

Gujarat Prohibition Act, 1949

GUJARAT

India

Gujarat Prohibition Act, 1949

Act 25 of 1949

- Published on 20 May 1949
- Commenced on 20 May 1949
- [This is the version of this document from 20 May 1949.]
- [Note: The original publication document is not available and this content could not be verified.]

Bombay Prohibition Act, 1949 Bombay Act No. 25 of 1949 Last Updated 7th June, 2019 [Dated 20th May, 1949] This Act was extended to those areas of the State of Bombay to which immediately before the commencement of the Bombay 12 of 1959, it did not extend (vide Bombay 12 of 1959), Section 2). For Statement of Objects and Reasons, See Bombay Government Gazette, 1948, Part V, page 655. An Act to amend and consolidate the law relating to the promotion and enforcement of and carrying into effect the policy of prohibition and also the Abkari law in the [State] [This word was substituted for the word 'Province' by Bombay 12 of 1959, Section 4.] of Bombay. Whereas it is expedient to amend and consolidate the law relating to the promotion and enforcement of and carrying into effect the policy of Prohibition; and whereas it is also necessary to amend and consolidate the Abkari law in the [State] [This word was substituted for the word 'Province' by Bombay 12 of 1959, Section 4.] of Bombay for the said purpose and to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows.

Chapter I Preliminary

1. Short Title, Extent and Commencement.

(1) This Act may be cited as The Bombay Prohibition Act, 1949. (2) [It extends to the whole of the [State of Gujarat] [This sub-section was substituted for the original, by Bombay 12 of 1959, Section 5 (a).] (3) It shall come into force [in the area comprising the [Bombay area of the State of Gujarat] [These words were inserted by Bombay 12 of 1959, Section 5 (b)(i).] on such date as the [State] [This word was substituted for the word 'Province' by the Adaptation of Laws Order, 1950.] Government may by notification in the Official Gazette [specify. In those areas of the State to which it is extended by the Bombay Prohibition (Extension and Amendment) Act, 1959 (Bombay XII of 1959) it shall come into force on such other date as that Government may, by like notification, appoint:***] [This portion was substituted for the word 'specify' by Bombay 12 of 1959, Section

5(b)(ii).][***] [This Explanation to sub-section (3) was omitted, by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.]](4)[On the commencement of this Act in the manner provided in sub-section (3) in any area to which this Act is extended by the Bombay Prohibition (Extension and Amendment) Act, 1959 (Bombay XII of 1959) all rules, regulations, orders and notifications made or issued or deemed to be made or issued under this Act and in force in the [Bombay area of the State of Gujarat] [Sub-section (4) section 1 shall stand unmodified vide the Gujarat Adaptation of Laws (State and Concurrent Subject) Order, 1960.] excluding the transferred territories immediately before such commencement, shall also extend to, and be in force in, that area.]

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(1)"authorisation" means an authorization granted under section 45 for the use of liquor for sacramental purposes;(2)"to bottle" with its various grammatical variations, means to transfer any article from a cask or other vessel to a bottle, jar, flask pot or similar receptacle for the purpose of sale, whether any process of manufacture be employed or no bottling includes re-bottling;[***] [Clause (3) was deleted by Bombay 22 of 1960, section 2(a).](4)["Collector" includes an officer appointed by the State Government to exercise all or any of the powers and to perform all or any of the duties or functions of a Collector under this Act;] [These clauses were substituted for the original by Bombay 12 of 1959, section 6(a).](5)"Director" means an officer appointed as the Director of Prohibition and Excise under section 3, and includes any officer on whom the State Government may confer all or any of the powers of the Director under this Act;](6)"Committee [or board] [These words were inserted by Bombay 22 of 1960, section 2(b).]" means [a committee or board] [These words were substituted for the words, 'any of the committees', by Bombay 22 of 1960.] appointed by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government under section 7;(7)"Common drinking house" means a place where the drinking of liquor or consumption of any intoxicating drug is allowed for the profit or gain of the person owning, occupying, using, keeping or having the care of management or control of such place whether by way of charge for the use of the place or for drinking facilities provided, or otherwise howsoever and includes the premises of a club or any other place which is habitually used for the purpose of drinking liquor or consuming any intoxicating drug by more than one person without a licence granted under this Act;(8)"country liquor" includes all liquor produced or manufactured in India;(9)["cultivation" means raising a plant from seed and includes the tending or protecting of a plant during its growth;] [This clause was substituted for the original by Bombay 22 of 1960, Section 2(c).](10)"denatured" means subjected to a process prescribed for the purpose of rendering unfit for human consumption;(10a)["denatured spirituous preparation" means [any liquid preparation made with and containing denatured spirit] [Clause (10a) was inserted by Bombay 36 of 1954, Section 2.] [or denatured alcohol] [These words were substituted for the words 'or alcohol' by Bombay 22 of 1960, Section 2(d).] and includes lacquers, French Polish, and varnish prepared out of such spirit or alcohol;][***] [Clause (11) was deleted, by Bombay 22 of 1960, 2(e).](12)"to drink" with its grammatical variations means to drink liquor or to consume any intoxicating drug;(13)"excisable article" means-(a)any alcoholic liquor for human consumption;(b)an intoxicating drug [or hemp] [These words were added, by Bombay 22 of 1960, Section 2(f).];(c)opium;(d)[other narcotic drugs

and narcotics which the State Government may by notification in the Official Gazette, declare to be an excisable article] [This clause was substituted for clauses (d) and (e), by Bombay 22 of 1960, Section 2(f).];(14)"excise duty" and "countervailing duty" means such excise duty or countervailing duty, as the case may be, as is mentioned in [entry 51 in List II in the Seventh Schedule to the Constitution] [This portion substituted for the portion 'Item 40 in List II in the Seventh Schedule to the Government of India Act, 1935' by the Adaptation of Laws Order, 1950.];(15)"excise revenue" means revenue derived or derivable from any duty, fee, tax, fine (other than a fine imposed by a court of law) or confiscation or forfeiture imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to intoxicants;(16)"export" (except in section 147) means to take out of the [State] [This word was substituted for the words 'pre-reorganisation State of Bombay excluding the transferred territories' by Bombay 12 of 1959, section 3.] otherwise than across a customs frontier. [*****] [The words 'as defined by the Dominion Government' were deleted by Bombay 26 of 1952, section 2(1).](17)"foreign liquor" [means all liquor produced or manufactured outside India:] [These words were substituted for the words 'includes all liquor brought into India by sea, air or land' by Bombay 22 of 1960, Section 2(g).] Provided that the [State] [These words were substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, declare, that any specified description of country liquor shall for the purposes of this Act, be deemed to be foreign liquor;(18)"hemp" means any variety of the Indian hemp plant from which intoxicating drugs can be produced;(19)"hotel licence" means a licence granted under section 36:(19a)["household" means a group of persons residing and messing jointly as members of one domestic unit, but does not include their servants;] [This clause was inserted by Bombay 22 of 1960, Section 2(h).](20)"import" (except in section 147) means to bring into the [State] [This word was substituted for the word 'pre-reorganisation State of Bombay excluding the transferred territories' by Bombay 12 of 1959, section 3.] otherwise than across a custom frontier [***] [The words 'as defined by the Dominion Government' were deleted by Bombay 26 of 1952, section 2(1).](21)"interim permit" means a permit granted under section 47;(22)"intoxicant" means any liquor, intoxicating drug, opium or any other substance, which the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette declare to be an intoxicant;(23)"Intoxicating drugs" means-(a)[Ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be called;] [Substituted by Gujarat Act No. 9 of 2017, dated 16.3.2017.](b)[charas, that is, the separated resin whether crude or purified obtained from cannabis plant] [This clause was inserted by Bombay 22 of 1960, Section 2(h).];;(c)any mixture, with or without neutral materials of any of the above forms of intoxicating drug, or any drink prepared therefrom; [****] [The word 'and' was deleted by Bombay 26 of 1952, Section 2 (2)(a).](d)[any other intoxicating or narcotic drug or substance together with every preparation or admixture of the same which the State Government may by notification in the Official Gazette, declare to be an intoxicating drug for the purposes of the Act, such drug, substance, preparation or admixture, not being opium, coca leaf or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, 1930 (II of 1920);] [Clause (d) was substituted for the original clause with the proviso, by Bombay 26 of 1952, Section 2 (2)(b).] [(23-A) "Laththa" means spurious liquor, which contains methanol or any other poisonous substances, which may cause harmful or injurious effects to the human body or death of a person.] [Inserted by Gujarat Act No. 29 of 2011, dated 1.12.2011.](24)"liquor" includes-(a)[spirits] [This word was substituted for the words 'spirits of wine'

by Bombay 22 of 1960, section 2(1).], [denatured spirits] [These words were substituted for the words 'methylated spirits' by Bombay 26 of 1952, section 2(3).], wine, beer, toddy and all liquids consisting of or containing alcohol; and(b)any other intoxicating substance which the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, declare to be liquor for the purposes of this Act;(25)"manufacture" includes-(a)every process whether natural or artificial by which any liquor or intoxicating drug is produced, prepared or blended and also re-distillation and every process for the [rectification, flavouring, or colouring of liquor or intoxicating drug] [These words were substituted for the words 'rectification of liquor' by Bombay 22 of 1960, Section 2(j).] but does not include flavouring, blending or colouring of liquor or intoxicating drug lawfully possessed for private consumption; and(b)every process of producing and drawing of toddy from trees;(26)"Medical Board" means a board constituted under section 8;(27)"mhowra flower" does not include the berry or seed of the mhowra tree;(28)"molasses" means the heavy, dark coloured [viscous liquid produced] [These words were substituted 'for the words 'residual syrup drained away', by Bombay 22 of 1960 Section 2 (K).] in the final stage of the manufacture of gur or sugar containing, in solution or suspension, sugars which can be fermented, [and includes the solid form of such liquid and also any product formed by the addition to such liquid or solid of any ingredient which does not substantially alter the character of such liquid or solid;] [These words were substituted for the words beginning with the words 'and includes' and ending with the words 'alter the character of such syrup' by Bombay 22 of 1960] but does not include any article which the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, declare not to be molasses, for the purposes of this Act;(29)"Officer in charge of a Police Station" includes-[***] [Sub-clause (a) was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.](b)[***] [The word 'elsewhere' was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] the officer in charge of a police station as defined in [the Code of Criminal Procedure, 1973 (2 of 1974)] [Substituted 'the Code of Criminal Procedure, 1898 (V of 1898)' by Gujarat Act No. 9 of 2017, dated 16.3.2017.];(30)"opium" means-(a)the capsules of the poppy (*Papaver Somniferum* L), [whether in their original form or cut, or crushed or powdered and whether or not the juice has been extracted therefrom] [These words were added by Bombay 22 of 1960, Section 2 (I).];(b)the spontaneously coagulated juice of such capsules [***] [The words 'which have not been submitted to any manipulation other than those necessary for packing and transport' were deleted by Gujarat 9 of 1978, Section 2(2).]; and(c)any mixture with or without neutral materials of any of the above forms of opium;but does not include any preparations containing not more than 0.2 per cent, of morphine, or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, 1930 (II of 1930).[***] [Clause (31) was deleted by Bombay 22 of 1960, Section 2 (m).](32)"permit" means a permit granted under [the provisions of this Act] [These words were substituted for the words had figures 'sections 40, 41, 46 or 47' by Bombay 26 of 1952. Section 2(4).] and the expression "permit holder" shall be construed accordingly;(33)"police station" means [***] [The words and figures 'in the Greater Bombay a Police station as provided under the provisions of the Bombay Police Act, 1951 and elsewhere' were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] any place declared to be a police station for the purposes of [the Code of Criminal Procedure, 1973 (2 of 1974)] [Substituted 'the Code of Criminal Procedure, 1898 (V of 1898)' by Gujarat Act No. 9 of 2017, dated 16.3.2017.];(34)"prescribed" means prescribed by the rules, orders or regulations

