

# The M.P. Bhang Rules, 1960

MADHYA PRADESH

India

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### Rule THE-M-P-BHANG-RULES-1960 of 1960

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The M.P. Bhang Rules, 1960 Substituted by Notification No. B-1-52-89-CT-V, dated 25-3-1991. Introductory

#### 1.

In these rules, unless the contrary appears from the context :- (a) "Majum" and "Manohar Gutka" are sweet confections made from bhang. (b) "Storehouse" means the ganja and bhang storehouse belonging to the State of Khandwa, Sanawad and [Indore] [Substituted by Notification No. 3570-B-1 (43)-1983-V-SR, dated 12-8-1986.], and ["Officer"] [Substituted by Notification No. B-1-52-89-CT-V, dated 25-3-1991.] means the officer in charge of that storehouse. (c) "Warehouse" means a place established or licensed as a warehouse by the Excise Commissioner under clause (d) of Section 14 of the Act. (d) "Approved medical practitioner" means - (a) a person registered under any law for the time being in force in a register meant for the registration of persons practising allopathic, homeopathic, biochemic, ayurvedic, or unani system of medicine or dentistry or surgery; or (b) a person who holds a diploma or certificate of such Veterinary College or Institute as may be recognised in this behalf by a general or special order of the State Government; or (c) any other person engaged in medical or veterinary practice and approved by the Excise Commissioner. Possession

#### 2. Permit for possession and transport in excess of legal limit.

- Intoxicating [drug] [Substituted by Notification No. B-1-52-89-CT-V, dated 25-3-1991.] in excess of the limits prescribed under sub-section (1) of Section 16 of the Act, may be possessed and transported under a written permit in Form H.D. I granted by the Excise Commissioner, on payment of a prescribed fee. Cultivation and Manufacture

### **3. to 7.**

[\* \* \*] [Rules 3, 4, 5, 6 and 7 omitted by Notification No. B1-52-89-CT-V, dated 25-3-1991.]

### **8. Sale by cultivator only to the State Government.**

(1)The licensed cultivators shall sell [Bhang] [Substituted by Notification No. B-1-52-89-CT-V, dated 25-3-1991.] only to the State Government at a rate by the Excise Commissioner and calculated on the cleaned outturn.(2)[ On receipt of uncleaned Bhang consignment/consignments from the cultivators, Bhang officer shall weigh it then its price of forty per cent of the uncleaned Bhang weighment shall be paid immediately to the cultivator or cultivators. Cleaning shall be completed and final payment be made subject to adjustment of Forty per cent payment already paid ] [Inserted by Notification No. 3570-B-1(43)-1983-V-SR, dated 12-8-1986 and amended by Notification No. 8-1-52-89-CT-V, dated 25-3-1991.]

### **9. to 11.**

[x x x] [Rules 9, 10 and 11 omitted by Notification No. B1-52-89-CT-V, dated 25-3-1991.]

### **12. Person entering storehouse liable to be searched.**

- Any person entering the storehouse is liable to be searched on his departure unless he holds a pass from the [Officer] [Substituted by Notification No. B-1-52-89-CT-V, dated 25-3-1991.] exempting him from such search. Such exemption may at any time be withdrawn.

### **13.**

[x x x] [Rules 13 omitted by Notification No. B1-52-89-CT-V, dated 25-3-1991.].Issues from The Storehouse

### **14. Transit losses.**

- If in transit between the storehouse and warehouse any loss should occur it will be written off under the orders of the District Excise Officer when not exceeding [thirty five grams] [Substituted by Notification No. 2625-518/VSR dated 12-9-1961.] per individual bag, and under the orders of the Collector when exceeding [thirty five grams] [Substituted by Notification No. 2625-518/VSR dated 12-9-1961.] but not [Sixty grams] [Substituted by Notification No. 2625-518/VSR dated 12-9-1961.] per individual bag and under the orders of the Excise Commissioner or any officer authorised by him, exceeding [Sixty grams] [Substituted by Notification No. 2625-518/VSR dated 12-9-1961.] :Provided that not more than [x x x] [Omitted by No. B-1-52-89-CT-VSR dated 25-3-1991.] five [Kilograms] [Substituted by Notification No. 2625-518/VSR dated 12-9-1961.] of bhang and [\* \* \*] [Omitted by No. B-1-52-89-CT-VSR dated 25-3-1991.] ten [kilograms] [Substituted by Notification No. 2625-518/VSR dated 12-9-1961.] of bhang in one consignment shall be written off by the

