

# Andhra Pradesh Prohibition Act, 1995

ANDHRA PRADESH

India

## Andhra Pradesh Prohibition Act, 1995

### Act 17 of 1995

- Published on 1 January 1995
- Commenced on 1 January 1995
- [This is the version of this document as it was from 3 January 2020 to None.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Prohibition Act, 1995(Act No. 17 of 1995)Last Updated 7th October, 2020CHAPTER - I Preliminary

#### 1. Short title, extent and commencement.

(1)This Act may be Andhra Pradesh Prohibition Act 1995.(2)It extends to the whole of the State of Andhra Pradesh.(3)It shall come into force on such date as the Government may by notification appoint.

#### 2. Definitions.

- In this Act unless the context otherwise requires,

**1. "Arrack" means country liquor including arrack brewed coloured flavoured or spiced.**

**1A. "Buy" or "Buying" includes any receipt including gift.**

[(1-B) "Boot Legging Offence" means manufacturing, storing, transporting, importing, exporting, selling of illicitly distilled alcoholic liquor, intoxicating drug or other intoxicant, illegally or clandestinely without a valid license in contravention of the provisions of the A.P. Excise Act, 1968. [Inserted by Act No. 18 of 2020.]Explanation. - For the purpose of this clause "Boot Legging Offence" shall also include knowingly or clandestinely supplying of any raw materials, vessels, receptacles or any substance which is though not expressly prohibited.]

- 2. "Collector" means the collector of a district and includes the Joint Collector or any person appointed by the Government to exercise the powers and to perform the functions of a Collector under this Act.**
- 3. "Commissioner" means the Commissioner of Prohibition and Excise, appointed under Section 3 of Andhra Pradesh Excise Act 1968, (Act 17, of 1968)**
- 4. "Foreign Liquor" includes every liquor imported into India other than Indian Liquor**
- 5. "Government" means the State Government.**
- 6. "Indian Liquor" means liquor produced, manufactured or compounded in India after the manner of Gin, Brandy, Whisky or Rum imported from foreign countries and includes milk punch and other liquors consisting of or containing any spirit, but does not include Foreign Liquor.**
- 7. "Liquor" includes (a) spirits of wine, denatured spirits methylated spirits and rectified spirits Beer, toddy and every liquid consisting of or containing alcohol and (b) any other intoxicating substance which the Government may by, notification, declared to be liquor for the purpose of this Act.**
- 8. "Local Body" means any municipal corporation, municipality, notified area, Gram Panchayat, Mandal Parishad, Zilla Parishad, Township or a cantonment constituted under the relevant law of for the time being in force.**
- 9. " Notification" means a notification published in the Andhra Pradesh Gazette and the term notified shall be construed accordingly.**
- 10. "Place" includes an open place, a house, club, shed, enclosure, building, shop, tent, vessel, raft, and vehicle.**
- 11. "Police Station" includes any place which the Government may by notification, declared to be a police station for the purpose of this Act.**

**12. Prescribed" means prescribed by the rules under this Act.**

**13. "Prohibition Officer" means the Commissioner, a Collector [an Executive Magistrate] [Inserted by Act No. 18 of 2020.] or any officer or other person to whom the Commissioner or the Collector delegates his powers or functions under Section 6 [and includes the Commissioner of Special Enforcement Bureau or any other officer employed/ posted in Special Enforcement Bureau or invested with powers under the relevant provisions of this Act] [Added by Act No. 18 of 2020.].**

**14. "Sale" or "Selling" includes any transfer including gift.**

[(14-A) 'Special Enforcement Bureau' means the Department of Special Enforcement Bureau.]  
[Inserted by Act No. 18 of 2020.]

**15. "(omitted)"**

**16. "Words and expression in this Act but not defined shall have the meanings assigned to them in the Andhra Pradesh Excise Act 1968, (Act 17, of 1968)**

## CHAPTER - II Establishment and Control

### **3. Appointment of Commissioner.**

(1)The Commissioner of Prohibition and Excise for the State, appointed by under Section 3 of Andhra Pradesh Excise Act 1968, (Act 17, of 1968), shall subject to the general or special orders of the Government in this behalf, be the chief controlling authority in all matters connected with the administration of this Act.

