

The Bihar Excise (Settlement of Licences for retail sale of Country/Spiced country liquor) Rules, 2004

BIHAR

India

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Rule

THE-BIHAR-EXCISE-SETTLEMENT-OF-LICENCES-FOR-RETAIL-SALE of 2004

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The Bihar Excise (Settlement of Licences for retail sale of Country/Spiced country liquor) Rules, 2004 Published vide Notification Bihar Gazette (Extra-ordinary) dated 24th May, 2006 Government of Bihar, Excise and Prohibition Department Notification S.O. No. 1793, dated 22.5.2004. - In exercise of the powers conferred under sub-section (1) and sub-section (3) of Section 89 of the Bihar Excise Act, 1915 the Government of Bihar makes the following Rules superceding the previous rules, instructions and other provisions issued in this regard to the extent, those rules/instructions/provisions are contrary to these Rules, for determination of the amount payable to the Government and its manner in the form of return for grant of exclusive privilege of retail sale of country liquor/spiced country liquor through Auction-cum-Tender system under Section 22 and Section 29 of the said Act.

1. Short title, Extent and Commencement.

(1) These Rules may be called the Bihar Excise (Settlement of Licences for retail sale of Country/Spiced country liquor) Rules, 2004. (2) These (Rules) extend to the whole of the State of Bihar. (3) It shall come into force from dated 1.1.2005.

2. Application of the Rules.

- These Rules shall be applicable to the grant of licence for exclusive privilege of retail sale of country liquor/spiced country liquor through auction-cum-tender system in the manner prescribed hereinafter: Provided that Excise Commissioner shall reserve the right to grant any such licence on

payment of any definite fee, or fee determined as per systematic or identifiical standard or by auction or tender or negotiations, as required in the interest of Excise Revenue of the State.

3. Definition.

- In these Rules, -(a)'Act' means the Bihar Excise Act, 1915; (b)'Auction' means to invite tenders and bids in public auction for granting licence for retail sale of Country Liquor (Including Spiced Country Liquor); (c)'Auctioning Authority' means the Licensing Authority, or any other officer not below the rank of Excise Superintendent, authorised by Licensing Authority to conduct auction and invite tenders; (d)'Auction Purchaser' means the person whose bid or tender is accepted by the Licensing Authority; (e)'Bid' means offer of bidding money by the bidder in excise auction (which includes tender); (f)'Bidding-Money' means offer of a sum of money in respect of licence fee (excluding issue fee) for settlement of any shop or a group of shops in the auction (which includes tender); (g)'Issuance fee' means that portion of consideration for grant of exclusive privilege of retail sale of Country Liquor/Spiced Country Liquor in any shop or group of shops under Section 22 of the Act, which is payable at the rate prescribed by the Board of Revenue, from time to time, on the quantity of liquor to be issued from Country Liquor/Spiced Country liquor warehouses of retail sale by the licensee; (h)'Board' means the Board of Revenue, Government of Bihar; (i)'Country Liquor' includes spiced country liquor and country spirit; (j)'Excise' year means the financial year beginning from 1st April and ending on 31st March of next calendar year; (k)'Highest bidder' means the person who offers maximum bidding money through bid or tender; (l)'Licensing Authority' means the Collector of the District; (m)'Licence fee' means that portion of amount of consideration money for grant of exclusive privilege of retail sale of country liquor/spiced country liquor from any shop or a group of shops under Section 22 of the Act, which is payable by the licensee/auction-purchaser; (n)'Annual minimum guaranteed quantity' means the quantity of guaranteed country liquor (including spiced country liquor) as determined by the Licensing Authority under general or special direction issued by the commissioner of Excise and to be lifted from the bonded warehouse, licensed for the retail shop of the licensee or any other place specified by the Commissioner of Excise during an excise year for the purpose of retail sale by the licensee; (o)'Reserve fee' means the minimum fee of bid assessed under the procedure prescribed by the Commissioner of Excise, a bid less than the reserve fee shall not ordinarily be accepted.

4. Settlement of the right of retail Sale.

(1) Subject to the provisions of these rules and the payment of the bidding money of shop or group of shops as consideration under Section 29 read with Section 22 of the Act, settlement of licence for retail sale of country liquor/spiced country liquor shall be made through auction-cum-tender system, as prescribed hereinafter. (2) Settlement of the aforesaid licences shall be made for an excise year or maximum three excise years, subject to the increase in licence fee and the conditions determined by the Commissioner of Excise from time to time for each succeeding year, or shorter period which will be deemed necessary. (3) Only one licence in prescribed form shall be granted for the following: -(a) retail sale of country liquor/spiced country liquor in sealed bottles and sachets for consumption outside the premises in the country liquor/ spiced country liquor shop. (b) retail sale of country liquor/spiced country liquor in sealed bottles and sachets for consumption on the premises

in the country liquor/spiced country liquor shop.