District Excise Officer and the Collector, respectively. Issues from The Warehouse

## **15. Issue to retail vendors.**

- Issues from warehouses shall be made either in one [kilogram] [Substituted by Notification No. 2625-518/VSR dated 12-9-1961.] or half [kilogram] [Substituted by Notification No. 2625-518/VSR dated 12-9-1961.] bags to retail vendors on pre-payment of duty [x x x] [Omitted by Notification No. 3570-B-1-(43)-1983-VSR, dated 12-3-1986.] into the treasury at the rates prescribed by the State Government.

## **16. [ [Substituted by Notification No. B-1-52-89-CT-V, dated 25-3-1991.]**

Bhang may be issued from the warehouses in one kilogram or half kilogram bags to bona fide manufacturers of medicines and toilet preparation holding a permit in Form H.D. 1 on pre-payment of duty at the current rate into the treasury.]

## **16A.**

Ganja and bhang required by institutions, working under the control of, or under the management of the State Government, may be issued on payment of [duty] [Substituted by Notification No. 3570-B-1-(43)-1983-VSR dated 12-8-1986.] into the treasury at the current rates, which may be fixed by the State Government from time to time, subject to such conditions as they may impose.

## **17. Disposal of unfit intoxicating drug.**

- When any intoxicating drug, [x x x] [Omitted by No. B-1-52-89-CT-VSR dated 25-3-1991.] two years or more than two years old belonging to the State is found unfit for consumption it shall be destroyed in the manner specified by the Excise Commissioner.

## **18.**

[x x x] [Rule 18, omitted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] Import

## **19. Import in excess of legal limit of possession.**

- The import of [bhang] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] unless in the personal possession of the importer and in [quantity] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] not exceeding [that] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] which may be possessed without a licence, is prohibited except on behalf of the State Government.

## **20. Import of bhang and charas.**

- Bhang may be imported to the Khandwa, Sanawad and [Indore] [Substituted by Notification No. 3570-B-1-(43)-1983-VSR, dated 12-8-1986.], storehouses under the orders of the Excise Commissioner. The import of charas by any person is absolutely prohibited. Export

## **21. [ Export. [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.]**

- The export of intoxicating drug specified in sub-clauses (i) and (iii) of clause (12) of Section 2 of the Act is prohibited except on behalf of the Government. The export shall be covered under a pass in Form H.D. 6.]

## **22. Transmission by post.**

- No person other than a servant of the State Government acting in the bona fide execution of his duty shall transmit [x x x] [Omitted by Notification No. B-1 -52-89-CT-VSR, dated 25-3-91.] bhang by post into, within or out of Madhya Pradesh.

## **23.**

Transmission of intoxicating drugs by inland post is prohibited except on behalf of the State Government. Retail Sale

## **24. Limit of retail sale.**

(1) A licence for the retail sale of an intoxicating drug may be granted by the Collector in Form H.D. 7. It will empower the holder to purchase such drug from the warehouse to which the shop is attached or, with the Collector's permission, from any other warehouse in the State. The transport of an intoxicating drug to the retail vendor's shop shall be covered by an entry in his pass-book under the signature of the warehouse officer. The Collector may prescribe the period within which the drug must arrive at the retail vendor's premises. (2) Licenses for the preparation and retail sale of Majum and Monohar Gutka in Form H.D. 8 or any other form prescribed for this purpose may be granted by the Collector at a fee of [three] [Substituted by Notification No. 531-6521-VSR. dated 19-2-1981.] rupee per diem. Such licence shall be granted only to the person holding the licence for the retail sale of bhang for the locality. (3) [ Separate licences will be granted in Form H.D. 8 for the rate of Ghooty Bhang (Bhang Ghota) or sweets prepared from Bhang. The licensee may purchase bhang required for the above purpose from the shop or warehouse situated in the locality or town, as the case may be.] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.]