under this Act;(35)"Prohibition officer" includes the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], Collector or any officer or person appointed to exercise any of the powers or to perform any of the duties and functions under the provisions of this Act [and also includes any officer or person invested with any such powers and on whom any such functions or duties are imposed, and any member of a committee, board or medical board;] [These words were substituted for the words 'and also includes any member of a committee or the Medical Board' by Bombay 2 of 1960, Section 2 (n).](36)[`State' means the [State of Gujarat] [This clause was substituted by Bombay 12 of 1969, Section 6(c).] including the space within the limits of the territorial waters appertaining to it;](37)["rectification" includes every process whereby liquor is purified or refined;] [This clause was substituted for the original by Bombay 22 of 1960, Section 2(a).](38)["registered medical practitioner" means a person who is entitled to practise any system of medicine in the State under any law for the time being in force relating to medical practitioners, and includes registered dentists as defined in the Dentists Act, 1948 (XVI of 1948) and a veterinary practitioner registered under the Bombay Veterinary Practitioners' Act, 1953 (LXVIII of 1953) or under any law corresponding thereto in any part of the State;] [This clause was substituted for the original by Bombay 12 of 1959, Section 6 (d).](39)"regulations" means regulations made under this Act;(39A)["rotten gur" means the article known as gur, gul, jaggery, Palmyra jaggery or rab and other intermediary product prepared by boiling or processing juice pressed out of sugar cane or extracted from Palmyra palm, date palm sago plam, barb palm or coconut Palm with or without admixture of molasses and which is in a liquid form or a semi-liquid or viscous form and which has a dark brown or a black colour or which in spite of being in a solid liquid semi-liquid or viscous form is unfit for human consumption owing to its becoming filthy, putrid, disgusting or decomposed [and shall include on chemical analysis, if it contains - [Clause (39A) was inserted by Gujarat 9 of 1978, Section 2(3).](i)total sugar (expressed as invert sugar) less than 90 per cent and sucrose less than 60 per cent, or(ii)extraneous matter insoluble in water more than 2 per cent, or(iii)total ash more than 6 per cent, or(iv)ash insoluble in by hydrochloric acid (HCL), more than 0.5 per cent, or(v)more than 10 per cent of moisture, or(vi)sulphur dioxide in concentration exceeding 70 parts per cillion;](40)"rules" means rules made under this Act;(41)"sell" with its grammatical variations includes-(a)any transfer whether such transfer is for any consideration or not,(b)any supply or distribution for mutual accommodation, and(c)any supply by a club to its members on payment of price or of any fees or subscription, but does not include selling of opium for export across the customs frontier; [***] [The words 'as defined by the Dominion Government' were deleted by Bombay 26 of 1952, Section 2(1).]The word "buy" with its grammatical variations shall be construed accordingly;[***] [Clause (42) was deleted by Bombay 22 of 1960, Section 2 (p).](43)"spirit" means any liquor containing alcohol and obtained by distillation (whether it is denatured or not)(44)"sweet toddy or nira or neera" means unfermented juice drawn from a coconut, brab, date or any kind of palm tree into receptacles treated in the prescribed manner so as to prevent fermentation(45)["territorial waters" with reference to the State, means any part of the open sea within a distance of twelve nautical miles from the nearest point of the appropriate base line or such other distance as may be fixed by or under any law made by Parliament;] [This clause was Substituted by Gujarat 9 of 1978, Section 2(4).](46)"toddy" means fermented or unfermented juice drawn from a coconut, brab, date or any kind of palm tree and includes sweet toddy or nira or neera(47)"to tap" means to prepare any part of a tree, or to use any means, for the purpose of causing juice to exude from the tree;(47A)[`tourist' means a person who is not a citizen of India and who is either born or brought

up or domiciled in any country outside India, but who visits India on a tour for a temporary period; [Clause (47A) and (47B) were inserted by Bombay 20 of 1955, Section 2.](47B) 'tourists permit' means a permit granted under section 46-A;](48)"trade and import licence" means a licence granted under section 33;(49)"transport" means to move from one place to another within the [(State)] [The words 'Pre-Reorganisation State of Bombay excluding the transferred territories' were substituted for the word 'State' by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.];(50)"vendor's licence" means a licence granted under section 34;(51)"visitor's permit" means a permit granted under section 46;(52)[any reference to [the Code of Criminal Procedure, 1973 (2 of 1974)] [This clause was added by Bombay 12 of 1959, Section 6 (f).] the Bombay Village Panchayats Act, 1933, (Bombay VI of 1933), or the Bombay Police Act, 1951, (Bombay XXII of 1951), includes a reference to any law corresponding to those Acts, respectively, in force in any part of the State.]

Chapter II

Establishment

3. [Director of Prohibition and Excise] [These words were substituted for the words 'Director of Excise and Prohibition' by Bombay 12 of 1959, Section 7 (a).].

- The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, appoint an officer to be called the [Director of Prohibition and Excise] [These words were substituted for the words 'Director of Excise and Prohibition' by Bombay 12 of 1959, Section 7 (a).], who subject to the control of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government and subject to such general or special orders as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may from time to time make, shall exercise such powers and shall perform such duties and such functions as are conferred upon, by or under the provisions of this Act and shall superintend the administration and carry out generally the provisions of this Act;[Provided that, the person holding the office of Director of Excise and Prohibition immediately before the commencement of the Bombay Prohibition (Extension and Amendment) Act, 1959, shall be the Director of Prohibition and Excise for the State and shall hold the Office until the State Government otherwise directs; and accordingly any reference by whatever form of words to "the Director of Excise and Prohibition" in any law for the time being in force, or in any instrument or document, shall be construed as a reference to the Director of Prohibition and Excise, and all proceedings pending before the Director of Excise and Prohibition shall be deemed to be transferred to the Director of Prohibition and Excise for disposal according to law, and if in any legal proceeding pending before any court, tribunal or, authority, the Director of Excise and Prohibition is a party, the Director of Prohibition and Excise shall be substituted as a party to those proceedings] [This proviso was substituted by Bombay 12 of 1959, Section 7 (b).].

4. Collectors.

(1)The Collectors shall, within the limits of their jurisdiction [***] [The words and figures 'for which they are appointed as Collectors under the Bombay Land Revenue Code, 1879,' were deleted, by Bombay 12 of 1959, Section 8 (a).] exercise such powers and perform such duties and functions as are provided by or under the provisions of this Act.(2)For the purposes of this Act all Collectors [***] [The words 'including the Collector of Bombay' were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] shall be subordinate to the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule].(3)Subordinate officers: - The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, appoint any person other than the Collector [***] [The words 'of land revenue' were deleted by Bombay 12 of 1959, Section 8 (b)(i).] to exercise in any district or place [all or any of the powers and perform all or any of the duties] [These words were substituted for the words 'all the powers and perform all the duties', by Bombay 12 of 1959, Section 8(b)(ii).] all the duties and functions as are assigned by or under this Act to a Collector subject to such control, if any, in addition to that of the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] and of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may from time to time direct.

5. Investing officers of [Police and] [These words were inserted by Bombay 22 of 1960, Section 3 (a).] other departments with power and duties under this Act.

- To aid the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] and the Collectors in carrying out the provisions of this Act, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may appoint such subordinate officers with such designations, and assign to them such powers, duties and functions under this Act, rules or regulations or orders made thereunder, as may be deemed necessary.

6.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may invest any officer of the Police department or any officer of any other department either personally or in right of his office with such powers, impose upon him such duties and direct him to perform such functions under this Act, rules or regulations or orders made thereunder, as may be deemed necessary and any such officers shall, thereupon, exercise the said powers, discharge the said duties and perform the said functions in addition to the powers, duties and functions incidental to his principal office.(2)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may also invest any person [***] [The words 'working in an honorary capacity or otherwise' were deleted by Bombay 22 of 1960,

Section 3(a).] with such powers, impose on him such duties and direct him to perform such functions under this Act, rules or regulations or orders made thereunder, as may be deemed necessary. Such persons may be given such designations as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may deem fit.

6A. [Board of Experts. [Section 6A was inserted by Bombay 26 of 1952, Section 3.]

