HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 6324/2023

1. Kanhaiya Lal Soni S/o Shri Mal Chand Soni, Aged About 73 Years, B/c Soni Resident Of Ward No. 23, Ladnu Road, Behind Chungi Naka, Sujangarh, District Churu.
2. Manoj Nai S/o Shri Inder Chand Nai, Aged About 39 Years, B/c Nai Resident Of Badi Bas, Charmalon Ki Haveli, Ward No. 26, Sujangarh, District Churu.

----Petitioners

Versus

1. The State Of Rajasthan, Through The Joint Secretary (Excise), Rajasthan State Excise Department, Government Of Rajasthan, Jaipur.
2. The Excise Commissioner, 2, Gumaniawala, Panchwati, Udaipur 313001
3. The District Collector, District Churu
4. The Sub Divisional Officer, Tehsil Sujangarh, District Churu.
5. The District Excise Officer, Churu
6. The Commissioner, Municipal Council, Sujangarh

----Respondents

For Petitioner(s)	:	Mr. M.M. Dhera on behalf of Mr. Abhinav Jain
For Respondent(s)	:	Mr. Mahaveer Bishnoi, AAG Mr. Kshitiz Vyas Mr. Karan Singh Shekhawat Mr. Pawan Singh Rathore

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

24/11/2025

1. This Court notes with profound concern that the State of Rajasthan continues to witness an alarming rise in fatal road accidents, leading to the tragic and avoidable loss of valuable

human lives. In a separate suo motu proceeding concerning "Road and Public Safety," this Court has already recorded deep anguish over recurring incidents in which nearly one hundred persons lost their lives within a short span of two weeks, as widely reported in leading newspapers. Such accidents, arising from failures in regulation, enforcement, and infrastructural safety, constitute a grave infraction of the constitutional guarantee under Article 21 of the Constitution of India.

1.1. Recent data published in the NDTV Rajasthan report dated 06.11.2025 and the Hindustan Times (Jaipur Edition) dated 06.11.2025 indicate a steep rise of nearly 8% in cases of drunk driving in the State of Rajasthan during the year 2025. While 40,715 such cases were recorded in 2024, the figure has already escalated to 43,788 by September 2025, marking an alarming increase of approximately 7.55%. This surge is not a statistical anomaly but stands reflected in severe and recurring consequences on public safety and human life.

1.2. Within a span of merely two days, at least 28 deaths have occurred in two major road accidents—12 deaths and 10 grievous injuries in Jaipur's Harmada area when a speeding dumper truck rammed into 17 vehicles, and 15 deaths in Phalodi on NH-15 when a traveller bus collided with a stationary trailer. These incidents demonstrate that alcohol misuse and reckless driving have reached dangerous proportions, posing a direct threat to the fundamental right to life under Article 21.

1.3. The preventable loss of life due to such incidents is wholly unacceptable in a society governed by the rule of law. Against this backdrop, the issue raised in the present petition regarding the location of liquor shops adjacent to highways assumes enhanced significance. The proximity of liquor vends to highways, and the ease of accessibility along accident-prone stretches, have been judicially recognised as factors requiring strict regulation in the interest of public safety.

1.4. The gravity of the issue stands amplified by the observations made by the Hon'ble Supreme Court in ***State of Tamil Nadu v. K. Balu (Civil Appeal Nos. 12164-12166 of 2016 decided on 31.03.2017)***, wherein reference was made to official data published by the Union Ministry of Road Transport and Highways (Transport Research Wing) in its report *"Road Accidents in India – 2015."* The Supreme Court recorded the alarming scale of accidents attributable to over-speeding and intake of alcohol/drugs in the following terms:

> *"The Union Ministry of Road Transport and Highways in its Transport Research Wing has brought out a publication titled 'Road Accidents in India – 2015'. The cover depicts in rather graphic terms vehicles involved in car crashes. There is a large group of persons assembled in the foreground, an ambulance bearing the '108' logo and a police car. Familiar sights on Indian roads. The publication tells us that:*
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> *'11.1 During 2015, within the category of drivers' fault, accidents caused and persons killed due to 'Exceeding lawful speed' accounted for 62.2 per cent (2,40,463 out of 3,86,481 accidents) and 61.0 per cent (64,633 out of 1,06,021 deaths), respectively. Taking into account total road accidents and total road-accident killings, the share of over-speeding comes to 47.9 per cent (2,40,463 out of*

5,01,423 accidents) and 44.2 per cent (64,633 out of 1,46,133 deaths), respectively.

