



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



S.B. Criminal Revision Petition No. 1287/2026
CNR: RJHC020638342026 | URN: CRLR / 2337U / 2026

Hamir Bhima Bhai Son Of Shri B.R. Chaiya, Aged About 47 Years,
Resident Of Village Vira, Tehsil Anjar, District Kutch, Gujarat
Through His Power Attorney Holder. Nainaram S/o Shri
Bhomaram, Resident Of Panchiyo Ki Dhani, Gudamalani, District
Barmer, Rajasthan. (Registered Owner Of Tanker No. GJ-12-BW-
7909)

-----Petitioner

Versus

- 1 State Of Rajasthan, Through Public Prosecutor.
- 2 The District Collector, Ajmer, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Anil Goel,
Mr. Himanshu Hada
For Respondent(s) : Mr. Manvendra Singh, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

Date of conclusion of arguments 15/10/2026
Date on which the judgment was reserved 15/10/2026
Whether the full judgment or only the operative part is pronounced **Full Judgment**
Date of pronouncement 27/10/2026

1. By way of the instant criminal revision petition, the petitioner has assailed the order dated 20.04.2026 passed by the learned Additional Sessions Judge No.3, Ajmer whereby Criminal Appeal No.34/2024 preferred by the petitioner against the order dated 20.03.2024 passed by the District Collector, Ajmer under Section 6-A of the Essential Commodities Act, 1955 (in short, 'the Act of



1955') has been dismissed and the order imposing a penalty of Rs.23,59,375/- in respect of tanker bearing registration No. GJ-12-BW-7909 has been affirmed.

2. Briefly stated, on 21.03.2022 upon receiving information regarding the illegal transportation and storage of petroleum products, a team constituted under the directions of the District Supply Officer, Ajmer, along with the police, conducted an inspection in the Palra Industrial Area, Ajmer. During the inspection, the aforesaid tanker was found carrying 40,000 litres of composite solvent and it was alleged that the solvent was being transferred into plastic bottles and sold as turpentine oil. Thereafter, the tanker along with the seized commodity and other articles was taken into custody and an FIR bearing No.385/2022 was registered at Police Station Adarsh Nagar, Ajmer and proceedings under Section 6-A of the Act of 1955 were initiated before the District Collector, Ajmer, who vide order dated 20.03.2024, imposed a penalty of Rs.23,59,375/- in respect of the seized tanker. The appeal preferred by the petitioner against the said order came to be dismissed by the learned appellate court vide order dated 20.04.2026.

3. Learned counsel for the petitioner submits that the impugned orders are contrary to law and the material available on record. It is contended that although the petitioner is the registered owner of the tanker in question, no material has been brought on record to establish his knowledge or connivance in the alleged illegal transportation of the seized commodity. Learned counsel further submits that after investigation, a charge-sheet was filed in this





matter, wherein the petitioner was cited as a prosecution witness (PW-8) and not as an accused, which demonstrates the absence of any material indicating his culpability. It is also contended that the FIR No. 385/2022 was registered after an unexplained delay of more than five months from the date of seizure.

4. Learned counsel further submits that the value of the seized composite solvent was assessed at Rs.23,59,375/-, whereas the insured declared value of the tanker was Rs.37,00,000/- and the penalty imposed is grossly disproportionate. It is further contended that the second proviso to Section 6-A(1) of the Act of 1955, provides that the statutory scheme contemplates an option to pay a fine in lieu of confiscation in respect of a vehicle used for carrying goods or passengers for hire. Therefore, it is prayed that the impugned orders be set aside and the tanker be released upon appropriate reduction of the penalty. In this regard, counsel for the petitioner has placed reliance on the judgment passed by Hon'ble Apex Court in the case of **Denash v. State of Tamil Nadu, 2025 INSC 1258; Bishwajit Dey v. State of Assam, 2025 INSC 32; Sunderbhai Ambalal Desai v. State of Gujarat, (2002) 10 SCC 283** and order passed by Punjab & Haryana High Court in the matter of **Balwinder Singh v. State of Punjab, Criminal Revision No. 711 of 1997**, decided on 17.09.1997.

5. Per contra, learned Public Prosecutor opposes the arguments made by counsel for the petitioner and submits that the impugned order has been passed after due consideration of the facts and the applicable statutory provisions. It is contended that proceedings



under Section 6-A of the Act of 1955 are independent of criminal prosecution and that the absence of a charge against the petitioner does not, by itself, bar confiscation proceedings or the imposition of a fine in lieu of confiscation, therefore, the present petition may be dismissed.

6. Heard learned counsel for the parties and perused the material available on record.

7. Before adverting to the rival submissions, it is apposite to reproduce the relevant provisions of the Act of 1955, which are as under:-

“6-A. Confiscation of foodgrains, edible oilseeds and edible oils.—

[(1)] Where any [essential commodity is seized] in pursuance of an order made under Section 3 in relation thereto,[a report of such seizure shall, without unreasonable delay, be made to] the Collector of the district or the Presidency-town in which such [essential commodity is seized] and whether or not a prosecution is instituted for the contravention of such order, the Collector, [may, if he thinks it expedient so to do, direct the essential commodity so seized to be produced for inspection before him, and if he is satisfied] that there has been a contravention of the order [may order confiscation of—

- (a) the essential commodity so seized;
- (b) any package, covering or receptacle in which such essential commodity is found; and
- (c) any animal, vehicle, vessel or other conveyance used in carrying such essential commodity

Provided that without prejudice to any action which may be taken under any other provision of this Act, no foodgrains or edible oilseeds seized in pursuance of an order made under Section 3 in relation thereto from a producer shall, if the seized foodgrains or edible oilseeds have been produced by him, be confiscated under this section:





Provided further that in the case of any animal, vehicle, vessel or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyance.