- [(1) [For the purpose of enabling the State Government to determine] whether-(a)any medicinal or toilet preparation containing alcohol, or(b)any antiseptic preparation or solution containing alcohol, or(c)any flavouring extract, essence or syrup containing alcohol,[is an article fit for use as intoxicating liquor, the State Government shall constitute a Board of Experts] [These words were substituted for the words 'is or is not an article unfit for use as intoxicating liquor, the State Government shall constitute a Board of Experts' by Bombay 22 of 1960, s 4(a).].](2)The Board of Experts constituted under sub-section (1) shall consist of such members, not less than [five in number] [These words were substituted for the words, 'three in number' by Bombay 22 of 1960, Section 4(b).], with such qualification as may be prescribed. The members so appointed shall hold office during the pleasure of the State Government.(3)[Three members] [These words were substituted for the words 'Two members', by Bombay 22 of 1960, Section 4 (c).] shall form a quorum for the disposal of the business of the Board.(4)Any vacancy of the member of the board shall be filled in as early as practicable:Provided that, during any such vacancy the continuing members may act, as if no vacancy had occurred.(5)The procedure regarding the work of the Board shall be such as may be prescribed.(6)[It shall be the duty of the Board to advise the State Government on the question whether any article mentioned in sub-section (1) is fit for use as intoxicating liquor and also on any matters incidental to the question, referred to it by the State Government. On obtaining such advice, the State Government shall determine whether any such article is fit for use as intoxicating liquor, and upon determination of the State Government that it is so fit, such article shall, until the contrary is proved, be presumed to be fit for use as intoxicating liquor.] [Sub-section (6) was substituted for the origin;il, by Bombay 22 of 1960, Section 4 (d).](1)[Until the State Government has determined as aforesaid any article mentioned in sub-section (1) to be fit for use as intoxicating liquor, every such article shall be deemed to be unfit for such use.] [Sub-section (7) was added, by Bombay 22 of 1960, Section 4(e).]

7. [Other Boards and Committees] [These words were substituted for the word 'committees', by Bombay 22 of 1960, Section 5(a).].

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may appoint [other boards and committees] [These words were substituted for the word 'committees', by Bombay 22 of 1960, Section 5(a).] to advise and assist officers in carrying out the provisions of this Act.(2)Such [other boards and committees] [These words were substituted for the word 'committees', by Bombay 22 of 1960, Section 5(a).] shall perform such functions [as may be prescribed.] [These words were substituted for the words 'as are provided by or under the provisions of this Act' by Bombay 22 of 1960., Section 5(b).](3)The constitution of such [other

boards and committees] [These words were substituted for the word 'committees', by Bombay 22 of 1960, Section 5(a).] and the procedure regarding their work shall be as may be prescribed;(4)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may direct that the members of such [other boards and committees] [These words were substituted for the word 'committees', by Bombay 22 of 1960, Section 5(a).] shall be paid such fees and allowances as may be prescribed.

8. Medical Boards.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may constitute one or more medical boards [or panels thereof] [These words were inserted, by Bombay 22 of 1960, Section 6(a).] for such areas and consisting of such members as it may deem fit;(2)A medical board [or a panel thereof] [These words were inserted, by Bombay 22 of 1960, Section 6(b) and (e).] so constituted shall perform such functions [as are prescribed] [These words were substituted for the words 'as are provided by or under this Act' by Bombay 22 of 1960, Section 6(b) and (e).];(3)The procedure regarding the work of the medical board [or a panel thereof] [These words were inserted, by Bombay 22 of 1960, Section 6(b) and (e).] shall be as may be prescribed.(4)The members of the medical board [or a panel thereof] [These words were inserted, by Bombay 22 of 1960, Section 6(b) and (e).] shall be entitled to such fees and allowances as may be prescribed.

9. Control of [Directors] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] over Prohibition Officers and other officers.

- In exercise of their powers and in discharge of their duties and functions under the provisions of this Act or rules, regulations or orders made thereunder all Prohibition Officers and all officers including the officers of the Police and other departments shall, subject to the general or special orders of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government be subordinate to and under the control of the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] and shall be bound to follow such orders as the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] may, from time to time make.

10. Delegation.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may delegate any of the powers exercisable by it under this Act to the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] or such other officers as it deems fit.(2)Subject to the control and direction of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government the powers conferred on the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] or any other officers appointed or invested with powers under this

Act may be delegated by him to any of his subordinates.

Chapter III

Prohibitions

11. Manufacture, etc. of intoxicant to be permitted in accordance with provisions of Act, rules etc.

- Notwithstanding anything contained in the following provisions of this Chapter, it shall be lawful to import, export, transport, manufacture [bottle] [This word was inserted by Bombay 22 of 1960, Section 7.], sell, buy possess, use or consume any intoxicant or hemp [or to cultivate or collect hemp] [These words were inserted by Bombay 26 of 1952, Section 4 (1).] or to tap any toddy producing tree or permit such tree to be tapped or to draw toddy from such tree or `permit toddy to be drawn therefrom in the manner and to the extent provided by the provisions of this Act [or] [This word was inserted by Bombay 26 of 1952, Section 4(2)] any rules, regulations or orders made or in accordance with the terms and conditions of a licence, permit, pass or authorization granted thereunder.

12. Prohibition of manufacture of liquor and construction and working of distillery or brewery.

- No person shall-(a)manufacture liquor(b)construct or work any distillery or brewery;(c)import, export, transport or possess liquor; or(d)sell or buy liquor.

13. Prohibition of sale, etc. of liquor.

- No person shall-(a)bottle any liquor for sale;(b)consume or use liquor; or(c)use, keep or have in his possession any materials, still, utensils, implements or apparatus whatsoever for the manufacture of any liquor.

14. Prohibition of export, import, transport, sale, manufacture, etc. of intoxicating drugs.

- No person shall-(a)export, import, transport or possess any intoxicating drug;(b)cultivate or collect the hemp [***] [The words 'or extract any portion of such plant from which any intoxicating drug can be manufactured' were deleted by Bombay 22 of 1960, Section 8](c)use, keep or have in his possession any materials, still, utensils, implements or apparatus whatsoever for the manufacture of any intoxicating drug;(d)sell or buy any intoxicating drug;(e)consume or use any intoxicating drug; or(f)manufacture any intoxicating drug.

15. Prohibition of import, export, transport, sale, etc. of sweet toddy.

- No person shall-(a)import, export, transport or possess sweet toddy or nira;(b)bottle sweet toddy or nira for sale; or(c)sell or buy sweet toddy or nira.

16. Prohibition of tapping of toddy producing trees and drawing of toddy.

- No person shall-(a)tap any toddy-producing tree or permit to be tapped any toddy-producing tree belonging to him or in his possession; or(b)draw toddy from any tree or permit toddy to be drawn from any tree belonging to him or in his possession.

17. Prohibition of possession, etc., of opium.

- No person shall-(a)possess opium;(b)transport opium;(c)import or export opium;(d)sell or buy opium; or(e)consume or use opium.

18. Prohibition of sale to [minors] [This word was substituted for the word 'children', by Bombay 22 of 1960, Section 9 (b).].

- No licensed vendor and no person in the employ of such licensed vendor or acting with the express or implied permission of such licensed vendor on his behalf shall sell or deliver any intoxicant [to any person who is a minor,] [These words were substituted for the words 'to any person apparently under the age of twenty-one years', by Bombay 22 of 1960, Section 9(a).] whether for consumption by such person or by other person and whether for consumption on or off the premises of such licensed vendor.

19. [Prohibition of sale of toddy].

- Deleted by Bombay 22 of 1960, Section 10.

20. Prohibition or production, etc. of Charas.

- No person shall(a)Produce, (f) transport,(b)manufacture, (g) buy,(c)Possess (h) sell,(d)export, (i) consume, or(e)Import, (j) use Charas.

21. Alteration of denatured spirit.

- No person shall-(a)alter or attempt to alter any denatured spirit by dilution with water or by any method whatsoever, with the intention that such spirit may be used for human consumption, whether as a beverage or internally as a medicine or in any other way whatsoever; or(b)have in his possession any denatured spirit in respect of which he knows or has reason to believe that such alteration or attempt has been made.

21A. [Alteration of denatured spirituous preparation. [Section 21A was inserted by Bombay 36 of 1954, a. 4.]

- No person shall(a)alter or attempt to alter any denatured spirituous preparation by dilution with water or by any method whatsoever, with the intention that such preparation may be used for human consumption as an intoxicating liquor; or(b)have in his possession any denatured spirituous preparation in respect of which he knows or has reason to believe that such alteration or attempt has been made.]

22. Prohibition of allowing any premises to be used as common drinking house.

- No person shall-(a)open or keep or use any place as a common drinking house; or(b)have the care, management or control of, or in any manner assist in conducting the business of, any place opened, or kept or used as a common drinking house.

22A. [Prohibition of issuing prescriptions for intoxicating liquor except by registered medical practitioners. [Section 22A was inserted by Bombay 22 of 1960, Section 11.]

(1)No person other than a registered medical practitioner, shall issue any prescription for any intoxicating liquor.(2)No registered medical practitioner shall prescribe such intoxicating liquor, unless he believes in good faith after careful medical examination of the person for whose use such prescription is sought, that the use of such intoxicating liquor by such person is necessary, and will afford relief to him from some known ailment.(3)A registered medical practitioner shall state, in every prescription for intoxicating liquor issued by him, the name and address of the person to whom issued, the date of issue, directions for use, and the amount, and frequency of the dose, and shall preserve a copy of the prescription for one year from the date of issue. On the copy so preserved he shall state the purpose or ailment for which the intoxicating liquor is prescribed.]

23. [Prohibition of soliciting use of intoxicant or hemp or doing any act calculated to incite or encourage member of public to commit offence] [This marginal note was substituted for the original, by Bombay 22 of 1960, Section 5 (3).]

- No person shall-(a)[***] [The word 'commend' was deleted by Bombay 26 of 1952, Section 5 (1) (a).] solicit the use of, [or] [This word was inserted, by Bombay 26 of 1952, Section 5 (i) (b).] offer any intoxicant or hemp; or[***] [Clause (b) was deleted, by Bombay 26 of 1952, Section 5(2).](c)do any act which is calculated to incite or encourage any member of the public or a class of individuals or the public generally to commit any offence under this Act or to commit a breach of any rule, regulation or order made thereunder or the conditions of any licence, permit, pass or authorization granted thereunder.