11.2 Intake of alcohol/drugs by drivers resulted in 16,298 road accidents and 6,755 fatalities in 2015. Within the category of drivers' fault, intake of alcohol/drugs accounted for 4.2 per cent and 6.4 per cent respectively. Taking into account total road accidents and total road-accident killings, the share comes to 3.3 per cent (16,298 out of 5,01,423 accidents) and 4.6 per cent (6,755 out of 1,46,133 deaths), respectively.'

The total number of persons killed in road accidents on national highways was 48,768 in 2012 and 51,204 in 2015. In 2014, national highways witnessed 1.24 lakh accident cases resulting in 1.35 lakh persons injured and 46,110 deaths; state highways witnessed 1.13 lakh accidents resulting in 1.24 lakh injured and 39,352 deaths; expressways witnessed 4,208 accident cases, 4,229 injured and 1,802 deaths. In 2014, over-speeding caused 1.81 lakh injuries and 48,654 deaths; dangerous driving caused 1.38 lakh injuries and 42,127 deaths; and 7,307 cases involving driving under the influence of alcohol/drugs resulted in 7,398 injuries and 2,591 deaths. In regard to the figures of death or injury due to drunken driving, there is a tendency to under-estimate or under-report in order not to impede the right of victims and/or their legal heirs to receive compensation.'"

These observations underscore the magnitude of the challenge and the compelling necessity to ensure that liquor vends are not permitted to function in a manner that increases accessibility along highways, thereby exacerbating accident-related vulnerabilities already documented nationally.

1.5. It was keeping in mind the aforesaid concern, and the larger implications on road and public safety, that this Court, vide order dated 06.10.2025, directed the Excise Commissioner to file a detailed affidavit affirming strict compliance with Rule 75 of the Rajasthan Excise Rules, 1956 (hereinafter referred to as 'Rules of 1956'), as well as the binding directions of the Hon'ble Supreme Court in ***K. Balu (supra)*** and its subsequent clarificatory orders.

2. In compliance of the above direction, learned Additional Advocate General has placed before this Court the affidavit filed by the Excise Commissioner, and has specifically drawn attention to paragraph 1 thereof. Paragraph 1 of the affidavit reads as under:

> *"1. That in present writ petition vide order dated 06.10.2025 Hon'ble Court directed that to ensure adherence to the statutory and constitutional mandate the Excise Commissioner, Rajasthan, to file a detailed affidavit affirming that no liquor shop within the State of Rajasthan is operating in violation of Rule 75 of the Rajasthan Excise Rules, 1956 or the directions issued by the Hon'ble Supreme Court in State of Tamil Nadu v. K. Balu and Kanagachettikulam Makkal Podhunala Eyakkam v. Union of India, therefore, in pursuance of direction of Hon'ble Court present deponent submit this affidavit."*

2.1 Learned Additional Advocate General has taken this Court through paragraph 2 of the compliance affidavit, wherein the Excise Department has reproduced the statutory and judicial framework governing the location of liquor vends along National and State Highways. For ready reference, the paragraph 2 is reproduced herein below:

> "2. That it is submitted that Hon'ble Supreme Court in case of State of Tamil Nadu represented by its Secretary Home, Prohibition and Excise Department and others vs. K Balu and

another vide order dated 15.12.2016 issued the following directions to the States and Union Territories :-