### **4. General control of Commissioner over Collectors.**

- The collector shall exercise the powers and perform the functions assigned by or under this Act, subject to the general control of the Commissioner.

### **5. Officers and staff.**

- The officers and staff referred to in Section 5 of Andhra Pradesh Excise Act 1968, (Act 17, of 1968) shall be deemed to be officers and staff appointed also for the purposes of giving effect to this Act, and for this purpose it shall be competent for the Government to give such directions and to make such rules as they may deem fit with regard to their powers and functions.

## **6. Delegation.**

- For the purpose of giving effect to this Act, the Commissioner, the Collector or the Assistant Commissioner of Prohibition and Excise or the Prohibition and Excise Superintendent may, by order delegate to any officer subordinate to him any of the powers conferred on or functions entrusted to the Commissioner, the Collector or the Assistant Commissioner of Prohibition and Excise or the Prohibition and Excise Superintendent by or under this Act, subject to such restrictions and control as may be prescribed and subject also to such limitations and conditions, if any as be specified in the order of delegation.

CHAPTER - III Prohibition and Penalties

## **7. Prohibition of selling, buying and consumption of liquor.**

- The selling, buying, being in possession and consumption of liquor, otherwise than in accordance with the provisions of this Act or as the case may be, Andhra Pradesh Excise Act 1968, (Act 17, of 1968) is hereby prohibited.

### **7A. Prohibition of production etc., of arrack.**

- The production, manufacture, storage, possession, collection, purchase, sale and transport of arrack is hereby prohibited.

### **7B. [ Prohibition of Boot Legging Activities. [Inserted by Act No. 18 of 2020.]**

- The manufacturing, transporting, setting, buying, importing, exporting or storing of any alcoholic liquor and supplying or transporting of any raw materials for the manufacture of alcoholic liquor illegally or clandestinely, otherwise than in accordance with the provisions of the A.P. Excise Act, 1968 is hereby prohibited.]

## **8. Punishment for buying, selling, consumption etc., of liquors.**

- whoever - (a) consumes any liquor except in accordance with the provisions of this Act or the Andhra Pradesh Excise Act 1968, (Act 17, of 1968) or the terms of a rule, notification, order, licence or permit issued there under shall be punished with imprisonment for a term which may extend up to six months or with fine which may extend up to one thousand rupees or with both. (b) possesses, collects, buys, sells, transports, produces or manufactures any liquor other than arrack except in accordance with the provisions of the Andhra Pradesh Excise Act 1968, (Act 17, of 1968) or the terms of any rule, notification, order, licence or permit issued there under shall be punished. (i) [with imprisonment for a term which shall not be less than six months but which may extend upto [eight years] [Substituted by Act No. 5 of 2020, dated 3.01.2020.] and with fine which shall not be less than rupees two lakhs for the first offence and which shall not be less than rupees five lakhs for the second offence;] (ii) [ [Renumbered '(iii)' by Act No. 5 of 2020, dated 3.01.2020.] Where the commission of any offence [under sub-clause (i)] [Substituted 'either under sub-clause (i) or sub-clause (ii)' by Act No. 5 of 2020, dated 3.01.2020.] is abetted, the abettor shall be liable for

punishment with imprisonment either description and with fine as provided there in.(c)Having obtained a licence or permit granted under Andhra Pradesh Excise Act 1968, (Act 17, of 1968) sells any liquor other than arrack otherwise than accordance with the provisions of this Act or terms of any rule, notification, order, licence or permit issued there under shall be punished with imprisonment for a term which may extend up to six months or with fine which may extend up to rupees one thousand or with both..(d)allows consumption of arrack upon premises in his immediate possession shall be punished with imprisonment for a term which extend up to three years or with fine which extend up to ten thousand rupees or with both.(e)contravenes the provisions of section 7-A shall on conviction be punished with imprisonment for term which shall not be less than one year but which may extend up to five years and with fine which shall not be less than [rupees two lakhs for the first offence and which shall not be less than rupees five lakhs for the second offence.] [Substituted 'rupees ten thousand but which may extend up to rupees one lakh' by Act No. 5 of 2020, dated 3.01.2020.].