24. Prohibition of publication of advertisements relating to intoxicant, etc.

(1) No person shall print or publish in any newspaper, news-sheet, book, leaflet, booklet or any other single or periodical publication or otherwise display or distribute any advertisement or other matter, - (a) which [*] [The word 'Commends' was deleted, by Bombay 26 of 1952, Section 6.] solicits the use of or offers any intoxicant or hemp; (b) which is calculated to encourage or incite any individual class of individuals or the public generally to commit an offence under this Act, or to commit a breach of or to evade the provisions of any rule, regulation or order made thereunder or the conditions of any licence, permit, pass or authorization granted, thereunder. (2) Save as otherwise provided in sub-section (3), nothing in this section shall apply to - (a) catalogues or price lists which may be generally or specially approved by the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] in this behalf; (b) any advertisement or other matter contained in any newspaper, news-sheet, book, leaflet, booklet or other publication printed and published outside the [State] [This word was substituted for the words 'Pre-Reorganisation State of Bombay including the transferred territories', by Bombay 12 of 1959, Section 3.]; (c) any advertisement or other matter contained in any newspaper printed, and published in the [State] [This word was substituted for the words 'Pre-Reorganisation State of Bombay including the transferred territories', by Bombay 12 of 1959, Section 3.] before such date as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by notification in the Official Gazette, specify; and (d) any other advertisement or matter which the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, generally or specially exempt from the operation of this section. (3) Notwithstanding anything contained in sub-section (2), the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, prohibit within the [State] [This word was substituted for the words 'Pre-Reorganisation State of Bombay including the transferred territories', by Bombay 12 of 1959, Section 3.] the circulation, distribution or sale of any newspapers, news-sheet, book, leaflet, booklet or other publication printed and published outside the [State] [This word was substituted for the words 'Pre-Reorganisation State of Bombay including the transferred territories', by Bombay 12 of 1959, Section 3.] which contains any advertisement or matter, - (a) which [*] [The word 'Commends' was deleted, by Bombay 12 of 1959, Section 6.] solicits the use of or offers any intoxicant or hemp; or (b) which is calculated to encourage or incite any individual or class of individuals or the public generally to commit any offence under this Act or to commit a breach of or to evade the provisions of any rule, regulation or order made thereunder, or the conditions of any licence, permit, pass or authorisation granted thereunder.

24A. [This chapter not to apply to [certain articles] [Section 24A was inserted by Bombay 26 of 1952, Section 7].

- Nothing in this Chapter shall be deemed to apply to - (1) any toilet preparation containing alcohol which is unfit for use as intoxicating liquor; (2) any medicinal preparation containing alcohol which is unfit for use as intoxicating liquor; (3) [any antiseptic preparation or solution containing alcohol which is unfit for use as intoxicating liquor. [Clauses (3) and (4) were inserted by Bombay 36 of 1954, Section 5(i).] (4) any flavouring extract, essence or syrup containing alcohol which is unfit for

use as intoxicating liquor:] Provided that [such article] [These words were substituted for the words 'such preparation', by Bombay 36 of 1954, Section 5 (ii).] corresponds with the description and limitations mentioned in section 59A: Provided further that the purchase, possession or use of any liquor or alcohol for the manufacture of any [such article] [These words were substituted for the words 'such preparation', by Bombay 36 of 1954, Section 5 (ii).] shall not be made or had except under a licence granted under section 31A.][Explanation. - Nothing in this section shall be construed to mean that any person may drink any toilet preparation, or antiseptic preparation or solution containing alcohol; and it is hereby provided that no person shall drink any such preparation.] [This explanation was added by Bombay 22 of 1960, Section 12.]

24IA. [Prohibition of consumption of medicinal preparation containing alcohol in excess of normal dose. [Section 24-IA and 24-1 B were inserted by Gujarat 9 of 1978, Section 3.]

- No person, shall for the purpose of producing a state of intoxication, consume any medicinal preparation containing alcohol in any quantity exceeding the normal dose. Explanation:-The expression "normal dose" in relation to any medicinal preparation, means the quantity prescribed by a registered medical practitioner to be taken at a time and in a case where no such prescription has been obtained, the quantity indicated to be taken at a time in the directions given by the manufacturer of the medical preparation.

24.

-IB. Prohibition of entry in State in intoxicated condition.- No person who has consumed any intoxicant (other than opium) or hemp in any place outside the State shall enter any territory of the State while he is in an intoxicated condition or under the influence of such intoxicant or hemp.]

Chapter IV

Control, Regulation and Exemptions

25. Exemption of preparations.

- The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by notification in the Official Gazette, direct that any preparation containing alcohol not exceeding a specified percentage by volume shall be exempt from any of the provisions of this Act or rules, regulations or orders made thereunder.

26. Distilleries and Warehouses for Intoxicants.

- The [State Government] [These words were substituted for the word 'Director' by Bombay 22 of 1960, Section 13 (2).] may-(a) establish a distillery in which spirit may be manufactured in accordance with a licence issued under this Act on such conditions as the [State] [This word was

substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government deems fit to impose;(b)discontinue any distillery established;(c)license, on such conditions as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government deems fit to impose, the construction and working of a distillery or brewery;(d)establish or license a warehouse wherein any [intoxicant] [These words were substituted for the words 'liquor, intoxicating drug' by Bombay 22 of 1960, Section 13(1).], hemp, mhowra flowers or molasses may be deposited and kept without payment of duty and(e)discontinue any warehouse so established.

27. [Intoxicant] [These words were substituted for the words 'Intoxicating drug', Bombay 22 of 1960, Section 13 (3).] or hemp not to be removed from ware-house, etc.

- No [intoxicant] [These words were substituted for the words 'liquor, intoxicating drug' by Bombay 22 of 1960, section 13(1).], hemp, mhowra flowers or molasses shall be removed from any distillery, warehouse or other place of storage established or licensed under this Act, except under a pass and unless the duty, if any, imposed under the provisions of this Act, has been paid or a bond has been executed for the payment thereof.

28. Passes for import, etc.

(1)The [State] [These words were substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by general or special order, authorise a Collector or any other officer to grant passes for the import, export or transport of any [intoxicant] [These words were substituted for the words 'liquor, intoxicating drug' by Bombay 22 of 1960, section 13(1).] or hemp.(2)Such passes may be either general for definite period of time and definite kinds of [intoxicant] [These words were substituted for the words 'liquor, intoxicating drug' by Bombay 22 of 1960, Section 13(1).] or hemp or special for specified occasions and particular consignments only.(3)Every such pass shall specify-1(a)the name of the person authorised to import, export or transport [intoxicant] [These words were substituted for the words 'liquor, intoxicating drug' by Bombay 22 of 1960, Section 13(1).] or hemp;(b)the period for which the pass is to be in force;(c)the quantity and description of [intoxicant] [These words were substituted for the words 'liquor, intoxicating drug' by Bombay 22 of 1960, section 13(1).] or hemp for which it is granted.(d)the places from and to which [intoxicant] [These words were substituted for the words 'liquor, intoxicating drug' by Bombay 22 of 1960, section 13(1).] or hemp are to be imported, exported or transported and in the case of places more than [sixteen kilometres] [These words were substituted for the words 'ten Miles' by Gujarat 9 of 1978, Section 4.] apart, the route by which they are to be conveyed.

29. [Through transport. [This section was substituted for the original by Bombay 22 of 1960, a. 14.]

- The through transport-(a)of any consignment of any intoxicant, hemp, denatured spirituous preparation, [mhowra flowers, molasses, rotten gur or ammonium chloride] by a railway

administration or by any steamer, ferry, road, transport or air service, or(b)of any intoxicant, hemp, denatured spirituous preparation, [mhowra flowers, molasses, rotten gur or ammonium chloride] [Substituted for 'mhowra flowers or molasses' by Gujarat 27 of 2003, dated 17th September 2003 (w.e.f. 29-09-2003).], otherwise than by way of consignment, shall be subject to such conditions as may be prescribed.]

30. [Licence for possession of denatured or rectified spirit and alcohol for industrial or medical purposes.].

- [Deleted by Bombay 22 of 1960, Section 15]

31. [Licences for bona fide medical or other purposes. [This section was substituted for the original by Bombay 22 of 1960, Section 16.]

- The State Government may by rules or by an order in writing, authorise an officer to grant licences to any person, or institution, whether under the management of Government or not, for the manufacture, sale, purchase, possession, consumption, or use of any intoxicant or hemp or any article containing an intoxicant or hemp for a bona fide medicinal, scientific, industrial or educational purpose:Provided that, where any intoxicant or hemp, or article containing such intoxicant or hemp, has been obtained by any person for a bona fide medicinal purpose, from any person or institution licensed to sell the same under this section, it shall not be necessary for such person to obtain a licence for the possession, purchase, consumption or use thereof:Provided further that, no licence shall be necessary for the possession of denatured spirit to the extent of such quantity as may be prescribed.]

31A. [Licences for purchase, etc., of liquor for manufacture of [articles mentioned] [Section 31A was inserted by Bombay 26 of 1952, section 9.] in section 24A.]

- The State Government may, by rules or an order in writing, authorise an officer to grant licences for the purchase, possession or use of any liquor or alcohol for the manufacture of [any article mentioned in section 24A] [These words were substituted for the words, figures and letters 'any preparation to which section 24A applies' by Bombay36 of 1954, section 6(i).], on such conditions as may be prescribed.]

32. Licences for tapping for [neera] [This word was substituted for the word 'toddy' by Bombay 26 of 1952; Section 10(2).].

- The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may authorise an officer by rules or an order in writing to grant licences for [the tapping of, [and drawing juice from] [These words were substituted for the words 'the tapping of palmyra or date palm trees for juice intended to be used' by Bombay 26 of 1952, Section 10(1).], any

palm tree for the purpose of sale or consumption as neera or] [* * *] [The word 'for the' were deleted, by Bombay 22 of 1960, Section 17(b).] manufacture of gur or any other article which is not an intoxicant [and on a licence being granted the person to whom the trees belong, or who is in possession of such trees, may permit them to be tapped or permit toddy to be drawn therefrom.] [This portion was added by Bombay 22 of 1960, Section 17(c).]

33. Trade and Import Licences.

- The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by rules or an order in writing, authorise an officer to grant trade and import licences to persons intending to import and to sell by wholesale any [foreign liquor] [These words were substituted for the words 'liquor, intoxicating drug or hemp' by Bombay 22 of 1960, Section 18.].