> 29.1 All states and union territories shall forthwith cease and desist from granting licences for the sale of liquor along national and state highways;
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> 29.2 The prohibition contained in (i) above shall extend to and include stretches of such highways which fall within the limits of a municipal corporation, city, town or local authority;
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> 29.3 The existing licences which have already been renewed prior to the date of this order shall continue until the term of the licence expires but no later than 1 April 2017;
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> 29.4 All signages and advertisements of the availability of liquor shall be prohibited and existing ones removed forthwith both on national and state highways;
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> 29.5 No shop for the sale of liquor shall be (i) visible from a national or state highway; (ii) directly accessible from a national or state highway and (iii) situated within a distance of 500 metres of the outer edge of the national or state highway or of a service lane along the highway."

Subsequently, on 31 March 2017, Hon'ble Apex Court further considered whether a relaxation of the distance of 500 meters was warranted in relation to the limits of local bodies with a population of less than 20,000 people. Hon'ble Supreme Court clarified that the prohibited distance within the limits of local bodies with a population of less than 20,000 people should be restricted to 220 meters of the outer edge of a national or State highway or of a service lane along the highway. Consequently, Hon'ble Supreme Court directed that the following operative direction be inserted in the earlier judgment dated 15 December 2016, namely:

> "In the case of areas comprised in local bodies with a population of 20,000 people or less, the distance of 500 meters shall stand reduced to 220 meters."

Subsequently, on 11 July 2017, in Arrive Safe Society of Chandigarh Vs. Union Territory of Chandigarh & Anr., Hon'ble Supreme Court further clarified the matter in the following terms:

> "The purpose of the directions contained in the order dated 15-12-2016 is to deal with the sale of liquor along and in proximity of highways properly understood, which provide connectivity between cities, town and villages. The order does not prohibit licensed establishments within municipal areas. This clarification shall govern other municipal areas as well. We have considered it appropriate to issue this clarification to set at rest any ambiguity and to obviate repeated recourse to IAs, before the Court."

Subsequently again on 23 February 2018, an order was passed by Hon'ble Court in State of Tamil Nadu rep by Sec. & Ors. Vs K Balu & Anr., in a batch of Miscellaneous Applications in the following terms:

> "8 Having regard to these directions, we are of the view that the state governments would not be precluded from determining whether the principle which has been laid down by this Court in the order dated 11 July 2017 in Arrive Safe Society (supra) should also apply to areas covered by local self governing bodies and statutory development authorities. **We are inclined to allow the state governments to make this determination since it is a question of fact as to whether an area covered by a local self-governing body is proximate to a municipal agglomeration or is sufficiently developed as to warrant the application of the same principle.** In deciding as to whether the principle which has been set down in the order dated 11 July 2017 should be extended to a

local self-governing body (or statutory development authority) the state governments would take recourse to all relevant circumstances including the nature and extent of development in the area and the object underlying the direction prohibiting the sale of liquor on national and the state highways. The use of the expression 'municipal areas' in the order dated 11 July 2017 does not prevent the state governments from making that determination and from taking appropriate decisions consistent with the object of the orders passed by this Court. We leave it open to individual licensees to submit their representations to the competent authorities in the state governments if they are so advised upon which appropriate decisions may be taken by the state governments. We have issued this general direction to obviate both litigation before the High Courts and repeated recourse to applications to this Court."

The above clarification indicated that the State Governments would not stand precluded from determining whether the principle which was laid down in the order dated 11 July 2017 in Arrive Safe Society of Chandigarh (supra), should also apply to areas covered by local self-governing bodies and statutory development authorities and the expression 'municipal areas' in that order would not prevent the State Governments from taking appropriate decisions consistent with the orders passed by the Hon'ble Supreme Court.

The original order dated 15 December 2016 in K Balu which prescribed an inflexible distance requirement of 500 meters from the outer edge of a national or State highway has since been clarified in the subsequent orders of Hon'ble Supreme Court.

