



HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D. B. Civil Writ Petition (PIL) No. 10192/2022

Priyansha Gupta

----Petitioner

Versus

Union of India & Others.

----Respondents



For Petitioner	:	Ms. Priyansha Gupta petitioner in person.
For Respondents	:	Mr. R.D. Rastogi, Additional Solicitor General assisted by Mr. Rakesh Choudhary Advocate and Mr. Chinmay Sharma Advocate. Mr. Samee Khan Advocate with Mr. Vishnu Dutt Sharma Advocate on behalf of Mr. Bhunesh Sharma Additional Advocate General. Mr. Saurabh Jain Advocate on behalf of Mr. Kinshuk Jain Advocate. Mr. Amar Singh, Deputy Superintendent of Police, Commissionerate, Jaipur present in person.

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

06/05/2025

We have gone through the reply which has been filed by Union of India as also the steps which are stated to have been taken by the State authorities in the Police Department.

We are completely unsatisfied with the manner in which the Police Department of the State has responded in the matter. We had directed an affidavit to be filed by the officer-in-charge in the Police Headquarters, however, affidavit has been filed by a police officer of the Commissionerate, Jaipur.

Therefore, affidavit is not as per the direction of this Court.



The petitioner, who is present is person, brought to the notice of this Court that open online sale of e-cigarettes through various websites needs to be properly and strictly prohibited, but the reply filed by the State does not show any material or any preventive mechanism established, much less implemented. It is also stated that even according to reply of the State, at least at six places online sale and consumption of e-cigarettes was found by the police during raids. The sites claim delivery within 24 hours, meaning thereby that there are warehouses operating at the local level.

We are of the view that a proper preventive mechanism is required to be not only framed but effectively operated as prevention mechanism, if not already framed, to see that illegal operators are not allowed to engage in online sale of e-cigarettes affecting the health of the youth.

From the reply of the both the respondents, it is also seen that about eight sites have been blocked whereas another set of four online sale sites, which were earlier blocked, have been unblocked.

We are of the view that online sale of e-cigarettes needs to be curbed in an effective and strict manner.

We take strong objection and exception that even though this Court had directed officer-in-charge of PHQ to file suitable affidavit, the same was not paid heed to. This mistake in future shall entail serious consequences including personal appearance of the Director General of Police.

Let the Director General of Police now submit a detailed affidavit as to what preventive mechanism has been developed



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and how it is being implemented to prevent online sale of e-cigarettes in the State of Rajasthan. The affidavit should now be filed within an outer limit of two weeks from today.

We repeat our direction that the officer-in-charge in the PHQ, who is dealing with the issue of online sale of e-cigarettes, shall remain present or if not possible for unavoidable reasons, through video conferencing to apprise the Court with regard to necessary steps taken.

List this matter on 07.07.2025 for further orders.

Personal presence of the officer-in-charge present in the Court today is exempted.

(MUKESH RAJPUROHIT),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

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