34. Vendor's Licences.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by rules or an order in writing, authorise an officer to grant a vendor's licence [or the sale of foreign liquor.] [These words were added by Bombay 22 of 1960, section 19(a).](2)A vendor's licence shall be granted on the following conditions-(i)the stock of foreign liquor with the licensee (except what is permitted for the disposal in the shop) shall be kept by him at [godown] [This word was substituted for the word 'warehouse', by Bombay 22 of 1960, section 19(b)(i).] approved by Government.[***] [Clause (ii) was deleted, by Bombay 22 of 1960, section. 19(b)(ii).](iii)the licensee shall pay all rent, costs, charges and expenses incidental to warehousing and supervision.(iv)[the licensee may sell any part of the stock of foreign liquor to foreign liquor licensees or to chemists, canteens, messes and clubs, holding licences in the State, or to any persons outside the State, subject to such conditions as the Director may impose; [These clauses were substituted for the original, by Bombay 22 of 1960, Section 19(b)(iii).](v)the licensee shall be permitted to sell foreign liquor only to holders of permits or authorizations;](vi)the licensee shall be entitled to keep in his shop such quantity of liquor as may be required by him from time to time for retail sale;(vii)the licensee shall keep accounts and shall dispose of [foreign liquor] [These words were substituted for the words 'the goods' by Bombay 22 of 1960, Section 19 (b)(iv).] according to such instructions as may be given by the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], or any officer authorized in this behalf by the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule].

35. Hotel licences.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by rules or an order in writing, authorize an officer to grant licences to the managers of hotels to sell foreign liquor to the holders of permits granted under this Act; Provided that the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government is satisfied that such hotel has ordinarily a sufficient number of boarders

eligible to hold permits.(2)Such licences shall be issued on the following conditions:-(i)liquor shall be sold [***] [The words 'in sealed bottles' were deleted, by Bombay 26 of 1952, Section 12 (1).] to the permit holders [residing or boarding] [These words were substituted for the word 'residing', by Bombay 26 of 1952, Section 12 (2).] at the hotel,(ii)consumption of liquor sold shall not be allowed in any of the rooms of the hotel to which any member of the public has access.(iii)the holders of hotel licences shall pay the expenses of any officer of the excise establishment, if any, required for grant and control of permits on the premises [or for the supervision over the issue and consumption of foreign liquor in the hotel] [This portion was added by Bombay 22 of 1960, Section 20.].

36. [Special import Licence(s) to hotels.].

- Deleted by Bombay 22 of 1960, Section 21.

37. [Dining car licences.].

- Deleted by Bombay 22 of 1960, Section 21.

38. Licences to shipping companies [and to Masters of ships] [These words were added, by Bombay 22 of 1960 , Section 14(3).].

- The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by rules or an order in writing, authorize an officer to grant licences to any shipping company for each ship [or to the Master of any ship] [These words were inserted by Bombay 26 of 1952, Section 14(1).] to sell foreign liquor [and to permit the use or consumption of foreign liquor on such ship on such conditions as may be prescribed] [These words were substituted for the words 'on condition that such liquor shall be sold only to Bona fide passengers on such ship', by Bombay 26 of 1952, section 14(2).].

39. Permission to use or consume foreign liquor on [] [The words 'cargo boats' were deleted, by Bombay 26 of 1952, Section 15(2).] warships, troopships and in [messes and canteen of armed forces] [These words were substituted for the words 'military and naval messes and canteens', by Bombay 26 of 1952, Section 15(2).].**

- The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, on such conditions as may be specified [by a general or special order permit -(i)the sale of foreign liquor to,(ii)the purchase, use or consumption of such liquor by,-(a)the members of the armed forces in messes and canteens [of the armed forces], and(b)the crew of warships or troopships and the members of the armed forces thereon.]

40. [Temporary resident's permits. [This marginal note was substituted for the original by Gujarat 9 of 1978, Section 5(b).]

(1)The [State] [This portion was substituted for the words beginning with the words 'in the notification' and ending with the word 'canteens' by Bombay 26 of 1952, section 15(1).] Government may, by rules or an order in writing, authorize an officer to grant [a temporary resident permit] [These words were substituted for the word 'permit' by Gujarat 9 of 1978, Section 5(a).] for the use or consumption of foreign liquor to person on the following conditions(a)that such person is not a minor[***] [Clause (b) was deleted by Bombay 26 of 1952, Section 16(1).](c)(i)that such person was either born and brought up or domiciled in any country outside India where such liquor is being generally used or consumed; or(ii)that such person is on the Register of Foreigners under the Registration of Foreigners Act, 1939, (XVI of 1939) and is not domiciled in [India] [This word was substituted for the words the 'the Dominion of India' by the Adaptation of Laws Order, 1950.]Provided that, in the case of any person falling under sub-clause (i) or (ii)-(al)such person has been residing and intends to reside in India temporarily and that such person has a fixed and settled purpose of making his sole and permanent home in any country outside India; and(bl)that such person has been ordinarily using or consuming such liquor.[***] [Sub-section (2) was deleted by Bombay 22 of 1960, section 23.](3)Such permits shall be granted for such quantities as may be prescribed.(4)[If any question arises whether the conditions imposed by clause (a) or (c) of subsection (1) are satisfied or not in any case, the State Government shall decide the question and its decision shall be final.] [Sub-section (4) was added by Bombay 26 of 1952, Section 16(2).][***] [The explanation was deleted, by Bombay 26 of 1952, Section 16(3).]

40A. [Health Permits. [Sections 40A and 40B were inserted by Bombay 26 of 1952, Section 17.]

(1)The State Government may by rules or orders in writing, authorize an officer to grant a health permit for the use or consumption of foreign liquor to any person who requires such liquor for the preservation or maintenance of his health:Provided that no such permit shall be granted to a minor.(2)Such permit shall be granted for such quantity and shall be subject to such further conditions as may be prescribed.

40B. Emergency Permits.

(1)The State Government may by rules or orders in writing authorize an officer to grant emergency permits for the use or consumption of brandy, rum or champagne or any other kind of liquor to any person for his own use or consumption or to any head of a household for the use of his household for medicinal use on emergent occasions:Provided that the person to whom a permit is granted under this section may [subject to such conditions as may be prescribed] [These words were inserted by Bombay 22 of 1960, section 24(a).] allow the use or consumption of liquor in respect of which the permit has been granted to any other person who requires the use thereof for medicinal purpose on emergent occasions:Provided further that no permit shall be granted to more than one member of a household at any one time.[***] [Sub-section (2) and the Explanation were deleted, by

Bombay 22 of 1960, section 24(b).](3)Such permits shall be granted for such quantities and shall be subject to such further conditions as may be prescribed.][***] [Sub-section (2) and the Explanation were deleted, by Bombay 22 of 1960, section 24(b).]

41. Special permits to foreign sovereigns etc.

- The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, grant special permits for the use or consumption of foreign liquor [to any person who is-(a)a Sovereign or Head of a foreign State;(b)an Ambassador, Diplomatic Envoy or Consul, Honorary Consul or Trade, Commerce or other representative of a foreign State;(c)a member of the staff appointed by or serving under any person, specified in clause (a) or (b): Provided that such member is a national of a foreign State; [**](cl)[a member of a foreign Government; [Clauses (cl) and (c2) were inserted, by Bombay 22 of 1960, Section 25(b).](c2)a representative or officer of any international organization to which privileges and immunities are given from time to time by or under the United Nations (Privileges and Immunities) Act, 1947 (XLVI of 1947); and](d)the Consort of any person specified in clauses (a), (b), [(c), (cl) or (c2)] [These brackets, letters, figures and word were substituted for the word, brackets and letter 'or (c)', by Bombay 22 of 1960, Section 25(c).] or any relation of such person dependent upon him.]

42. [Permits to be non-transferable].

- Deleted by Bombay 22 of 1960, Section 26.

43. [Regulation of use or consumption of foreign liquor by certain permit holders. [Section 43 was substituted for the original by Bombay 26 of 1952, Section 20.]

(1)No holder of a permit granted under any of the provisions of this Act other than section 40B shall drink in a public place or in the rooms of a hotel or institution to which the public may have access.(2)No holder of a permit granted under section 40A shall allow the use or consumption of any part of the quantity held by him to any other person.(3)[a person holding a permit under section 40, 41, 46, 46A or 47 may allow the use or consumption of any part of the quantity of foreign liquor possessed by him under the permit, to any other person who holds a permit under any of those sections.] [This portion was substituted for the words beginning with the words 'to sovereigns' and ending with the words 'envoy or consul', by Bombay 26 of 1952, Section 18.](4)No holder of a permit under section 40, 41, 46, 46A or 47 shall serve any liquor at any ceremonial or other function or any assembly of persons where persons (not being members of his family or his employees) who do not hold any of the permits aforesaid, are present.]

44. Licence to Clubs.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by rules or an order in writing [grant or authorise an officer to grant]

[These words were substituted for the words 'authorise or grant' by Bombay 26 of 1952, Section 21.] licences to a club approved by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government in this behalf to sell foreign liquor [to its member's holding permits.] [These words were added by Bombay 22 of 1960, Section 28(a).](2)Such licences shall be granted on the following conditions:[***] [Clause (a) were deleted, by Bombay 22 of 1960, Section 28(b)(i).](b)that no liquor shall be served to the holder of any permit in any room of the club to which the public have access at the time when any person who does not hold such permit is present;(c)that the club when authorised [in writing] [These words were inserted and the word 'and' at the end was deleted by Bombay 22 of 1960, Section 28 (b)(ii).] by any member who is the holder of a permit may stock the permitted quantity of liquor on account of such member [*****] [These words were inserted and the word 'and' at the end was deleted by Bombay 22 of 1960, Section 28 (b)(h).][***] [Clause (d) were deleted, by Bombay 22 of 1960, Section 28(b)(i).][***] [The Explanation was deleted, by Bombay 22 of 1960, Section 28(b)(iii).]

45. Authorization for sacramental purposes.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by rules or an order in writing, authorise an officer to grant any authorization to any person for the use of liquor for sacramental purposes:Provided that the officer so authorized is satisfied that the use of such liquor is required in accordance with the religious tenets of the community to which such person belongs.(2)[An authorization under this section shall be granted on the recommendation of such members of the community to which the person applying for the authorization belongs as may be approved by the State Government in that behalf.] [This sub-section was substituted for original, by Bombay 22 of 1960, Section 29 (a).][***] [Sub-section (3) was deleted, by Bombay 22 of 1960, Section 29 (b).](4)If any dispute arises whether the use of liquor is required by any person for sacramental purpose, the person requiring such use may apply to the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule],The [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], after holding a summary inquiry [***] [The words 'in prescribed manner' were deleted by Bombay 22 of 1960, Section 29 (c).] shall decide whether or not the liquor is required by the person for sacramental purposes.(5)The decision of the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] under sub-section (4) shall be final.