### **8A. [ Penalty for manufacture or storage of illicitly distilled alcoholic liquor. [Inserted by Act No. 18 of 2020.]**

- Whoever in contravention of Section 7-B of this Act indulges in the manufacture or storage of illicitly distilled alcoholic liquor shall be punished with imprisonment for a term which shall not be less than three years but which may extend upto eight years and with fine which shall not be less than rupees two lakhs for the first offence and which shall not be less than rupees five lakhs for the second offence;

### **8B. Penalty for sale, export, import and transport of alcoholic liquor manufactured illegally and clandestinely.**

- Whoever in contravention of Section 7-B of this Act indulges in sale, export, import or transport of illicitly distilled alcoholic liquor shall on conviction be liable for imprisonment for a term which shall not be less than one year but which may extend upto eight years and with fine which shall not be less than rupees two lakhs for the first offence and which shall not be less than rupees five lakhs for the second offence;

### **8C. Penalty for Conspiracy.**

- When two or more persons agree -(a)to commit any offence punishable under this Act, or(b)to commit breach of condition(s) of licence, permit etc., each of such persons shall on conviction be liable for the punishment in the same manner as if he had abetted such offence.]

## **9. Punishments for being found in state of intoxication.**

- whoever is found in state of intoxication in any public place otherwise than as permitted under any law shall be punishable with imprisonment which shall not less than two months but which may extend up to one year or with fine which may extend up to two thousand rupees.Explanation. - For

the purpose of this section "intoxication " means a state of mind and behaviour in which a person is incapable of knowing the nature of his actions or incapable of judging the consequences there of by reason of intoxication.

## **10. Punishment for abetment of escape of persons arrested etc.**

- Any officer or any person exercising powers under this Act, who: 1.unlawfully releases or abets to escape of any person arrested under this Act, or 2. Act in any manner consisting with his duty for the purpose of enabling any person to do any thing where by any of the provision of this Act may be evaded or broken shall be punished with imprisonment which extend up to six months or with fine which may extend up to five hundred rupees or with both.

## **11. Punishments for offences not otherwise provided for.**

- Whoever is guilty of any willful act or intentional omission in contravention of any of the provisions of this Act or of any rule, notification or order may there under and not otherwise provided for in this Act shall be punishable with fine which may extend up to five hundred rupees.

### **11A. Grant of bail.**

- Not withstanding any thing contained in the Code of Criminal Procedure, 1973 no court shall grant any bail to any person accused of an offence under [sub-clause (i) or sub-clause (ii) of clause (b) or under clause (e) of Section 8, Section 8-A, Section 8-B or Section 8-C] [Substituted 'sub-clause (i) or sub-clause (ii) or sub-clause (iii) of clause (b) or under clause (e) of section 8' by Act No. 18 of 2020.], unless the prosecuting officer is given an opportunity to oppose the application and the court shall record reasons while granting the bail.

### **11B. Compounding of offences.**

- 1. The Collector or any prohibition and Excise Officer [or any officer of Special Enforcement Bureau] [Inserted by Act No. 18 of 2020.] specially empowered in that behalf may accept from any person who is reasonably suspected of having committed an offence falling under [clause (a) of Section 8 or Section 9] [Substituted 'clause (a) or sub-clause (i) of Clause (b) or the proviso to the sub-clause (ii) of Clause (b) as it was in force of section 8 or section 9' by Act No. 18 of 2020.], a sum of money as may be prescribed but not exceeding the maximum fine which can be imposed for the offence under the provisions of the Act, by way of compensation for the offence which may have been committed and in all cases in which any property has been seized as liable for confiscation under this Act, ,may release the same on payment of the value there of as estimated by such officer.Provided where the property so seized is a liquor produced or manufactured in contravention of this Act, such liquor shall not be released but shall be disposed off in such manner as may prescribed.Provided further that such sum of money shall not be accepted from any person who is reasonably suspected of having committed an offence under sub-clause (1) of clause (b) of Section 8, without the prior approval of the Commissioner of Prohibition and Excise [and/or Commissioner of