## 25. Duty rates.

- The duty leviable on ganja and bhang before issue from a warehouse for sale in this State will be as notified by Government from time to time.

## 26.

[x x x] [Rule 26, omitted by Notification No. B-1-52-89-CT-VSR dated 25-3-1991.] Form H.D. 1 Special permit to possess or transport [Bhang] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] in excess of the limit prescribed, for the purpose of manufacturing bona fide medicinal [and toilet] [Inserted by Notification No. 3570-B-1-(43)-1983-VSR, dated 12-8-1986.] preparations. Under Rule II of the Ganja and Bhang Rules, special permit is granted to.....son of.....caste.....resident of for the possession of [bhang] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] for the purpose of manufacturing bona fide medicinal [and toilet] [Inserted by Notification No. 3570-B-1-(43)-1983-VSR, dated 12-8-1986.] preparations. This permit is current for days and is subject to following conditions :- Conditions

### 1. The privilege extends to the manufacture of only the following preparations (hereinafter called the said preparations) :-

Serial No.	Name of preparation	Percentage of [bhang] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.]
123		

123

**2. [ The permit holder may purchase the drug from the warehouse and transport it to the licensed premises under a permit granted by the warehouse officer. The aggregate quantity that can be purchased during each quarter commencing from the date of the grant of this permit shall not exceed.....No quantity exceeding.....of Bhang shall be possessed at any time.] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.]**

**3. The permit-holder shall not keep [bhang] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] or manufacture any of the said preparations therefrom except in the licensed premises.**

**4. The sale of [bhang] [Substituted by Notification No. B-1 -52-89-CT-VSR, dated 25-3-1991.] or use thereof for purpose other than the manufacture of the said preparations is absolutely prohibited.**

**5. The permit-holder shall indicate on the bottle or other receptacle containing the preparations manufactured by him the proportion of [bhang] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] both mixed in the preparation.**

**6. The said preparations shall not be sold except on prescription duly signed by an approved medical practitioner or if the permit holder is himself an approved medical practitioner, duly signed by him.**

Explanation. - "Approved medical practitioner" means-(a) a person registered under any law for the time being in force in a register meant for the registration of persons practising Allopathic, Homeopathic, Biochemic, Ayurvedic or Unani system of medicine or Dentistry or Surgery; or (b) a person who holds a diploma or certificate of such Veterinary College or Institute as may be recognised in this behalf by a general or special order of the State Government; or (c) any other person engaged in medical or veterinary practice and approved by the Excise Commissioner.

**7. The permit-holder shall maintain true accounts of the transactions under the permit in the form below. Permits from the tahsil or warehouse shall be carefully filed in support of the accounts. The accounts and permits shall be preserved for a period of two years.**

**8. All stock of [bhang] [Substituted by Notification No B-1-52-89-CT-VSR dated 25-3-1991.] and accounts and all records of transactions shall be open to inspection by any Excise or Police Officer of rank not below that of a Sub-Inspector.**

**9. The permit-holder shall on the requisition of the Excise Commissioner or any officer duly authorised by him deliver up his permit for amendment and for issue of a fresh permit.**

**10. A fee of Rs. 5 shall be paid for each permit.**

**11. On breach of any of the above conditions, or of the Madhya Pradesh Excise Act, 1915 (II of 1915), or of the rules made there under, or of any other instructions issued from time to time the permit will be liable to be cancelled. The Excise Commissioner may also revoke the permit at his discretion without assigning any reason at any time.**

Excise Commissioner Madhya Pradesh. Dated.....20..... Form of Account to be maintained by the

permit-holder manufacturing medicinal [and toilet] [Inserted by Notification No. 3570-B-1-(43)-1983-VSR dated 12-8-1986.] preparations containing [Bhang] [Substituted by Notification No. B-1-52-89-CT-VSR dated 25-3-1991.]