In K Balu (supra), which was decided on 15 December 2016, Hon'ble Supreme Court indicated that no shop for the sale of liquor shall, inter alia, be situated within a distance of 500 meters of the outer edge of a national or State highway or of a service lane along the highway. Subsequently, on 31

March 2017, Hon'ble Supreme Court relaxed the prescription in the case of local bodies with a population 20,000 people or less where the distance was reduced from 500 meters to 220 meters from the outer edge of a National or State Highway. On 11 July 2017, in Arrive Safe Society of Chandigarh (supra), Hon'ble Supreme Court further clarified that the order dated 15 December 2016 does not prohibit licensed establishments within municipal areas. On 23 February 2018, Hon'ble Supreme Court has left it to the State Governments to determine whether the same principle should be extended to areas covered by local self-governing bodies and statutory development authorities and the use of the expression 'municipal areas' in the order dated 11 July 2017 will not preclude such an exercise.

In view of these directions of Hon'ble Supreme Court the finance department as well as excise department vide letter dated 21.08.2018 issued the directions for compliance of the directions issued in case of K Balu (supra). Copies of the letters dated 21.08.2018 are submitted herewith and marked as **Annexure-A/1** collectively."

3. The affidavit states that these clarifications collectively indicate that although the original 500-metre buffer mandated strict prohibition, subsequent directions permitted limited factual determination by the State in respect of local bodies and development authorities. In pursuance thereof, the Finance Department and Excise Department issued instructions dated 21.08.2018.

4. Learned counsel for the petitioner has invited attention to the directions issued by the Hon'ble Supreme Court in *State of Tamil Nadu v. K. Balu* (supra), wherein the Hon'ble Apex Court permitted the State Government to undertake a factual determination as to whether an area governed by a local self-governing body is proximate to a municipal agglomeration or is

sufficiently developed so as to warrant extension of the same treatment as municipal areas.

4.1. It is submitted that, in the garb of this limited discretion, the respondent-State has proceeded to operate liquor shops on National and State Highways by classifying such stretches as falling within municipal or local body limits.

4.2. Learned counsel further submits that the manner in which the discretion has been exercised amounts to a mockery of the intent of the Hon'ble Apex Court, **as the respondents have permitted the operation of 1102 liquor shops on National and State Highways in Rajasthan by treating those** locations as falling within municipal areas or local bodies. In support of this contention, learned counsel has drawn attention to the following averments contained in the counter affidavit filed by the State: -

> "3. That it is submitted that **out of total 7665 liquor shops in State about 1102 liquor shops are located on the highways and State highways which are came under the periphery of urban/municipal areas and all these shops are located as per the direction given by the Hon'ble Supreme Court in connection to areas covered by local self-governing bodies and statutory development authorities.** It is also submitted that in case of shops located in Municipal areas total revenue of Rs. 2221.78 crores is involve.
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> 4. That it is submitted that respondent department with regard to the locations of shop always follow the relevant provisions of law and with regard to the proper mechanism for the business of liquor shops in this year the respondent department also introduce the new Excise and Temperance Policy, 2025-2029 to minimize the revenue loss to the State. It is also submitted that various times the various litigation occurred due to personal interest and trade competition

between the licensees. In new Policy Auto Approval of location is allowed and if after auto approval any location is found not according to Excise Rules during inspection by District Excise Officer then Excise Department cancel it and License holder has to pay location transfer fees to shift the liquor shop. Penalty provisions/fee have deterrent effect on the license holder ensuring compliance of the rules. It is also submitted that this auto approval process has encouraged ease of doing business, reduce red tapism, unnecessary dealys and led to successful settlement and operation of liquor shops. It is further submitted that presently the Excise Department make necessary efforts to follow the provisions of law and directions of Hon'ble Supreme Court and further if regarding the violation of the Excise rules and direction given by Hon'ble Supreme Court is found then time-to-time respondent department has taken the action against the license holders as per the due procedure of law. ”

4.3. The above averments, as pointed out by learned counsel for the petitioner, reflect the State’s own admission that out of a total of 7665 liquor shops in the State, about **1102 shops** are situated on National and State Highways on the premise that they fall within urban municipal areas or local bodies. It is submitted that such an approach defeats the very intention of the Hon’ble Apex Court to restrict and prohibit the proximity of liquor shops to highways, particularly when this Court itself has been passing the following orders in this matter:—

<u>On 03.11.2025</u>

1. As directed by this Court, an affidavit has been filed by the respondent no.2-State regarding the liquor shop’s location in a prohibited zone. The affidavit indicates that certain issues need to be addressed, particularly with respect to the National Highway and State Highway and a circular which expands the purview of the statute, i.e. Rule 75 of the Rajasthan Excise Rules, 1956.