Special Enforcement Bureau] [Added by Act No. 18 of 2020.]. 2. On payment by the person the sum of money or the value or both, as the case may be, such person if in custody, shall be set a liberty, and all the property seized may be released and no proceedings shall be instituted or continued against such person or criminal court. The acceptance of compensation shall be deemed to amount to an acquittal and in no case any further proceedings be taken against such person or property with reference to the same Act.

## **12. Things liable to confiscation.**

- Without prejudice to the powers of the Excise Officers under section 46 of the Andhra Pradesh Excise Act 1968, (Act 17, of 1968), in any case in which an offence has been committed against this Act, the liquor by means of which the offence has been committed shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same.

## **13. Confiscation by Prohibition and Excise Officers in certain cases.**

- 1. Notwithstanding any thing contained in this Act or any other law for the time being in force, where anything liable for confiscation under section 12 is seized or detained under the provisions of this Act, the officer seizing and detaining such property shall, without any unreasonable delay, produce the seized property before the Deputy Commissioner of Prohibition and Excise [and/or Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or the Executive Magistrate] [Inserted by Act No. 18 of 2020.] who has jurisdiction over the area.

**2. On production of said seized property under sub-section 1 the Deputy Commissioner of Prohibition and Excise [and/or Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or the Executive Magistrate] [Inserted by Act No. 18 of 2020.] if satisfied that an offence under this Act has been committed, may, whether or not a prosecution is instituted for the commission of such an offence, order, confiscation of such property.**

Provided the Deputy Commissioner of Prohibition and Excise specially empowered in that behalf may accept such sum of money as may be prescribed in lieu of confiscation and release the animals or vessels or carts or the vehicles reasonably suspected of involvement in any offence falling under sub-clause 1 of clause (b) of section 8 of this Act.

**3. While making an order of confiscation under sub-section (2), the Deputy Commissioner of Prohibition and Excise [and/or Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or the Executive Magistrate] [Inserted by Act No. 18 of 2020.] may also order that**

**such of the properties to which the order of confiscation relates which in his opinion cannot be preserved or are not fit for human consumption be destroyed.**

**4. Where the Deputy Commissioner of Prohibition and Excise [and/or Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or the Executive Magistrate] [Inserted by Act No. 18 of 2020.] after passing an order of confiscation under sub-section (2) is of the opinion that it is expedient in the public interest so to do, he may order confiscated property or any part there of to be sold by public auction or dispose off departmentally.**

**5. The Deputy Commissioner of Prohibition and Excise [and/or Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or the Executive Magistrate] [Inserted by Act No. 18 of 2020.] shall submit a full report of all particulars of confiscation to [the District Magistrate or Commissioner of Prohibition and Excise and/or the Commissioner, Special Enforcement Bureau, as the case may be] [Substituted 'the Commissioner of Prohibition and Excise' by Act No. 18 of 2020.], within twenty hours of such confiscation.**

**6. The Deputy Commissioner of Prohibition and Excise [and/or Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or the Executive Magistrate] [Inserted by Act No. 18 of 2020.] shall for the purpose of this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 When making enquiries under this section in respect of the following matters may be -**

**(a)receiving evidence on affidavits(b)summoning and enforcing the attendance of any person and examining him on oath, and(c)compelling the production of documents.**

### **13A. Issue of show cause notice.**

**- No order of confiscation of any property shall be made under Section 13 unless the persons from whom the said property is seized, -(a)is given a notice in writing informing him of the grounds on which it is proposed to confiscate such property; and(b)is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice.**



### **13B. Order of confiscation in the absence of offender.**

- When an offence under this Act has been committed, but the offender is not known or cannot be found, or when any thing liable to confiscation under this Act, and not in the possession of any person cannot be satisfactorily accounted for, the Assistant Commissioner of Prohibition and Excise and Prohibition and Excise Superintendent [or the Assistant Commissioner, Special Enforcement Bureau] [Inserted by Act No. 18 of 2020.] may by order confiscate such property. Provided that no such order shall be made until the expiration of one month, from the date of seizing the goods intended to be confiscated.