Month and date	Opening balance	[Bhang] [Substituted by Notification No B-1-52-89-CT-VSR dated 25-3-1991.]					
Quantity received this day whence received and number and date of permit	Quantity issued for manufacture of medicinal preparations						
(1)	(2)	(3)				(4)	
Medicinal Preparations	Prescription	Remarks					
Balance in stock	Opening balance	Quantity manufactured this day	Quantity received this day	Quantity sold	Number and date	Name of approved medical practitioner	
(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Forms H.D. 2, 3, 4 and 5 [Deleted by (Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.)] Form H.D. 6 In Triplicate-Original, duplicate & triplicate copy No..... Export Pass for Ganja/Bhang exported in bond/on payment of duty from the storehouse/warehouse to any other State in India To be retained at the Storehouse/Warehouse.....s/o.....caste.....resident in.....having due authority to import.....maunds of Ganja/Bhang into.....in bond/on payment of duty, is hereby licensed to remove that quantity from the Storehouse/Warehouse at.....under the conditions stated below. The pass is current for.....days only. The consignment shall be carried by the following route:- Dated.....20.....Collector. Conditions

**1. The [Bhang] [Substituted by Notification No. B-1-52-89-CT-VSR dated 25-3-1991, for 'Ganja'.] shall be securely packed at the expense of the licensee and the packages shall, prior to removal, be inspected and sealed by the [Bhang] [Substituted by Notification No. B-1-52-89-CT-VSR dated 25-3-1991, for 'Ganja'.]/Warehouse Officer or other person duly authorised by the Collector.**

**2. Bulk shall not be broken till the consignment reaches its destination.**

**3. The consignment shall be liable to examination by any Excise Officer not below the rank of Sub-Inspector in any district of Madhya Pradesh through which it may pass.**

**4. The triplicate pass must be returned by the exporter to the Collector with the certificate on it signed by the Collector of.....**

Reverse of Form H.D. 6

Original Duplicate

No. of packages	Description of package	Marks on packages	Weight of ganja	Gross weight of package	No. of packages	Description of package	Marks on packages	Weight of ganja	Gross weight of package
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Triplicate +

No. of packages	Description of package	Marks on packages	Weight of ganja	Gross weight of package
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Certified that I have examined the consignment received under this pass and find that it agrees in all respects with the description in the duplicate

No.....dated.....Collector.....District Form H.D. 7 Licence for the Retail Sale of [Bhang] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] Under rule XXIV(1) of the Bhang Rules, and in consideration of a fee of Rs.....licence is hereby granted to you.....son of.....caste.....resident of.....to sell Bhang by retail in the shop at.....located as described in the Schedule below from the.....day of.....20.....to 31st March, 20.....subject to the following conditions :-Conditions

**1. The licensee shall sell no bhang but such as he may purchase from the warehouse at.....in Madhya Pradesh and he shall not receive or have in his possession any stock obtained otherwise. All stock so purchased shall, after entry under signature of the warehouse officer in the shop pass book of the quantity purchased and of the time allowed for transport to the shop, be taken to the shop for which the pass is granted (and not to any other shop or place) within the time prescribed.**

**2. Before [Bhang] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] is issued, the licensee shall pay for it at such [duty] [Substituted by Notification No. 3570-B-1-(43)-1983-V-SR, dated 12-8-1986.] rate as is fixed from time to time by the State Government.**



**3. Sales shall only be made at the shop named above.....and consumption of the drug on the premises shall not be permitted.**

[3-A. Sales shall be made from 10 a.m. to 10 p.m.] [Substituted by Notification No. 3570-B-1-(43)-1983-V-SR, dated 12-8-1986.]

**3.**

-B. The licensee shall not allow dancing or signing or similar other frolics and gambling within the shop premises.

**3.**

-C. The licensee shall not sell or supply [Bhang] [Substituted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] to persons below the age of 18 years or to insane persons.

**3.**

-D. The licensee shall keep at his shop the prescribed scale and weights of [100, 50, 20, 10, 5 grams and 1 gram] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.].

**3.**

-E. The licensee shall keep the shop passbook, inspection book, licence, receipted challans showing the payments of licence fee, etc. and produce these before the inspecting officers.[3-F. If [Bhang] [Inserted by Notification No. 760-122-V-SR, dated 16-3-1967.] issued to the licensed shop is found to have been misused, the Collector shall be competent to fix a quota for such shop].