5. Constitution of Group of Shops.

- Ordinarily, the licence of country liquor including spiced country liquor shops shall be settled in group through auction-cum-tender system.(2)Ordinarily, a group of retail country liquor/spiced country liquor shops, situated in a sub-division, shall be constituted. But, if necessary in the interest of revenue, more than one group of country liquor/spiced country liquor retail shops may be constituted within a sub-division; after including country liquor/spiced country liquor shops situated in another sub-division but within the same circle.(3)the settlement may also be made by combining the groups constituted at the level of sub-divisions in a district in the interest of revenue.(4)The Collector of the district shall be competent to constitute the groups in the aforesaid manner.(5)Without prior permission of the Excise Commissioner, the groups may not be constituted in any other manner.

6. Power to determine minimum guaranteed quantity.

- The Licensing Authority shall be competent to determine the minimum guaranteed quantity of country liquor/spiced country liquor with regard to any shop or any group of shops, as the case may be. But such minimum guaranteed quantity of all the shops or groups of shops of a district shall not be less than the minimum guaranteed quantity determined by the Excise Commissioner for that district.

7. Date of Auction.

- (1)The date of first auction, for any period of settlement in different districts, shall be determined and notified by the Excise Commissioner and he shall make published the dates in the leading newspapers and thereafter communicate the date of auction to the Collector, he shall make published and notified the same as per his discretion, either in the newspapers or notice board in the manner he deems necessary.(2)The Licensing Authority shall within reasonable time, announce the date/ dates of auctions with the following particulars:-(i)date of auction of different country liquor/spiced county liquor shops/ licences;(ii)time and place of auction of licences;(iii)any other particulars or requirements which may be deemed necessary;(iv)the last date, time and place of receiving the documents for participating in the auction.(3)Unless any hindrance arises on account of unavoidable circumstances, the Licensing Authority shall commence the auction proceedings on the date or dates fixed and leave any unsettled shops or group of shops for subsequent auction. If it is necessary to defer the auction on any account, the Licensing Authority shall immediately inform the Excise Commissioner with the deferred date with short description of reasons for such deferment.(4)The licences, which could not be settled on the first date of auction, shall be settled, ordinarily, within ten days. After closing of the auction on the first date, the Licensing Authority shall declare the date of re-auction and as far as possible, he shall notify and announce the programme of re-auction.

8. Sale notification.

(1) Sale notification in Excise Form 127 shall be published with the prior approval of Board of Revenue, ordinarily fifteen days before the date fixed for commencement of first settlement, in which general conditions of auction shall be mentioned, besides other facts. A copy of it shall be pasted for inspection at the collectorate or at the place where auction is held. (2) The notification issued in Excise Form 127 shall include general terms and conditions of the settlement through auction-cum-tender, prescribed by the Excise Commissioner after approval of the Board of Revenue and those terms and it shall be deemed to be included in the conditions of licence. In special circumstances, the sale notification shall be published within less time than fifteen days, under approval of the Excise Commissioner.

9. Display of list of shops or group of shops.

- A list of licences to be granted under auction-cum-tender system including minimum guaranteed quantity and reserved fee, if any, will be displayed in advance in the office of the Licensing Authority, and also at the time of auction.

10. Hall Ticket.

- No person, other than the officers on duty, can enter the place of auction without producing hall ticket. The Excise Superintendent of the district or the Assistant Commissioner of Excise, as the case may be, shall issue hall ticket. Free of cost, to the real bidder or tenderer, or in his absence, to his authorised representative. A bidder, tenderer and authorised representative can make request for additional hall ticket for only one companion for which he shall have to deposit five thousand in cash, which will be refunded after the auction.