46. [Visitor's Permit. [Section 46 was substituted for the original by Bombay 22 of 1960, Section 30.]

(1)The State Government may, by rules or an order in writing, authorise an officer to grant a visitor's permit for the purchase, possession, use or consumption of foreign liquor to a person who-(a)(i)is a citizen of a foreign country, or a citizen of India and resides in any part of India, where consumption of alcoholic liquor is not generally prohibited by law; or(ii)is a citizen of a foreign country or is a citizen of India and resides in any part of India, where consumption of liquor is prohibited by law, but has been consuming such liquor under a permit or other authorization; and(b)visits the State for a period of not more than a week.(2)Such permit shall be granted ordinarily for a period not

exceeding one week at any one time; but may be extended from time to time for further periods not exceeding one week at a time, so, however, that the total period shall not exceed in the aggregate one month.]

46A. [[Tourist's permit] [Section 46A was inserted by Bombay 20 of 1955, Section 4.].

(1)The State Government may, by rules or an order in writing, authorise an officer to grant [a tourist's permit] [These words were substituted for the words 'tourists permits' by Bombay 22 of 1960, Section 31(a).] to consume, use and buy foreign liquor to a person who is a tourist.(2)A tourist's permit may be granted for the period of the tourist's intended stay in the [State] [This word was substituted for the words 'Pre-Reorganisation State of Bombay, excluding the transferred territories' by Bombay 12 of 1959, Section 3.], but shall in no case be granted for a period exceeding one month.(3)Such permits shall be available at such places as may be [fixed] [This word was substituted for the word 'notified' by Bombay 22 of 1960, Section 31(b).] by the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] in this behalf.]

47. Interim permit.

(1)Notwithstanding anything contained in sections [40, 40A and 41] [These figures, letters and words were substituted for the figures and word '40 and 41' by Bombay 26 of 1952 Section 22(1).] the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by rules or an order in writing, [authorise an officer officer to] [These words were inserted by Bombay 26 of 1952, Section 22 (2).] grant interim permits to persons applying for permits under any of the said provisions.(2)Such interim permits shall not be granted for any period exceeding two months.

48. [[Permits] [This marginal note was substituted for the original by Bombay 26 of 1952, Section 23(2).] for consumption or use of intoxicating drugs [or opium.] [These words were inserted, Bombay 22 of 1960, Section 32(c).].

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by rules or an order in writing, authorise an officer to grant [permits] [This word was substituted for the word 'licences' by Bombay 22 of 1960, Section 32(a).] for the [consumption or use] [These words were substituted for the word 'sale' by Bombay 26 of 1952, Section 23(1).] of [intoxicating drugs] [These words were substituted for the words 'hemp drug', by Bombay 26 of 1952, Section 23(1).] [or opium] [These words were inserted by Bombay 22 of 1960, Section 32 (b).] in such quantities as may be prescribed.(2)Such [permits] [This word was substituted for the word 'licences' by Bombay 22 of 1960, Section 32(a).] shall be granted on the certificate of the Medical Board.

48A. [Permits to be non-transferable. [Section 48A was inserted, by Bombay 22 of 1960, Section 33.]

- permits granted under sections 40, 40A, 40B, 41, 46, 46A, 47 or 48 shall be non-transferable.]

49. [Power to make rules or pass orders for possession, etc. of opium.].

- Deleted by Bombay 22 of 1960, Section 34.

50. [Warehousing of opium.].

- Deleted by Bombay 22 of 1960 Section 34.

51. [Rules for sale, etc. of warehoused intoxicant or hemp.].

- Deleted by Bombay 22 of 1960 Section 34. -

52. Power of authorised officers to grant licences, permits and passes in certain cases.

- Notwithstanding anything in this Act, it shall be lawful for any officer authorised by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government in this behalf to grant any licences, passes or permits for import, export, transport, possession, sale, buying, cultivation, collection, manufacture, [bottling] [This word was inserted by Bombay 22 of 1960, Section 35], consumption and use of any intoxicant, hemp, or mhowra flowers or molasses or for the tapping of any toddy; producing tree or the drawing of toddy from such tree in cases other than those specifically provided under any of the provisions of this Act.

53. General conditions regarding licences, etc.

- All licences, permits, passes, or authorisations granted under this Act shall be in such form and shall, in addition to or in variation or substitution of any of the conditions provided by this Act, be subject to such conditions as may be prescribed and shall be granted on payment of the prescribed fee: Provided that every licence, permit, pass or authorisation shall be granted only on the condition that the [person applying] [These words were substituted for the words 'holder thereof,' by Bombay 22 of 1960, Section 36.] undertakes, and in the opinion of the officer authorised to grant the licence, permit, pass or authorisation is likely to abide by all the conditions of the licence, permit, pass or authorisation and the provisions of this Act.[***] [The portion beginning with the words 'and not to do anything' and ending with the words 'object and purposes of this Act' were deleted by Bombay 26 of 1952, Section 24.]

53A. [Certain licensees required to keep measures, etc. [This section was inserted by Bombay 22 of 1960, Section 37.]

- Every person who manufactures or sells any intoxicant or hemp under a licence granted under this Act, shall be bound-(a)to equip himself with and keep such measures and weights and such instruments for testing the strength or quality of the intoxicant or hemp as the Collector may prescribe, and to keep the same in good condition, and(b)on a requisition of any Prohibition Officer, duly empowered in this behalf, at any time to measure, weigh or test any intoxicant or hemp in his possession or to have it measured, weighed or tested in such manner as the Prohibition Officer may require.]

54. Power to cancel or suspend licences and permits.

(1)[The authority granting any licence, permit, pass or authorisation under this Act may for reasons to be recorded in writing cancel or suspend it,] [These words were substituted for the portion beginning with the words 'The Director or any officer authorised in this behalf' and ending with the words 'granted under this Act', by Bombay 22 of 1960, Section 38(a)(i).](a)if any fee or duty payable by the holder thereof is not duly paid;(b)if the purpose for which the licence, permit, pass or authorisation was granted ceases to exist;(c)in the event of any breach by the holder of such licence, permit, pass or authorisation or by his servant or by any one acting with his express or implied permission on his behalf of any of the terms or on his behalf of any conditions of such licence, permit, pass or authorisation or of any licence, permit, pass or authorisation previously held by the holder;(d)if the holder thereof or any person in the employ of such holder or any person acting with his express or implied permission on his behalf is convicted of any offence under this Act or if the holder of the licence, permit, pass or authorisation is convicted of any cognizable and non-bailable offence or [of any offence under the Dangerous Drugs Act, 1930 (II of 1930)] [These words and figures were substituted for the words and figures 'of any offence under the Dangerous Drugs Act, 1930' by Bombay 22 of 1960, Section 38 (a)(ii).], [or under the Drugs and Cosmetics Act, 1940 (XXII of 1940), or under the Bombay Drugs (Control) Act, 1959 (Bombay XI of 1960)] [These words figures and brackets were substituted for the words, figures and brackets 'or under the Drugs Act, 1940 or under the Bombay Drugs (Control) Act, 1952', by Gujarat 9 of 1978, Section 6(ii).], or under the Indian Merchandise Marks Act 1889, (IV of 1889), or of any offence punishable under sections 482 to 489 (both inclusive) of the Indian Penal Code, [or of any offence punishable under section 112 of the Customs Act, 1962 (XLV of 1860), for an act specified in clause (d) of section 111 of the said Act, including the abetment of the doing, or the omission, of such act;] [These words, figures, brackets and letter were substituted for the words and figures 'or any offence punishable under Article 8 of the Schedule to section 167 of the Sea Customs Act, 1878', by Gujarat 9 of 1978, Section 6(ii).](e)[if the licence, permit, pass or authorisation has been obtained through wilful misrepresentation or fraud.] [This clause was inserted, by Bombay 22 of 1969, Section 38(a)(iii).](2)Where a licence, permit, pass or authorization held by any person is cancelled, under sub-section (1), the authority aforesaid may cancel any other licence, permit, pass or authorisation granted or deemed to have been granted to such persons under this Act.(3)[Notwithstanding anything contained in this section, the State Government may, for reasons to be recorded in writing, suspend or cancel any licence, permit, pass or authorisation.] [This sub-section was substituted for

the original, by Gujarat 9 of 1978, Section 38(d).]

55. Holder of licence, etc. not entitled to compensation or refund of fee for cancellation or suspension thereof.

- No holder of a licence, permit pass or authorisation shall be entitled to any compensation for the cancellation or suspension of the licence, permit, pass or authorisation under section 54 nor to a refund of any fee or deposit made in respect thereof.

56. Cancellation for other reasons.

(1)Whenever the authority granting a [licence, permit, pass or authorization] [These words and figures were substituted for the word 'licence' by Bombay 22 of 1969, Section 39(a)(i).] considers that it should be cancelled for any cause other than those specified in Section 54, he may cancel [it] [This word was substituted for the words 'the licence' by Gujarat 9 of 1978, Section 39(a)(ii).] either-(a)on the expiration of not less than fifteen days' notice in writing of his intention to do so; or(b)[forthwith without notice, recording his reasons in writing for doing so.] [This clause was substituted by Gujarat 9 of 1978, 39(a)(iii).](2)[Where a licence, permit, pass or authorization is cancelled under sub-section (1), a part of the fee for the licence, permit, pass or authorization proportionate to the unexpired portion of the terms thereof and the deposit made by the holder thereof in respect of such licence, permit, pass or authorization shall be refunded to him after deducting any amount due from him to the State Government.] [This sub-section was substituted, by Gujarat 9 of 1978, Section 39(b).]

57. Attachment of Licence.

- Notwithstanding anything contained in any other section, when a licence is liable under that section to cancellation owing to default in the payment of any duty or fee payable by the holder thereof, the authority granting the licence may attach and take such licence under management, and if the profits received from such management after meeting all the expenses of such attachment and management are less than the amount of the arrears for which the licence was attached and the amount falling due on such licence during the remaining period of such licence the difference shall be recovered from the licensee as if it were a duty or fee leviable under any one of the provisions of this Act, and in the event of the said profits exceeding the amount so due under the licence, the licensee shall not be entitled to receive any of the said profits.