(2) Where the Collector, on receiving a report of seizure or on inspection of any essential commodity under sub-section (1), is of the opinion that the essential commodity is subject to speedy and natural decay or it is otherwise expedient in the public interest so to do, he may—

(i) order the same to be sold at the controlled price, if any, fixed for such essential commodity under this Act or under any other law for the time being in force; or

(ii) where no such price is fixed, order the same to be sold by public auction:

Provided that in case of foodgrains, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price fixed by the Central Government or by the State Government, as the case may be, for the retail sale of such foodgrains to the public.

(3) Where any essential commodity is sold, as aforesaid, the sale proceeds thereof, after deduction of the expenses of any such sale or auction or other incidental expenses relating thereto, shall—

(a) where no order of confiscation is ultimately passed by the Collector,

(b) where an order passed on appeal under sub-section (1) of Section 6-C so requires, or

(c) where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under this section, the





person concerned is acquitted, be paid to the owner thereof or the person from whom it is seized.”

Section 6-B of Act of 1955 is reproduced as under:-

“6-B. Issue of show-cause notice before confiscation of essential commodity.—

[(1)] No order confiscating any [essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance] shall be made under Section 6-A unless the owner of such [essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance] or the person from whom [it is seized]—

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the 42[essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance];

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) is given a reasonable opportunity of being heard in the matter.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any animal, vehicle, vessel or other conveyance shall be made under Section 6-A if the owner of the animal, vehicle, vessel or other conveyance proves to the satisfaction of the Collector that it was used in carrying the essential commodity without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the animal, vehicle, vessel or other conveyance and that each of them had taken all reasonable and necessary precautions against such use.

(3) No order confiscating any essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance shall be invalid merely by reason of any defect or irregularity in the notice given under clause (a) of sub-section (1), if, in giving such notice, the provisions of that clause have been substantially complied with.”

8. Upon perusal of the statutory scheme contained in Sections 6-A and 6-B of the Act of 1955, it is clear that the Collector is empowered to initiate proceedings for confiscation of an essential





commodity, as well as the vehicle used for carrying such commodity, upon being satisfied that there has been a contravention of an order made under Section 3 of the Act of 1955. The exercise of such power is not dependent upon the institution of criminal proceedings against the owner of the vehicle, as Section 6-A expressly contemplates confiscation proceedings irrespective of whether a prosecution is instituted for the contravention in question and the mere fact that the petitioner has not been charge-sheeted or prosecuted as an accused in the criminal case does not by itself render the proceedings initiated under Section 6-A of the Act unsustainable. The proceedings for confiscation are distinct from criminal prosecution and are governed by the statutory scheme contained in the Act of 1955 and the institution of proceedings under another enactment, including the Narcotic Drugs and Psychotropic Substances Act, 1985, would not in the absence of any statutory bar, divest the Collector of the jurisdiction expressly conferred upon him under the Act of 1955.

9. Furthermore, Section 6-B(2) of the Act of 1955 incorporates a specific safeguard in favour of the owner of a vehicle by providing that no order of confiscation shall be made if the owner establishes, to the satisfaction of the Collector, that the vehicle was used for carrying the essential commodity without the knowledge or connivance of the owner himself or his agent and the person in charge of the vehicle and that each of them had taken all reasonable and necessary precautions against such use.



However, the protection envisaged under this provision is conditional and cannot be claimed merely on the basis of an assertion that the owner had no knowledge of the illegal activity. The owner is required to establish the requisite facts before the competent authority and demonstrate that all reasonable and necessary precautions were taken to prevent the vehicle from being used for the prohibited purpose.

10. In the present case, the petitioner is admittedly the owner of the tanker which was found carrying 40,000 litres of composite solvent and seized on 21.03.2022. The contention that the petitioner was not arrayed as an accused in the criminal proceedings and was rather cited as a prosecution witness does not by itself establish that he had no knowledge of the transportation in question or that all reasonable and necessary precautions had been taken to prevent the vehicle from being used for such purpose. The proceedings under Section 6-A of the Act of 1955 are independent of criminal prosecution and the petitioner has failed to establish before the Collector the requisite conditions for availing the protection under Section 6-B(2) of the Act of 1955. Accordingly, his non-prosecution in the criminal case does not furnish a ground to invalidate the confiscation proceedings or warrant interference with the orders passed by the authorities below.

11. As regards the reliance placed by learned counsel for the petitioner on the judgment of **Denash** (supra) in support of the application for supurdgi, the same is distinguishable, as the said



judgment was passed under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, whereas the present case concerns confiscation proceedings under the Act of 1955. The two enactments contain distinct statutory provisions governing the confiscation of vehicles and the protection available to their owners.

12. Furthermore, the reliance placed on the order passed by the Punjab and Haryana High Court in **Balwinder Singh** (supra) is also misplaced, as the question involved therein pertained to the release of a vehicle on supurdgi while the confiscation proceedings were yet to be concluded by the Collector. However, in the present case, the Collector has already passed an order under Section 6-A of the Act of 1955, which has subsequently been affirmed by the learned appellate court, therefore, the aforesaid judgment does not advance the case of the petitioner.

13. In view of the foregoing discussion, the present criminal revision petition is hereby dismissed and the order dated 20.04.2026 passed by the learned Additional Sessions Judge No3, Ajmer affirming the order dated 20.03.2024 passed by the District Collector, Ajmer, is upheld.

14. All pending application(s), if any, also stand disposed of.

(PRAVEER BHATNAGAR),J

87-S/KESHAV GHIYA