11. Qualification for bidding.

- No person shall be allowed to bid in any auction unless he; (a) produces solvency certificate in prescribed form, equivalent to sixth portion of the reserve fee, granted by the sub-divisional office of the sub-division where he resides or owns immovable property: Provided that if he does not produce the solvency certificate, such person may be allowed to bid if he produces cash amount and/or bank draft and/or bank guarantee of the amount of 1/6 of the reserve fee in prescribed form by any Scheduled Bank and is valid for the period of settlement. The cash amount/Bank Draft so produced shall be returned to the unsuccessful auction-participant immediately after the auction is over. But in case of successful auction-participant, it shall be adjusted against advance security, payable under Rule 20. (b) produces an affidavit duly affirmed in prescribed form, giving descriptions of his movable and immovable property and its status and annexed with the affidavit, the copies of documents supporting his title on the property showing in the affidavit; (c) deposits advance money in cash/and or through Bank Draft equivalent to a twelfth portion of determined reserved fee; (d) if he is an arrear holder of excise revenue: Provided that if his name is found in the list of arrear holder of Excise Revenue, he may be allowed to bid only when he makes payment of his entire payable dues

before the auction and give an undertaking on stamp paper that if any further arrears are found due with him as per calculation concerning the said district or any other district, he shall deposit the same within two weeks from the closure of the auction or the commencement of the licence shop or the group of shops, whichever is earlier;(e)if he has been convicted by a criminal court for any non-bailable offence;(f)if his licence has been cancelled during the last five years;(g)if he has been debarred from bidding in auction under the provisions of these Rules;(h)unless he submits commercial taxes clearance/no objection certificate.(i)unless he submits income tax clearance certificate.Note. - In case of any doubt concerning the genuineness of the solvency certificate or any other certificate, the decision of the officer conducting the auction shall be final.

12. Procedure regarding solvency certificate.

(1)Any person, who intends to bid, shall apply to the sub-divisional officer of that sub-division where he resides or owns immovable property, to grant a solvency certificate in prescribed form and he shall mention in his application the details of his movable and immovable property and all particulars of encumbrances thereon, if any. After careful examination on being satisfied, the sub-divisional officer shall certify to the effect that the details furnished by the applicant are true or otherwise, and if he is satisfied, then he shall prepare solvency certificate in prescribed form in triplicate. One copy will be given to the applicant, second copy will be forwarded by the sub-divisional officer to the District Collector concerned and third copy will be kept in the record of sub-division office. If the applicant is a candidate in more than one district, he may obtain additional copy from the Sub-divisional authority by applying for the same;(2)If the bidder is a resident of a place outside the State of Bihar, the solvency certificate filed should be countersigned by the Collector of the district concerned.

13. Reading over and explaining of the general conditions.

- The general conditions concerning auction shall be read over and explained to all persons present before commencement of auction, so that the competitors may clearly understand those conditions on which they have to bid. The general conditions applicable to the retail sale and the special conditions of licence of each category shall also be read over and explained to the intending bidders.

14. Application for participation in auction cum-tender.

(1)The person participating in auction-cum-tender of shop or a group of shops, as the case may be, shall have to apply in accordance with the programme and conditions prescribed in sale notification, in which the following particulars shall be mentioned:(a)Name, father's name, full address of the applicant;(b)Name, nature and situation of the shop or group of shops, for which application has been made;(c)Any other descriptions, documents and certificates etc., mentioned in the sale notification;(2)A sum of money equivalent to a twelfth portion of the reserved fee shall have to be deposited as advance money in cash or through bank draft along with the application as per Rule 11(c) which will be refunded to the unsuccessful participant.(3)If the applicant desires, he may also present his tender for the said shop or group of shops in a sealed envelope, addressed to the Auctioning Authority, along with his application in which the following particulars shall be

mentioned:(a)Name, Father's name and full address of the applicant;(b)Name of the shop or group of shops and its situation, for which the tender is being filled;(c)Annual amount of the licence fee offered for settlement of the shop or group of shops, (in figure and words);(d)Any other particulars, documents, certificates etc., mentioned in the sale notification;(4)the words "Tender for... shop/group of shops for the year" "shall be superscribed on the envelope of the tender."

15. Procedure of auction.

- Auction shall be conducted at the district headquarters, and shall be presided over by the Licensing Authority. If the Licensing Authority may not himself preside over the auction due to any unavoidable reason, he may authorise any person not below the rank of Additional Collector, Superintendent of Excise or Assistant Commissioner of Excise, to preside over the settlement of auction. The entire proceedings of the auction conducted by the said officer shall be forwarded to the Licensing Authority for his consideration.(2)The officer conducting the auction may withdraw any shop/licence before the commencement of the auction, from auction after following the detailed instructions of the Commissioner of Excise, issued before in this regard. He shall also record the reasons of such withdrawal.(3)The bid of the amount lesser than the reserve fee shall not be accepted without prior permission of the Commissioner of Excise.(4)(a)The conducting officer of the auction shall write the name of every bidder and his bidding money in the bid-sheet.(b)The bid-sheet shall be signed by the highest bidder and the two bidders just below him. If the bidders just-below him are not available for signature, or refuse to sign, a note to this effect will be entered in the bid sheet.