58. Right, title or interest under licence not liable to be sold or attached in execution.

- Notwithstanding anything contained in any law for time being in force no right, title or interest in any licence, permit, pass, or authorization granted under this Act shall be liable to be sold, transferred or attached in the execution of any process of any civil or any other Court.

58A. [Supervision over manufacture, etc. [This section was inserted by Gujarat 9 of 1978 Section 40.]

- The State Government may by general or special order direct that the manufacture, import, export, transport, storage, sale, purchase, use, collection or cultivation of any intoxicant, denatured spirituous preparation, hemp, mhowra flowers, or molasses shall be under the supervision of such prohibition and excise or Police staff as it may deem proper to appoint, and that the cost of such staff shall be paid to the State Government by the person manufacturing, importing, exporting, transporting, storing, selling, purchasing, using, collecting or cultivating the intoxicant, denatured spirituous preparation, hemp, mhowra flowers or molasses: Provided that, the State Government may exempt any class of persons or institutions from paying the whole or any part of the cost of such staff].

59. [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] entitled to require licence holder [or owner] [These words were inserted by Gujarat 9 of 1978, Section 26 (2).] to dispose of stocks.

(1) Notwithstanding the fact that the period during which any licence, permit, pass or authorisation is to be in force has not expired, the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] may direct the holder thereof to dispose of his stock of intoxicant, [denatured spirituous preparation] [These words were inserted by Bombay 22 of 1960, Section 41(a).] or hemp or mhowra flowers before such date as may be specified in the order. (1A) [The Director may also direct the owner of the stock of any intoxicant, [denatured spirituous preparation] [Sub-section (1A) was inserted by Bombay 26 of 1952, Section 26(1).] or hemp or mhowra flowers who does not hold any licence, permit, pass or authorization for such stock to dispose of the said stock before such date as may be specified in the order, and the owner shall comply with such direction.] (2) Any stock intoxicant [denatured spirituous preparation] [These words were inserted by Bombay 22 of 1960, Section 41(a).] hemp or mhowra flowers left undisposed of after the date so specified shall, together with receptacles or packages in which it is contained, be liable to forfeiture to [the State Government] [These words were substituted for the words 'His Majesty' by the Adaptation of Laws, Order 1950.] by the order of the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule]. On the cancellation or the expiry of the period of any licence, permit, pass or authorization, the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] may also direct that any stock of any intoxicant, [denatured spirituous preparation] [These words were inserted by Bombay 22 of 1960, Section 41(a).] hemp or mhowra flowers remaining with the holder of the licence, permit, pass or authorization together with receptacles or packages thereof be forfeited to [the State Government.] [These words were substituted for the words 'His Majesty' by the Adaptation of Laws, Order 1950.] (3) If the articles which are forfeited under sub-section (2) are sold, the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] may, if he thinks fit, order the whole or any portion of the sale proceeds of such articles to be paid to the owner thereof. (4) [No direction or order under sub-section (1), (1 -A), (2) or (3) shall be made unless the

person likely to be adversely affected by such direction or order is given reasonable opportunity of being heard, and the reasons for the direction given or order made are recorded in writing by the [Director] [This sub-section was inserted by Bombay 22 of 1960, Section 41(b).],[Chapter IV-A] [Chapter IV-A was inserted by Bombay 26 of 1952, Section 27.] Control and Regulation of [Articles Mentioned in Section 24A] [These words figures and letter were substituted for the words 'Medicinal and Toilet preparations' by Bombay 36 of 1954, Section 7.] to Prevent their use as Intoxicating Liquor

59A. [Manufacture of articles mentioned in section 24A] [This marginal note was substituted for the original, by Bombay 36 of 1954, Section 8(ii).]

(1)No manufacturer of any of the articles mentioned in Section 24A shall sell, use or dispose of any liquor purchased or possessed for the purposes of such manufacture under the provisions of this Act otherwise than as an ingredient of the articles authorised to be manufactured therefrom. No more alcohol shall be used in the manufacture of any of the articles mentioned in Section 24A than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the articles:Provided that in the case of manufacture of any of the articles mentioned in section 24A in which the alcohol is generated by a process of fermentation the amount of such alcohol shall not exceed 12 per cent. [by volume.] [These words were added by Bombay 22 of 1960, Section 43.](2)No person shall-(a)knowingly sell any [article mentioned in section 24A] [These words, were substituted for the words figures and letter 'article to which section 24-A applies' by Bombay 36 of 1954, Section 8(i).] for being used as an intoxicating drink, or(b)sell any such article under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purpose.

59AA. [Control on manufacture etc. of articles mentioned in section 24A. [This section was inserted by Bombay 22 of 1960, Section 42.]

- No article mentioned in Section 24A shall be manufactured, imported or exported, except under a licence which shall, subject to the provisions of any rules made in that behalf, be granted by an officer authorised in that behalf by an order in writing by the State Government:Provided that no such licence shall be necessary for the import or export of such article to the extent of such quantity as may be prescribed.]

59B. [Analysis of articles mentioned in section 24A] [This marginal note was substituted for the original by Bombay 36 of 1954, Section 9].

- [(1) Whenever the Director has reason to believe that any of the articles mentioned in Section 24-A does not correspond with the description and limitations provided in Section 59-A, he shall cause an analysis of the said article to be made and if upon such analysis the Director shall find the said article does not so correspond, he shall give not less than 15 days' notice in writing to the person who is the manufacturer thereof or is known or believed to have imported [or obtained] [The original section 59B was renumbered as sub-section (1) of that section by Bombay 20 of 1955,

Section 5.] such article to show cause why the said article should not be dealt with as the intoxicating liquor, such notice to be served personally or by registered post as the Director may determine, and shall specify the time when, place where, and the name of the officer before whom such person is required to appear.](1A)[If such person fails to show to the satisfaction of the Direction that the said article corresponds with the description and limitations provided in Section 59-A, the Director may, by notification in the Official Gazette direct that the said article be dealt with as an intoxicating liquor and thereupon the provisions of this Act relating to liquor shall apply to that articles.] [This sub-section was inserted, by Bombay 22 of 1960 Section 44(2).](2)[Whenever the Director causes an analysis of an article mentioned in Section 24-A to be made under sub-section (1) [or gives notice thereunder] [Sub-section (2) was added by Bombay 20 of 1955 Section 5.], he may require the person who is the manufacturer thereof or who is known or believed to have imported [or obtained] [These words were inserted by Bombay 22 of 1960 Section 44 (3).] such articles not to sell, distribute or otherwise deal with such article, or to remove it from any place without the previous permission of the Director, for any period not exceeding three months from the date of such requisition or till the result of the analysis is known and [communicated to him in writing by the Director, whichever is earlier, or as the case may be, till such manufacturer or other person satisfies the Director that the article corresponds to the description and limitations provided in section 59-A] [These words figures and letters were substituted for the words 'communicated to him, whichever is earlier' by Bombay 22 of 1960 Section 44(3).]; and thereupon such manufacturer or person shall comply with such requisition during the said period.][Chapter IV-B] [Chapter IV-B was inserted, by Bombay 22 of 1960, Section 45.] Control and Regulation of Denatured Spirituous Preparations to Prevent their use as Intoxicating Liquor.

59C. Prohibition against possession of denatured spirituous preparation in excess of Prescribed Limit and the regulation of its Possession in Excess of Prescribed Limit.

(1)No person shall have in his possession, except under a permit granted by any officer empowered by the State Government in that behalf, any quantity, of denatured spirituous preparation in excess of such a quantity as the State Government may, by notification in the Official Gazette, specify.(2)In specifying quantity of possession of denatured spirituous preparation under sub-section (1) regard shall be had to the necessity for the free possession of such preparation for legitimate, domestic and other purposes, and different limits may be fixed for-(i)different local areas,(ii)different classes of persons, and(iii)different occasions.

59D. Regulation of manufacture, etc. of denatured spirituous preparation.

(1)No person shall-(a)manufacture, sell or bottle for sale any denatured spirituous preparation, except under the authority and in accordance with the terms and conditions of a licence;(b)import, export or transport any denatured spirituous preparation in excess of the limit of possession specified under sub-section (1) of section 59-C, except under the authority and in accordance with the terms and conditions of a pass;(c)drink any denatured spirituous preparation.(2)A licence or pass required under sub-section (1) shall be granted by any officer empowered in writing in that

behalf by the State Government.]

Chapter V

Mhowra Flowers

60. Prohibition of export or Import of mhowra flowers.

(1)No person shall export or import mhowra flowers except under a pass granted by the Collector or an officer authorised in this behalf.(2)Control and regulation of transport, sale, etc., of mhowra flowers. - [No person or head of household on his behalf or on behalf of the members of his household shall in the aggregate] [These words were substituted for the words 'No person shall' by Bombay 26 of 1952, Section 28 (1)] collect or transport or sell or buy or have in his possession mhowra flowers exceeding the prescribed limit in weight, except under the authority and subject to the conditions of a licence, permit or pass granted [by the Collector or an officer authorised] [These words were inserted, by Bombay 26 of 1952, Section 28 (2).] in this behalf:Provided that no licence, permit or pass shall be necessary for the collection, transport, sale, purchase or possession within such area and during such period (hereinafter called vacation period) as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of laws Order, 1950.] Government may, by notification in the Official Gazette, notify, of any quantity of mhowra flowers which shall be the produce of that year [and of that area] [These words were added by Bombay 26 of 1952, Section 28 (3).]:Provided further that unless the [State] [This word was substituted for the word 'Provincial' by the Adaptation of laws Order, 1950.] Government by a notification in the Official Gazette, otherwise directs, no licence, permit or pass shall be necessary for the transport by rail of any quantity of mhowra flowers through an area which has no vacation period or the vacation period for which has expired at the time when the transport takes place, provided that-(i)the said flowers are not unloaded in transit, and(ii)there is a vacation period at the place from which and to which the said flowers are transported at the time when the said flowers are despatched or arrived, as the case may be.[***] [The Explanation was deleted by Bombay 22 of 1960, Section 46.]