2. As directed by this Court, the Excise Commissioner is present before this Court and has submitted that all efforts are being made to ensure that the excise law is not violated and that locations are reasonably determined.

3. Learned Additional Advocate General appearing for the respondents-State has made detailed submissions on the position of law with the aid of guiding precedents.

4. The concern of this Court still remains with respect to the shops which are situated absolutely near or easily accessible from the National Highway and State Highway, and also with respect to the shops where the distance parameters from the boundary of the prohibited zone have been relaxed by means of the circular.

5. Learned counsel for the petitioner is directed to further prepare the matter for addressing these issues.

6. Learned AAG is also directed to address the Court on these issues before any final order is passed.

7. List the matter on 11.11.2025. The presence of the Excise Commissioner shall not be required on the next date of hearing.

On 16.10.2025:

1. Matter was listed before this Court on 06.10.2025. Specific directions were issued for ensuring strict compliance of Rule 75 of the Rules of 1976.

2. An affidavit has been filed by the Excise Commissioner asserting that Rule 75 of the Rules of 1956 is being strictly complied with.

3. Excise Commissioner shall remain present in the Court on the next date as it is apparent that the guidelines, as laid down by the Hon'ble Supreme Court for installing the liquor shops, are being rampantly violated all over Rajasthan. He would be present along with the details as to what steps have been taken to remove the liquor shops from the places, where they are operating in violation of directions issued by the Hon'ble Supreme Court and this Court from time to time, more particularly with respect to distance from the educational institutions, religious places, national highways and state highways.

4. Counsel for the petitioner may file counter-affidavit along with photographs.

5. List again on 3rd November, 2025.”

5. Learned AAG submits that locations falling within municipal areas do not come within the ambit of the excise restriction applicable to highways, as the definition and alignment of highways have undergone changes pursuant to subsequent clarifications and administrative notifications. It is submitted that, in light of these developments, the liquor shops in question have been treated as operating within municipal or local-body jurisdictions and therefore do not violate the directions of the Hon’ble Apex Court or Rule 75 of the Rules of 1956.

6. After examining the facts of the case, this Court finds that the Hon’ble Apex Court, for the purpose of road safety and public safety, imposed categorical restrictions on the location of liquor shops along National and State Highways, while granting limited discretion to the State with the expectation that such discretion would be exercised in a careful and responsible manner. However, the material placed on record shows that the State has failed to implement the mandate in its true spirit. As per the State’s own affidavit, 1102 liquor shops are located on National and State Highways, and the justification advanced is the involvement of revenue amounting to Rs. 2221.78 crores, coupled with the discretion claimed under the directions of the Hon’ble Apex Court and the statutory provisions of the Excise Circular dated 12.05.1975. The constitutional objective of safeguarding public life and safety cannot be subordinated to revenue considerations, and a careful balance must be struck wherein fiscal interests do not

override the paramount requirement of protecting human life and ensuring road safety.

7. This Court expresses **extreme concern regarding the manner in which the directions of the Hon'ble Apex Court have been diluted and the discretion granted to the State Government has been misutilized. The admitted operation of 1102 liquor shops on National and State Highways effectively nullifies the safety objective underlying the Apex Court's orders, as well as the road-safety considerations repeatedly emphasised by this Court**. Such deviation cannot be countenanced, particularly when the State is already witnessing alarming road-accident statistics.