16. Acceptance of bid or tenders.

(1)The Auctioning Authority shall not be bound to accept the highest bid or tender or any bid. If the highest bid or tender is not accepted, the licensing officer shall instantaneously declare the date of fresh auction, mentioning the reasons. In such a circumstance, the entire deposited advance money will be refunded to those applicants who do not want to participate in subsequent auction.(2)If the bid amount in any auction is finally accepted, any subsequent offer with regard to that bid shall not be considered. No further negotiation shall be entertained by the Licensing Authority or the officer conducting the auction.

17. Final acceptance of bid.

(a)The recommendation to grant exclusive privilege of retail sale for the shop or group of shops to the person bidding highest, and accepted under Rule 16, shall be sent to the Commissioner of Excise by the Licensing Officer, and after his acceptance a licence will be issued.(b)The amount of highest bid, accepted will be the annual amount of licence fee.

18. Validity of the bid.

- The highest bidder, whose bid has been accepted under Rule 16, may disengage himself from the

auction only if the bid is not accepted by the Excise Commissioner.

19. Payment of Advance Security.

- After the declaration of acceptance of the highest bid by the Licensing Authority, one fourth, portion of the annual licence fee shall be paid by the highest bidder as advance security in the following manner for due execution of a contract:-(a)An amount equivalent to sixth portion of annual licence fee shall be immediately deposited in cash or in the form of Bank Draft. The amount of cash/Bank Draft and that of advance money deposited previously under Rule 11 (a) and Rule 11 (c) respectively, shall be adjusted in part from security amount.(b)The payable remaining amount on account of advance security shall have to be deposited within ten days of auction or before commencement of the licence whichever is earlier.

20. Default in advance Security.

- In case of failure to deposit the amount of advance security, as mentioned in Rule 19, within the prescribed time, the settlement and the licence, if issued, shall stand cancelled and the deposited amount, if any, shall be forfeited to the Government. In such a circumstance, a re-auction or alternative arrangement shall be made by the Licensing Authority.

21. Bar to the defaulter auction-purchaser.

- A defaulter auction purchaser shall be debarred from bidding for the same or any licence within the period of three years of default.

22. Payment of bid money in monthly instalments.

(1)Payment of the bid money payable by the licensee of the shop or a group of shops for a whole excise year, shall be made in twelve equal instalments or as specified in the licence by the Licensing Authority at the time of issue of the licence.(2)The Monthly instalment of the bid-money, specified in the licence and determined under the above sub-rule (1), shall be deposited by the licensee in the Government treasury of that district where the shop or group of shops is situated by 20th day of every month or when the 20th day is a holiday, by next working day. In case of failure to do so, the amount of instalment due shall be adjusted from the security amount paid by the licensee and the licensee shall have to recoup this adjusted amount within the next ten days.(3)Where any licensee fails to deposit the full monthly instalment of licence fee of any month within the prescribed time also fails to recoup the amount adjusted from the security amount under sub-rule (2) within the specified time, his licence shall stand cancelled unless otherwise is ordered by the Licensing Authority and the entire deposited security amount shall be forfeited. Where a licence is cancelled under this Rule, a fresh settlement shall be made through auction-cum-tender system under these Rules.

23. Adjustment/refund of advance security amount.

- The security amount referred in Rule 19 shall be refunded at the end of settlement period if all the dues and claims of the State Government with regard to auctioned shop or a group of shops have already been paid by the licensee. The aforesaid security may be refunded at the earlier stage, too at the discretion of the Licensing Authority. Permission may also be given to adjust the amount of advance security against the amount of the last two instalments payable by the licensee.

24. Commencement of the period of licence.

- A licence issued in favour of any auction-purchaser shall be effective from 1st April of the excise year unless the Licensing Authority orders otherwise. The auction-purchaser shall be liable to pay the bid money from the first day of the licence period, even if the licence has been issued thereafter: Provided that if any shop or a group of shops is settled in the midst of the excise year, the licence shall commence from the date of settlement of the shop or the group of shops. The Licensing Authority shall mention details of the shops/licences to be settled and annual minimum guaranteed quantity to be lifted under those licences and the reserved fees thereof, in the sale notification for every excise year.