### **13C. Appeal.**

- Any person aggrieved by an order passed by [Executive Magistrate or Deputy Commissioner of Prohibition and Excise and/or the Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police] [Substituted 'the Deputy Commissioner of Prohibition and Excise' by Act No. 18 of 2020.] under section 13, may within sixty days from the date of passing such order appeal to the [the District Magistrate or Commissioner of Prohibition and Excise or the Commissioner, Special Enforcement Bureau, as the case may be] [Substituted 'Commissioner of Prohibition and Excise' by Act No. 18 of 2020.], who may after giving reasonable opportunity to the appellant pass such order as he deems fit.

### **13D. Order confiscation not to interfere with the other punishments.**

- The order of confiscation under sub-section (2) of Section 13 or Section 13-B shall not prevent from initiation of criminal proceedings against the accused under this Act. The result of criminal proceedings either acquittal or conviction or otherwise under the provisions of this Act, will have no bearing on the order of confiscation passed under this Act.

### **13E. Bar of jurisdiction.**

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) when the Deputy Commissioner of Prohibition and Excise or the appellate authority is seized with the matter under this Act, no court shall entertain any application in respect of excisable articles, any package, covering, receptacle, any animal, vehicle or other conveyance used in carrying such articles as far as its release, confiscation is concerned and the jurisdiction of the Deputy Commissioner of Prohibition and Excise or the appellate authority with regard to the disposed of the same shall be exclusive.

### **13F. Property confiscated when to vest in Government.**

- When an order of confiscation of any property has been passed under Section 13 or Section 13-B and such order become final in respect of the whole or any portion of such property, such property or portion thereof, as the case may be, shall vest in Government free from all encumbrances.

#### **14. Police to take charge of articles seized.**

- All officers in-charge of Police station shall take charge of and keep in safe custody under seal all articles seized under this Act along with samples which shall also be sealed with the seal of the officer in-charge of the police station. The seized property including vehicles involved shall be produced before the Deputy Commissioner of Prohibition and Excise [and/or the Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or the Executive Magistrate] [Inserted by Act No. 18 of 2020.] having jurisdiction to take action in accordance with the procedure specified in section 13. CHAPTER - IV Regulation of Manufacture, Trade Etc., of Liquor

#### **15. Regulation of liquor other than arrack.**

- The production, manufacture, storage, possession, collection, purchase, sale and transport of liquor other than arrack and all other matters connected therewith shall be regulations of Andhra Pradesh Excise Act 1968, (Act 17, of 1968) or the Andhra Pradesh (Regulation of whole sale trade and distribution and retail trading Indian Liquor, Foreign Liquor, wine and Beer rules) act 1993 as the case may be and the rules and conditions and orders issued there under.

#### **16. Exemption of bonafied travelers and lawful consignments.**

- (xxx)Until the Government by notification other wise direct and subject to such conditions as may be prescribed, the provisions of this Act shall not be deemed to apply-(a)the liquor in possession of bonafied travelers for their own personal use while passing through any local area in which this Act is in force, or(b)to lawful consignments of liquor carried through or into any such local area. CHAPTER - V Detection, Investigation and Trial Offences

#### **17. Issue of search warrants.**

- If any Collector Prohibition Officer [or Executive Magistrate or Special Enforcement Bureau Officer] [Substituted 'or Magistrate' by Act No. 18 of 2020.] upon information obtain after such enquiry as he thinks necessary, has reason to believe that an offence under section 7, section 7A [Section 7-B, Section 8, Section 8-A, Section 8-B or Section 8-C] [Substituted 'or section 8' by Act No. 18 of 2020.] has been committed he may issue a warrant for a search for any liquor, materials, stills, utensils, implement or apparatus in respect of which the alleged offence has been committed. Any person who has been entrusted with the execution of such a warrant may detain and search and if he thinks proper, arrest any person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Act and also seize and detain any excisable or other articles which he has reason to believe to be liable to confiscation under this Act.