7.1. This Court further observes that the State, being the repository of public trust, was granted a limited discretionary leverage by the Hon'ble Apex Court in K. Balu (supra) to undertake a case-specific factual assessment for permitting liquor shops along National and State Highways only where such stretches legitimately fell within municipal limits. However, the material placed on record reflects that the State has miserably failed in discharging its duty towards road safety and has, in lieu thereof, shattered the very fabric of the safeguards contemplated under the judgment of the Hon'ble Supreme Court by allowing 1102 liquor shops to operate on National and State Highways. Such an indiscriminate invocation of municipal classifications amounts to making a mockery of the discretion cautiously conferred by the Hon'ble Apex Court.

7.2. In the peculiar factual matrix, where the State has not exercised the restraint inherent in the limited discretion granted to it, but has instead expended disproportionate administrative energy in rendering National and State Highways effectively liquor-friendly corridors, this Court is left with no other option but to restore and enforce, in full rigor, the parameters of road safety as delineated by the Hon'ble Supreme Court in K. Balu (supra), so that the protective intent of the law is not reduced to an empty formality.

7.3. This Court further notes that the reply to the counter affidavit filed by the Additional Excise Commissioner, Zone Jodhpur (Raj.) has specifically stated that complaints have been recently registered in connection with violations pertaining to publication, advertisements, signages, and other display materials on liquor shops, the details of which have been furnished in the table reproduced herein below:

राजमार्ग पर मदिरा के प्रचार/विज्ञापन/बोर्ड/होर्डिंग्स के विरूद्ध दर्ज अभियोगों की सूचना		
क सं.	जिला	दर्ज अभियोग
1	टोंक	2
2	जलौर	2
3	भीलवाड़ा	6
4	जैसलमेर	1
5	बाड़मेर	3
6	नागौर	3
7	बूंदी	4
8	बीकानेर	2
9	सिरोही	5
10	चूरू	4
11	दौसा	2
12	जोधपुर	7
13	पाली	6
14	गंगानगर	1
15	सीकर	5
	कुल 53	

7.3.1. These disclosures reinforce the persistent concern of this Court that the safeguards mandated by the Hon'ble Apex Court are not being adhered to in their true spirit.

7.4. This Court finds it imperative to note that in times where urban limits are rapidly expanding and the territorial jurisdiction of Urban Local Bodies is ever widening, any mechanical reliance on such urban expansions to justify the presence of liquor shops along National and State Highways would amount to giving a complete go-by to the statutory scheme and to the policy objective of keeping highways insulated from liquor access. If every intermittent stretch of a National or State Highway is treated as falling within an "urbanisable/urbanised" zone, the entire protective purpose behind the Hon'ble Apex Court's mandate would stand wholly defeated.

8. Thus, keeping in view the statistics disclosed by the State the alarming rise in road accidents, the clear constitutional mandate of protecting human life under Article 21, and the binding directions issued by the Hon'ble Supreme Court in *K. Balu* (supra)—which explicitly emphasise public safety and road safety as the paramount considerations underlying the prohibition on liquor vends along highways and the submissions advanced by learned counsel for the petitioner, Mr. M.M. Dhera, this Court is of the firm view that any liquor shop situated within the restricted limit of 500 metres from a National or State Highway shall not remain operational. The respondents are directed to remove or relocate all liquor shops falling within the prohibited zone, irrespective of whether they fall under municipal areas, local self-

governing bodies or statutory development authorities. It shall be open for the respondents to shift or relocate the said 1102 liquor shops to conforming locations beyond 500 metres within a period of two months. This Court also directs that the State Government shall ensure that no hoardings, signages or advertisements relating to the availability of liquor/liquor shops are visible from the National or State Highways, even while relocating the shops beyond the mandatory distance of 500 metres, in strict and uncompromising adherence to the directions issued by the Hon'ble Supreme Court. The Excise Commissioner shall file a detailed affidavit of compliance before the next date of hearing.

9. List the matter on 26.01.2025.

(SANJEET PUROHIT),J **(DR.PUSHPENDRA SINGH BHATI),J**

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