25. Monthly division of annual minimum guaranteed quantity and its lifting.

(1) The annual minimum guaranteed quantity of liquor for the whole excise year shall be divided in twelve equal instalments and the auction-purchaser shall have to lift one part thereof every month. If the licence is settled after the commencement of that year, the annual minimum guaranteed quantity and monthly division, accordingly, shall be determined proportionately. A licensee can lift minimum guaranteed quantity of any month till the last working day of that month. If on account of any unavoidable reasons he does not lift the full quantity prescribed for the said month, the licensee may make request to add the quantity, not lifted, in the monthly quota of the next month, provided the full licence fee of that month is deposited. In such a circumstance, the quantity on adding remainder of last month in the monthly quota of next month will be treated as monthly quota; provided further that in no circumstance such monthly quota shall be more than double of the fixed quota of one month. The monthly quantity not lifted till the closing of the last working day of the month shall be forfeited until a special permission to lift the same in subsequent month is given by the Superintendent of Excise or Assistant Commissioner of Excise. (2) The shortfall in lifting of monthly minimum guaranteed quantity of spiced country liquor may be recouped (wholly or partially) by the licensee by lifting additional quantity of country liquor and such additional quantity shall be treated under the monthly minimum guaranteed quantity of spiced country liquor and accordingly only issuance fee shall be payable on this quantity.

26. Lifting of liquor and issuance fee.

- (i) The licensee of country liquor will obtain pass for lifting liquor from liquor ware-house from the Superintendent of Excise/Assistant Commissioner of Excise of the district after depositing the

issuance fee for the quantity to be lifted.(ii)The rate of issuance fee will be determined, from time to time, by the Board of Revenue in conformity with the Policy of the Government and this rate may be different for the monthly minimum guaranteed quantity and quantity lifted beyond the same.(2)Price of the liquor. - In addition to-issuance fee mentioned in sub-rule (1) of this Rule, the licensee will have to pay that price of liquor to the liquor warehouse, the rate whereof shall be determined by the Board of Revenue from time to time.

27. Sale during the period of Licence.

- The licensee shall sell in retail the whole minimum guaranteed quantity of the liquor for the period of settlement before termination of the period of licence. After termination of the period of licence, the disposal of any residue and unsold balance quantity shall be made as per the provisions contained in paragraph 117 of instructions of the Board of Revenue.

28. Invalidity of claim for delay in supply, closing of shop, not opening of shop or reduction in hours of sale.

(1)In case of late supply of liquor, the licensee shall not be entitled to put forward any claim for compensation or rebate in bid money.(2)In case the shops auctioned or some or a few of the shops auctioned in group remained closed or could not be opened due to any reason, the licensee shall not be entitled to put forward any claim for rebate in bid money or refund thereof. Likewise, the auction-purchaser shall not be entitled to make any claim for any kind of rebate in the bid money or refund of the same for reduction in sale hours.

29. Provisional Settlement of unsold shops.

- Whenever due to any reason, in spite of efforts the settlement of any licence has not been made, the Licensing Authority shall make settlement of the shop provisionally in the following manner:-(1)Provisional tender/offer will be invited.(2)For this purpose, the Licensing Authority shall ordinarily give advance notice of three days for receiving the tender/offer. The notice given by Licensing Authority shall include the following details:(a)Name of the shop or group of shops to be settled provisionally:-(b)Period, for which the tender/offer is to be invited:-(c)Date, time and place of receiving of tenders/offers:-(d)Monthly licence fee, which should not be less than the monthly reserved fee:-(e)Conditions of tenders/offer(s):-(3)The tenders shall be opened in presence of tenderer on the date determined for receiving the offer.(4)The tender/offer of highest bidder shall be accepted.(5)The provisional settlement shall not be made for more than one month at a time.(6)Immediately after the acceptance or offer, the money of the entire period of provisional settlement shall be deposited in advance; and no settlement shall be made unless and until the bid amount is deposited.(7)If during the period of provisional settlement, the regular settlement of the said shop/group of shops is made, the provisional settlement shall stand automatically terminated from the date of regular settlement and the proportionate amount of advance licence fee shall be refunded to the provisional licensee.