## **18. Power of entry without search warrant.**

- Whenever a Collector, [Executive Magistrate] [Inserted by Act No. 18 of 2020.] Prohibition Officer any police officer not below the rank of Sub-Inspector, any officer-in-charge of a police station [or any Special Enforcement Bureau Officer not below the rank of Sub-Inspector] [Inserted by Act No. 18 of 2020.], has reason to believe that an offence under Section 7, Section 7-A, [Section 7-B, Section 8, Section 8-A, Section 8-B, Section 8-B or Section 8-C] [Substituted 'or Section 8' by Act No. 18 of 2020.], has been, committed, and that the delay occasioned by obtaining search warrant under section 17 will prevent the execution thereof, he may, after recording his reasons and the ground of his belief at any time by day or night enter and search any place and may seize any thing found therein which he has reason to believe to be liable to confiscation under this Act; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act and also seize and detain any excisable or other article which he has reason to believe to be liable to confiscation under this Act.

## **19. Power of entry and inspection.**

- The Collector, [Executive Magistrate, any Prohibition Officer, any Special Enforcement Bureau Officer] [Substituted 'any Prohibition Officer' by Act No. 18 of 2020.] or any Police Officer not below the rank of a Sub-Inspector may enter and inspect, at any time by day or night, any place in which it is reasonably suspected.(a)that any liquor is kept for sale or store otherwise than in accordance with the provisions of the Andhra Pradesh Excise Act 1968, (Act 17, of 1968) and the rules made there under.(b)That an offence under section 7, section 7-A [Section 7-B, Section 8, Section 8-A, Section 8-B or Section 8-C] [Substituted 'or section 8' by Act No. 18 of 2020.] is being committed and may examine, test, measure or weigh any material, still, utensil, implement, apparatus or liquor found in such place.

## **20. Power to use force in case of resistance to entry.**

- If any officer empowered to make an entry under section 17, 18 or 19 cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place.

## **21. Arrest of offenders and seizure of contraband liquor and articles without warrant.**

- Any Prohibition Officer [any Executive Magistrate, any Special Enforcement Bureau Officer] [Inserted by Act No. 18 of 2020.] or any Police Officer not below the rank of Sub-inspector -(a)may arrest without warrant any person found committing an offence punishable under Section 7, Section 7-A, or [Section 7-B, Section 8, Section 8-A, Section 8-B or Section 8-C or Section 9] [Substituted 'Section 8 or Section 9' by Act No. 18 of 2020.],(b)may seize and detain any liquor or other article which he has reason to believe to be liable to confiscation under this Act, and(c)may search any person, vessel, vehicle, animal, package, receptacle or covering, upon whom or in which, he may

have reasonable cause to suspect any such liquor or other article to be or to be concealed.

## **22. Arrest of persons refusing to give name and giving false name.**

- Any person who may be cause or reasonably suspected of committing an offence under this Act, and who on demand made by any Prohibition Officer [any Executive Magistrate, any Special Enforcement Bureau Officer] [Inserted by Act No. 18 of 2020.] or any Police Officer not below the rank of a Sub-inspector, refuses to give his name and resident or who gives the name or residence which such officer has reason to believe to be false, may be arrested by such officer in order that his name and residence may be ascertained.

