court then, under such circumstances such Court has no jurisdiction to entertain the application seeking supurdagi of the vehicle and release the same on Supurdaginama.

8. Considering the aforesaid statutory bar contained under the Rajasthan Excise Act, the Court below has not committed any error in passing the order impugned which warrants any interference of this Court. This Court finds no error in the impugned order passed by the Court below and the instant petition is liable to be and is hereby rejected. However, the petitioner would be at liberty to move an application for supurdagi, if so advise by the concerned authority under the Rajasthan Excise Act. In case, such application is submitted before the concerned authority, it is expected from the said authority to pass appropriate order strictly in accordance with law.

9. With the aforesaid observation and direction, the instant petition stands dismissed. Stay application and all pending application(s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J