30. On cancellation of any licence of retail sale or there being requirement of r.

- auction due to any other reason, the provisional settlement of the said licence for the intermediary period may be made according to the process prescribed in Rule 29.

31.

The different forms specified in these Rules shall be prescribed by the Board of Revenue.

32.

(1) On violation of the provision of these Rules, Conditions of licence or Conditions of Sale Notification by the licensee in any manner, actions for suspension/ cancellation of the licence will be taken under Section 42 of the Bihar Excise Act. (2) If a licence is cancelled under Rule 32(1), the issue fee, licence fee, security amount or any other amount, deposited by the licensee, shall be forfeited in favour of the Government and the licensee shall not be entitled to claim for any kind of compensation or refund.

33.

The licensee shall be bound to comply with the general or special instructions issued from time to time by the Commissioner of Excise or the Licensing Authority. izi= N & 10

Transport Pass for C.S./Spiced Country Liquor See Rule 26(1) of Bihar Excise (Settlement of country/spiced country liquor) Rules, 2004	Transport Pass for C.S./Spiced country liquor See Rule 26(1) of Bihar Excise (Settlement of country/spiced country liquor) Rules, 2004	Transport Pass for C.S./Spiced country liquor See Rule 26(1) of Bihar Excise (Settlement of country/spiced country liquor) Rules, 2004	Transport Pass for C.S. /Spiced country liquor See Rule 26(1) of Bihar Excise (Settlement of country/spiced country liquor) Rules, 2004
Counter foil (To be kept in Excise office)	First copy: (To be Retained in warehouse or manufacturing unit for record)	Second copy: (To be Retained to Excise office by warehouse/manufacturing unit)	Third copy: (For licensee)
1. Name of the Licence holder to whom granted.....	1. Name of The Licence holder to whom granted.....	1. Name of the Licence holder to whom granted.....	1. Name of The Licence holder to whom granted.....

2. Name of the Shop.....	2. Name of the Shop.....	2. Name of the Shop.....	2. Name of the Shop.....
3. Area of the Group.....	3. Area of the Group.....	3. Area of the Group.....	3. Area of the Group.....
4. Serial No. of pass and date of issue.....	4. Serial No. of pass and date of issue.....	4. Serial No. of pass and date of issue.....	4. Serial No. of pass and date of issue.....
5. Excisable articles.....	5. Excisable articles.....	5. Excisable articles.....	5. Excisable articles.....
6. Quantity in B.L.....	6. Quantity in B.L.....	6. Quantity in B.L.....	6. Quantity in B.L.....
7. Quantity in L.P.L.....	7. Quantity in L.P.L.....	7. Quantity in L.P.L.....	7. Quantity in L.P.L.....
8. Treasury challan No. with date.....	8. Treasury challan No. with date.....	8. Treasury challan No. with date.....	8. Treasury challan No. with date.....
9. Amount of the Issuance fee deposited in the treasury.	9. Amount of the Issuance fee deposited.	9. Amount of the Issuance fee deposited in the treasury.	9. Amount of the Issuance fee deposited.
Date.....	Date.....	Signature of the Assistant Commissioner of Excise/ Supdt. of Excise	Signature of the Assistant Commissioner of Excise/ Supdt. of Excise
Place.....	Place.....	Place.....	Place.....
Signature of the licensee or his authorised salesman/Agent with full name.	From Agent/warehouse:—	From warehouse:—	From warehouse:—
(i) Actual quantity issued from warehouse (givedetails).....	(i) Actual quantity issued from warehouse (givedetails).....	(i) Actual quantity issued from warehouse (givedetails).....	
(ii) Pass No. of Warehouse with date.....	(ii) Pass No. of Warehouse with date.....	(ii) Pass No. of Warehouse with date.....	
(iii) Kind of vehicle and Registration No.....	(iii) Kind of vehicle and Registration No.....	(iii) Kind of vehicle and Registration No.....	

(iv) Route of movement.....	(iv) Route of movement.....	(iv) Route of movement.....			
Signature of the Assistant Commissioner of Excise/Supdt. of Excise	Signature of the licensee or his authorised Salesman/Agent with full name.	Signature of the Warehouse Officer with Seal.	Signature of the licensee or his authorised Salesman/Agent with full name.	Signature of the Warehouse Officer with Seal.	Signature of the licensee or his authorised Salesman/Agent with full name.

izi= N & 11List of Authorised agent or salesman(See Rules 133 & 134 of Board's Rules, vide Notification No. 23-137-2 dated 29th April,

1919)District.....Area of Group
Name of The Licensee..... Licence No.
Name of The shop

Sl. No.	Name of the Salesman	Father's Name	Age	Native village/P.S and District & PresentAddress	Signature of the Salesman/Agent	Signature of the Licensee
1	2	3	4	5	6	7

Valid from date..... to.....Date.....Place.....Signature of the Asstt. Commissioner of Excise/Excise SuperintendentDistrict.....