## **23. Arrest, search etc., how to be made.**

- Any person arrested under this Act, shall be informed, as soon as may be, of the grounds for such arrest and save as otherwise expressly provided in this Act, the provisions of the Code of Criminal Procedure, 1973, relating to arrests, detention in custody, searches, summons, warrants of arrests search warrants, the production of persons arrested and the disposal of things seized shall apply, as far as may be, to all actions taken in these respects under this Act.

## **24. Power to Prohibition and Excise Officer [or Special Enforcement Bureau Officer] [Inserted by Act No. 18 of 2020.] in the matters of investigation.**

(1) Any Prohibition and Excise officer not below the rank of Prohibition and Excise Sub-Inspector [and/or any Special Enforcement Bureau Officer not below the rank of Sub-Inspector] [Inserted by Act No. 18 of 2020.] may, as regards offences under this Act, exercise within such area as may be notified in this behalf, powers conferred on an officer-in-charge of a police station by the provisions, of the Code of Criminal Procedure, 1973. Provided that any such power shall be subject to such restrictions and modifications, as may be prescribed. (2) For the purpose of Section 156 of the said code, the area in regard to which a Prohibition and Excise Officer [and/or Special Enforcement Bureau Officer] [Inserted by Act No. 18 of 2020.] is empowered under sub-section (1) shall be deemed to be a Police Station and such officer shall be deemed to be the officer-in-charge of such station.

## **25. Cognizance and trial of offence.**

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be cognizable and the provisions of the said code with respect to cognizable offences shall apply to them. Provided that the offences punishable with imprisonment for a term not exceeding two years under this Act shall be tried in accordance with the procedure prescribed by chapter XXI of the Code of Criminal Procedure, 1973.

## **25A. Enhanced punishment after previous conviction.**

- If any person after having been previously convicted of an offence punishable under this Act, subsequently commits and is convicted for an offence, punishable under this Act, he shall be liable upto twice the punishment which might be imposed on the first conviction under this Act.

## **26. Punishments for vexatious search or arrest.**

- Any officer or person exercising powers under this Act, who -(a)without reasonable ground of suspension, enters or searches or causes to be searched, any closed place, or(b)vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any thing liable to confiscation under this Act, or(c)vexatiously and unnecessarily detains searches or arrests any person, or(d)maliciously and falsely lays information leading to a search, seizure, detention, or arrest, or(e)in any other way maliciously exceeds his lawful powers, shall be punished with imprisonment which may extend up to six months, or with fine which may extend up to five hundred rupees, or with both.

## **27.**

(Omitted)28. Duty of officials of all departments and local bodies to assist.- Officials of all departments of the Government and of all local bodies shall be legally bound to assist any Prohibition [any Executive Magistrate or Police or Special Enforcement Bureau Officer] [Substituted 'or Police Officer' by Act No. 18 of 2020.] in carrying out the provisions of this Act.

## **29. Offences to be reported etc.**

- Every official employed by the Government or by any local body other than a [Executive Magistrate or Police, Prohibition or Special Enforcement Bureau Officer] [Substituted 'police or any Prohibition officer' by Act No. 18 of 2020.] shall be bound to give immediate information at the nearest Police Station or to a Prohibition Officer [to an Executive Magistrate or to a Special Enforcement Bureau Officer] [Inserted by Act No. 18 of 2020.] of all branches of any of the provisions of this Act which may come to his knowledge, and all such officials shall be bound to take all reasonable measures in their power to prevent the commission any such breaches which they may know or have reason to believe are about or likely to be committed.

## **30. Protection of action taken under this Act.**

- No suit or other legal proceedings shall lie against the Government or any Officer or any other person empowered to exercise powers or to perform the functions under this Act for any thing in good faith done or intended to be done under this Act.

### **31. Overriding effect.**

- Save as otherwise provided, the provisions of this Act, shall have effect, notwithstanding any thing consistent therewith contained in the provisions of Andhra Pradesh Excise Act 1968, (Act 17, of 1968), under rules made thereunder for the time being in force.

#### **31A. Power to remove difficulties.**

- 1. If any difficulty arises in giving effect to the provisions of this Act, the Government may make such orders not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the purpose of removing difficulty, provided that no such order shall be made after the expiration of two years from the commencement of this Act.