**4. Each licensee shall report to the warehouse officer after 31st December (a) the total quantity of ganja/bhang sold by him during the first three quarters of the excise year, and (b) the balance in hand on 1st January. The further issue of the article to such licensee shall be limited in each month of the last quarter to a quantity not exceeding the average sales of the first nine months plus 25 per cent from which will then be deducted one-third of the balance in hand on 1st January. For example, if the total sales at a shop in the first nine months are 85 [kilograms] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.] and the balance in hand on 1st January is 4 [kilograms] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.] the limit of issue for each month of the last quarter will be-**

$85 + 21\frac{1}{49} = 106\frac{1}{49} - 129 = 94\frac{1}{49} = 10\frac{4}{49}$  or say 10[kilograms] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.]

If supplies are made to the shop in quantities of one [kilograms] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.] a fraction of a kilogram when less than [500 grams] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.] shall be neglected and when [500 grams] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.] or more shall be taken as a whole [kilograms] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.]. If supplies are made in quantities of half a [kilograms] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.], a fraction of a [kilogram] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.] when [230 grams] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.] or less shall be neglected ; when more than [230 grams] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.] and less than [750 grams] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.], the fraction shall be taken as one-half ; and when [750 grams] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.] or more shall be taken as a whole [kilogram] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.]. The Collector may relax this rule in special cases at his discretion.

**5. The licensee shall keep in ink a true daily account in the annexed form showing the receipt and sales of hemp drugs each day and the balance in stock. In column (6) he shall show the name, father's name, caste and residence of each purchaser of [x x x] [Omitted by Notification No. B-1-52-89-CT-VSR, dated 25-3-1991.] [10 grams] [Substituted by Notification No. 2625-VSR, dated 12-9-1961.] and upwards in the case of bhang, the entries to be made immediately after each transaction.**

Date	Quantity of Bhang in stock from the day preceding	Quantity of Bhang received this day and whencereceived	Total Quantity to be accounted for	Quantity sold this day	Name, father's name, caste and residence of each purchaser of [10 grams] and upwards of Bhang	Quantity left in stock
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**6. The licensee shall also be bound by the General Licence Conditions and by such subsidiary orders and instructions as are consistent with these conditions and as may be issued by the Excise Commissioner for carrying them out.**

**7. On breach of any of the above conditions or any of the provisions of the Madhya Pradesh Excise Act, 1915 (II of 1915) or of the rules made thereunder, this licence may be cancelled by the Collector.**

## Schedule

Description of the site	Boundaries of the shop			
North	East	West	South	
(1)	(2)	(3)	(4)	(5)

Dated.....20.....Collector.....DistrictForm H.D. 8Licence for Retail Sale of Majum/Manohar Gutka Ghuti-bhang, Bhang-sweetsUnder rule XXIV (2)(3) of the Bhang Rules, and in consideration of a fee of Rs.....licence for retail sale of Majum/Manohar Gutka Ghuti-bhang, Bhang-sweets, is hereby granted to.....holder of licence No.....of 20...., for the retail sale of bhang in the district of.....at a fee Rs.....on the conditions hereto annexed :-Conditions

1. This licence is current from the.....20.....to the.....20.....
2. [x x x] [Omitted by Notification No. B-3-17-83-VSR, dated 17-1-1984.]
3. The licensee shall not mix the seeds of nux-vomica or any other poisonous or intoxicating substance in the preparation.
4. The licensee shall be bound by the General Licence Conditions and by such subsidiary orders and instructions as arc consistent with these conditions and as may be issued by the Excise Commissioner for carrying them out.
5. On breach of any of the conditions of this licence, or of the provisions of the Madhya Pradesh Excise Act, II of 1915, or of the rules made thereunder, the licence may be cancelled by the Collector.
6. [ Sales only be conducted on the licensed premises detailed in the Schedule below from 10 a.m. to 10 p.m.] [Substituted by Notification No. 3570-B-1-(43) 1983-VSR dated 12-8-1986].

Collector.....DistrictDated.....20.....

## Schedule 2

Description of the site	Boundaries of the shop			
North	East	West	South	
(1)	(2)	(3)	(4)	(5)