Form 26C

CounterfoilLicence for the retail vend ofCountry liquor including Spiced Country LiquorDistrictLicenceNo.....Name of Licensee.....SecurityDeposit.....Current from.....to.....AnnualLicence fee.....Monthly Licencefee.....Area of Group.....Annual Minimum Guaranteed QuotaofGroupQuota: C.S.....No. of shops....Quota: Spiced C.S..... No. of shops.Received the licence of which thisis the counterfoil, and a copy of the general conditionsapplicable to all excise licences.Date.....Place.....Signature of the Licensee (With Full Name)

Form 26C

Licence for the retail vend ofCountry Liquor including Spiced Country Liquor.Note-The counterfoil of thislicence is to be signed by the Licensee and filed in theCollector's office.District.....Licence No.(For the group of shop)....Name of Licensee.....Areaof Group.....Annual Minimum Guaranteed QuotaofGroupQuota: C.S. No. of shops.....Quota:Spiced C.S No. of shops.....Annual Licencefee.....Monthly Licence fee.....BE it known thatSri/Ms..... resident of village/Mohalla..... PS.....District..... State..... is hereby authorised by theundersigned, Collector of..... district, to open.....number of 'ON' shops (where consumption of liquor within thelicenced premises is permitted) and number of'OFF' shops (where consumption of liquor within the licensedpremises is not permitted) at the localities list of which isannexed, for the sale by Retail of Country Liquor

including Spiced Country Liquor from.....
to..... 31st March 20.....It is required by the
holder of this licence, as a condition of its
remaining in force that he/they duly
and faithfully perform and abide by the Rules
and general conditions as framed under the
Bihar Excise Act, 1915 and the Bihar
Excise (Settlement of licenses for the Retail
Sale of Country/Spiced Country Liquor Rules,
2004, as well as the following conditions—

I. That he/they pays to Government in advance as security, a sum equal to sixth of the annual Licence Fee in the following manner.....(a) 1/6th part of the annual Licence Fee immediately after the bid and (b) 1/12th the part of the annual Licence Fee either within ten days of the auction or before getting the licence, whichever is earlier. II. That he/they pays a monthly instalment equivalent to 1/12th part of the annual licence fee by the 20th of every month during the whole licensing period. III. That spirituous liquors shall be brought for sale under this licence under proper pass issued by the Superintendent of Excise/Assistant Commissioner of Excise of the district concerned. IV. That he/they does not sell, under colour of this licence, any spirituous or fermented liquor, whether manufactured in India or imported, except country liquor, whether manufactured in India or imported, except country liquor/spiced country liquor duly supplied under condition III above. V. That he/they does not sell to any person at one time more than 1,200 litres except under a special pass granted by the Collector/Assistant Commissioner of Excise/Superintendent of Excise/Sub-Divisional Officer or other officers or a person duly authorised in that behalf. VI. That he/they does not sell, expose for sale, or keep in his possession spirit of strength other than those mentioned below and at a price above or below the one mentioned against each strength—

Kind of Liquor	Strength	Fix	Price
A. Country Liquor	60.0 U.P.	Per bottle of 600 ml.	As notified from time to time
Country Liquor	60.0 U.P.	Per bottle of 300 ml	
Country Liquor	60.0 U.P.	Per bottle of 150 ml.	
B. Spiced Country Liquor	35.0 U.P.	Per bottle of 600 ml	As notified from time to time
Spiced Country Liquor	5.0 U.P.	Per bottle of 300 ml.	
Spiced Country Liquor	35.0 U.P.	Per bottle of 150 ml.	