**2. Every order made under this section shall, as soon as may be after it is made, be laid down before the legislative assembly of the State.**

### **32. Savings.**

- Nothing in this Act shall be deemed to preclude -(a) the Andhra Pradesh Beverages Corporation Limited to carry on trade in liquor in accordance with rules made in this behalf, (b) the buying and selling of liquor carried on by the military canteens in the State under any licence granted in accordance with the provisions of the Andhra Pradesh Excise Act 1968, (Act 17, of 1968) and the rules made thereunder, and (c) the consumption and utilization of medicines, toilet preparations and other food materials containing alcohol

#### **32A. Transitional Provision.**

- 1. Notwithstanding any thing contained in the Andhra Pradesh Prohibition Act 1995, the Andhra Pradesh liquor (issue of permit and licence rules 1995, the Indian Contract Act 1872 or the terms and conditions of any agreement entered into with the licencing authority under this Act, or under the said rules for grant of such permits and licences on health grounds on the recommendations of the notified medical authorities specified under the said rules shall stand cancelled in public interest, and accordingly no suit or other proceedings shall be entertained or continued in any court against such permitting or licencing authority or any person or any authority whatsoever for the enforcement of any terms and conditions of such permit or licence so terminated or for any damages or compensation on the ground that any loss is sustained by the termination thereof before its expiry.

**2. Within a period of so seven days from the date of commencement of this Act, every licensee shall surrender to the permitting or licencing authority, the entire stock of liquor on the date of such commencement, is the possession of any holder of any permit or licence which stood terminated**

**under sub-section 1, on such terms and conditions as may be prescribed.**

**3. All applications made for grant of permit or licence pending before the permitting or licencing authority on the appointed date and every action taken, or enquiry made in respect of such application, shall abate and or fee paid in connection there with (including the application fee and licence fee, if any) already paid shall be refunded.**

### **33. Power to make rules.**

(1)The Government, may, by notification, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Act, shall immediately after it is made be laid before the legislative assembly of the State., if it is in session and if it is not session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it so laid or the session immediately following the legislative assembly agrees in making any modification sin the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled as the case may be, show however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

### **34. Amendment of Act 17 of 1968.**

(1)In the Andhra Pradesh Excise Act 1968, (Act 17, of 1968) -(1)In section 1 for sub-section (2) the following shall be substituted, namely " (2) It extends to the whole state of Andhra Pradesh, provided that on and from the date of commencement of Andhra Pradesh Prohibition Act 1995, the provisions of this Act, in so far as they are inconsistent with the provisions of the said Act cease to operate"(2)In section 5 for sub-section (1) the following shall be substituted namely - " (1) The Government may appoint such number of Additional Commissioners, Joint Commissioner, Deputy Commissioners, and Assistant Commissioners of Prohibition and Excise and District Prohibition and Excise Officers and such other officers as they think fit for the purpose of performing the functions of respectively conferred on them by or under this Act."(3)Through out the Act for the words " Excise Officers", "Commissioner of Excise", "Additional Commissioner of Excise", Deputy Commissioner of Excise", Assistant Commissioner of Excise", Excise Superintendent", Assistant Excise Superintendent", and Excise Department the words " Prohibition and Excise Officers", "Commissioner of Prohibition and Excise", "Additional Commissioner of Prohibition and Excise", Deputy Commissioner of Prohibition and Excise", Assistant Commissioner of Prohibition and Excise", Prohibition and Excise Superintendent", Assistant Prohibition and Excise Superintendent", and Prohibition and Excise Department", shall respectively be substituted.

### **35. Repeal of Act X of 1937 etc.**

- The Andhra Pradesh (Andhra Area) Prohibition Act 1937 and the Andhra Pradesh Prohibition Ordinance 1994 and the Andhra Pradesh Prohibition (amendment) Ordinance 1995 (12 of 1995) are hereby repealed.