VII. That he/they does not sell liquor on credit. VIII. That he/they does not mix with the spirit kept or sold in the shop any substance such as Kuchila, aconite, dhatura or any objectionable article such as tobacco, pepper or Kerosene oil intended to increase the intoxicating power of the liquor, increase thrust, and that all or part of the liquor shall be kept in sealed bottle, if required by the Collector. IX. That he/they maintains an ample supply of liquor of each prescribed strength/kind. X. That unless specially permitted by the Commissioner in the case of any particular strength, or in any particular area, he/they shall not reduce the strength of any country liquor including spiced country liquor issued, from any Excise Warehouse to a lower strength by the addition of water or by mixing with spirit of lower strength or by any means whatsoever. XI. That he/they does not sell or deliver any country liquor including spiced country liquor to any person apparently under the age of twenty one years whether for consumption by such person or by any other person, and whether for

consumption 'ON' or 'OFF' the premises.XII. That he/they does not employ or permit to be employed in any part of his licenced premises, either with or without remuneration, any person under the age of twenty one years during the hours in which such premises are kept open for business.XIII. Premises licensed for retail vend of country liquor including spiced country liquor shall be kept open from 10.00 A.M. to 2 RM. and 3.00 RM. to 10.00 P.M. throughout the whole year, except shop closure days.XIV. (a) There shall be a separate enclosed shed attached to the shop for 'ON' consumption of liquor, which shall be hidden from the public view. The shops shall be thoroughly cleaned and swept before and after sale hour. The shed shall also occasionally, but not less than twice a month, be washed with phenyl and sprayed with DDT. The responsibility for this will be with the licensee. No. consumption of liquor in or near the sale counter shall be allowed.(b)The approach to the shop shall be kept neat and clean. At brisk sale hours, queue system for delivery of liquor to consumers from the sale counters shall be encouraged.(c)Within the shop itself, there shall be separate store-room where stock of liquor shall be kept sealed. Each strength/kind of liquor shall be separately kept well arranged.(d)Separate urinal and septic latrine shall be provided for use of consumers at distances away from the 'ON' shops. The urinal and latrine shall be kept clean and in hygienic conditions.(e)there shall be a separate stall on a raised platform with enclosure for sale of 'chats' and snacks in cases of 'On' shops. These eatables should conform to the Public Health Standards and Rules, and shall be subject to inspection by officers of the Public Health Department.(f)The provision for avoiding drunkenness in the shop premises of 'ON' shop shall be rigidly enforced.(g)The premises of 'ON' shops shall be well lit and ventilated.XV. That he/they will have to lift 1/12th of-The Annual Minimum Guaranteed Quota by the end of last working day of every month, and subject to the provisions of Rule 25 of The Bihar Excise (Settlement of licences for retail Sale of Country/Spiced Country Liquor) Rules, 2004.XVI. (i) That he/they will obtain pass for lifting of liquor including spiced country liquor from liquor warehouse, from the office of the Superintendent/Assistant Commissioner of Excise of the district, after depositing the issuance fee for the quantity to be lifted.(ii)The rate of issuance fee will be determined from time to time by the Board of Revenue, and this rate may be different for the monthly minimum guaranteed quantity and the quantity lifted beyond the same.(iii)In addition to issuance fee mentioned above, he/they will have to pay that price of liquor to the liquor warehouses, the rate whereof shall be determined from time to time by the Board of Revenue.XVII. The period of the licence is extendable subject to Rule 4(2) of the Bihar Excise (Settlement of licences for retail Sale of Country/Spiced Country Liquor) Rules, 2004. The licence fee and the Minimum Guaranteed Quota for the extended period shall be as per the directions issued from time to time by the Excise Commissioner and shall be binding on the licensee.XVIII. The licensee shall keep and maintain the daily account register of stock and sale of sale of each strength/kind of liquor in each shop of the group. The account register shall be duly certified by the Assistant Commissioner or Excise Superintendent of Excise of the district concerned.XIX. That the conditions of the Sale Notification shall be deemed to be the conditions of this licence to the extent they are applicable.N.B. - (1) Infraction of any of the above conditions of the general conditions applicable to Excise vend licences will subject the holder of this licence to forfeiture of the licence and to all or any of the penalties prescribed by law or Rule.(2)No sale shall be affected on the following days, and as notified from time to time by the Board of Revenue.(i)Second day of Every Month (ii) Republic Day (26th January) (iii) Independence Day (15th August) (iv) Birthday of Mahatma Gandhi (2nd October) (v) Mahavir Jayanti (vi) Ram Navami (vii) Budh Jayanti (viii) Durga Puja (Dasmi) (ix) Id-ul-Fitr (x)

Muharrum (xi) Holi (xii) Dipawali.(3)Certified copy of this licence shall be kept in each 'ON' and 'OFF' shop of the Group.Collectorate of.The 20 Collector.