Chapter VI

Control and Regulation of Molasses

61. Control of export, etc. of molasses.

(1)Except as otherwise provided in subsections (2) and (3), no person shall export, import, transport, sell or have in his possession any quantity of molasses.(2)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by general or special order, authorise any Collector [or any other officer] [These words were inserted by Bombay 26 of 1952 Section 29.] to grant licences for the import, export, sale or possession of molasses.(3)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may also authorise any Collector or any other officer to grant permits for the transport of molasses.

62. Provisions of Sections 53 to 59 to apply to licences granted under section 61.

- The provisions of sections 53 to 59 [(both inclusive)] [These brackets and words were inserted by Bombay 22 of 1960 Section 47.] shall so far as may be applicable, apply to licences or permits granted under section 61.

63. [Provision of Act in relation to molasses to be in addition to and not in derogation of Bombay XXXVIII of 1956. [This section was inserted by Bombay 22 of 1960, Section 48.]

- The provisions of this Act in relation to molasses shall be in addition to and not in derogation of the provisions of the Bombay Molasses (Control) Act, 1956 (Bombay XXXVII of 1956), or of any rule or order made thereunder.][Chapter VI-A] [Chapter VI A was inserted by Gujarat 9 of 1978, Section 7.] Control and Regulation of Rotten Gur and Ammonium Chloride

64. Prohibition against possession of rotten gur in excess of prescribed limits.

- No person shall have in his possession, except under a permit granted by an officer empowered by the State Government in that behalf, any quantity of rotten gur in excess of such quantity as the State Government may, by notification in the Official Gazette, specify.

64. [Power of State Government to direct holder of stock of molasses to sell them at fixed price to any officer, person or class of persons.].- Deleted by Bombay 26 of 1952, Section 30.

64A. Regulation of manufacture, etc , of rotten gur.

- No person shall manufacture, use or consume rotten gur except under the authority, and in accordance with the terms and conditions of a licence, permit, pass or authorisation granted for the purpose by an officer empowered in that behalf by the State Government.

64B. Regulation of manufacture, etc., of ammonium chloride.

- No person shall manufacture, use or have in his possession ammonium chloride, in excess of such quantity as the State Government may, by notification in the Official Gazette, specify, except under a licence, permit, pass or authorisation granted by an officer empowered by the State Government in that behalf.

64C. Provision of sections 53 to 59 to apply to licences, permits etc. granted under sections 64, 64 A and 64B.

- The provisions of sections 53 to 59 (both inclusive) shall, so far as may be applicable, supply to licences, permits, passes or authorisations granted under sections 64, 64A and 64B.]

Chapter VII

Offences and Penalties

65. Penalty for illegal import, etc. of intoxicant or hemp.

- Whoever, in contravention of the provisions of this Act, or of any rule, regulation or order made or of any licence, pass, permit or authorisation granted thereunder-(a)imports or exports any intoxicant [(other than opium)] [These brackets and words were inserted, by Bombay 22 of 1960, Section 49(a).] or hemp,(b)manufactures any intoxicant [(other than opium)] [These brackets and words were inserted, by Bombay 22 of 1960, Section 49(a).],(c)constructs or works any distillery or brewery,(d)bottles liquor,(e)[possesses, transports, sells or buys] [Substituted 'sells or by' by Gujarat Act No. 9 of 2017, dated 16.3.2017.] any intoxicant [(other than opium)] [These brackets and words were inserted, by Bombay 22 of 1960, Section 49(a).] or hemp, or(f)uses, keeps or has in his possession any materials, still, utensils, implements or apparatus for the purpose of manufacturing any intoxicant [(other than opium)] [These brackets and words were substituted for the brackets and words '(other than toddy)' by Bombay 22 of 1960, Section 49 (b).].(g)[cultivates or collects hemp.] [This clause was inserted by Bombay 22 of 1960, Section 49 (c).][[shall, on conviction, be punished for each such offence with imprisonment for a term which may extend to ten years and with fine which may extend to five lakh rupees;Provided that, in absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court,-(i)for a first offence, such imprisonment shall not be less than two years and fine shall not be less than two lakh rupees;(ii)for a second offence, such imprisonment shall not be less than three years and fine shall not be less than two lakh rupees;(iii)for a third or subsequent offence, such imprisonment shall not be less than seven years and fine shall not be less than five lakh rupees.] [This portion was substituted for the portion beginning with the words 'shall on conviction be punished' to the end of the section by Bombay 22 of 1960, Section 49(d).]Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court,-(i)for a first offence, such imprisonment shall not be less than six months, and fine shall not be less than five hundred rupees;(ii)for a second offence such imprisonment shall not be less than nine months, and fine shall not be less than one thousand rupees;(iii)for a third or subsequent offences, such imprisonment shall not be less than one year and fine shall not be less than one thousand rupees.]

65A. [Punishment for laththa. [Inserted by Gujarat Act No. 29 of 2011, dated 1.12.2011.]

(1)Notwithstanding anything contained in this Act, whoever,-(a)Manufactures laththa,(b)Constructs or works any distillery or brewery for it,(c)sells or buys laththa, or(d)uses, keeps, transports or has in his possession laththa, shall on conviction, be punished with imprisonment for a term which may extend to ten years, but shall not be less than seven years and also with fine.(2)When there has been death of any person by the consumption of the said laththa mentioned in sub-sec. (1) above, the

person who has manufactured, kept, sold or arranged to make it drink or distributed laththa shall, on conviction, be punished with death or imprisonment for life and shall also be liable to fine.(3)Whoever keeps, sells, buys or supplies any material for manufacture of the laththa and when there has been death of person by the consumption of the said laththa shall, on conviction, be punished for a term up to imprisonment for life and shall also with fine.]

65AA. [Punishment for possession etc. of lesser quantity of intoxicant [Inserted by Gujarat Act No. 9 of 2017, dated 16.3.2017.]

- Notwithstanding anything contained in section 65, whoever sells, buys, possesses or transports any intoxicant which is less than the quantity as specified by the State Government by notification in the Official Gazette, shall, on conviction, be punished, for each such offence with imprisonment for a term which may extend to three years and also with fine.]

66. Penalty for illegal cultivation and collection of hemp and other matter.

- [(1) Whoever in contravention of the provisions of this Act, or of any rule, regulation or order made or of any licence, permit, pass or authorization issued, thereunder-^{***}(b)[Consumes or uses] [Substituted 'consumes, uses, possesses or transports' by Gujarat Act No. 9 of 2017, dated 16.3.2017.] any intoxicant [other than opium] [These brackets and words were inserted, by Bombay 22 of 1960, Section 50 (a) (ii).] or hemp,(c)taps or permits to be tapped any toddy-producing tree;(d)draws or permits to be drawn toddy from any tree;(e)[enters the territory of the State in an intoxicated condition or under the influence of an intoxicant (other than opium) or hemp; after having consumed such intoxicant or hemp at any place outside the State,] [Clause (e) was inserted by Gujarat 9 of 1978, Section 8(1).]shall, on conviction, be punished-(i)for a first offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees:^{***} [Proviso deleted by Gujarat 7 of 2005, dated 25th February 2005 (w.e.f. 17-02-2006).](ii)[for a second or subsequent offences, with imprisonment for a term which may extend to two years but which shall not be less than six months and with fine which may extend to two thousand rupees.] [Substituted by Gujarat Act No. 9 of 2017, dated 16.3.2017]^{***} [Proviso deleted by Gujarat 7 of 2005, dated 25th February 2005 (w.e.f. 17-02-2006).](iii)[for a second or subsequent offences, with imprisonment for a term which may extend to two years but which shall not be less than six months and with fine which may extend to two thousand rupees: [Substituted by Gujarat Act No. 9 of 2017, dated 16.3.2017]^{***} [Section 66 was renumbered as sub-section (1) by Bombay 12 of 1959, Section 9.](2)[Subject to the provisions of sub-section (3), where in any trial of an offence under clause (b) of sub-section (1) for the consumption of an intoxicant, [or in any trial of an offence under clause (e) of sub-section (1) for entry in the territory of the State after consumption of an intoxicant or hemp at any place outside the State] [Sub-sections (2) and (3) were added by Bombay 12 of 1959, Section 9.] it is alleged that the accused person consumed liquor, and it is proved that the concentration of alcohol in the blood of the accused person is [not less than 0.05 per cent, weight in volume] [These words and figures were substituted and shall be deemed always to have been substituted for the words and figures 'not less than 0.05 per cent' by Bombay 22 of 1960, Section 50 (b).] then the burden of proving that [the liquor consumed was a medicinal preparation consumed in quantity not in excess of normal dose as defined in section 24-1 A or that the liquor

consumed was a toilet preparation] [These words, figures and letters were substituted for the words 'the liquor consumed was a medicinal or toilet preparation' by Gujarat 9 of 1978, Section 8(2) (b).] or an antiseptic preparation or solution, or a flavouring extract, essence or syrup, containing alcohol, the consumption of which is not in contravention of the Act or any rules, regulations or orders made thereunder, shall be upon the accused person, and the Court shall in the absence of such proof presume the contrary.(3)The provisions of sub-section (2) shall not apply to the consumption of any liquor-(a)by indoor patients during the period they are being treated in any hospital, convalescent home, nursing home or dispensary, maintained or supported by Government or a local authority or by charity, or(b)by such other persons, in such other institutions, or in such circumstances as be prescribed.]]

66A. [Penalty for illegal import, etc. of opium. [This section was inserted by Bombay 22 of 1960, Section 51.]

- Whoever, in contravention of the provisions of this Act, or of any rule, regulation or order made thereunder or of any licence, pass, permit or authorisation granted by or under this Act, imports, exports, transports, consumes, uses, possesses, sells or buys opium, shall, on conviction, be punished for each such offence with imprisonment for a term which may extend to three years and also with fine:Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court,-(i)for a first offence, such imprisonment shall not be less than six months and fine shall not be less than five hundred rupees;(ii)for a second offence, such imprisonment shall not be less than nine months, and fine shall not be less than one thousand rupees;(iii)for a third or subsequent offences, such imprisonment shall not be less than one year and fine shall not be less than one thousand rupees.]

67A. [Penalty for manufacturing [articles mentioned in section 24A] [Sections 67A and 67B were inserted by Bombay 26 of 1952, Section 31.] in contravention of the provisions of section 59A.

(1)Whoever in contravention of the [provisions of section 59AA or, as the case may be, of section 59A] [These words, figures and letters were substituted for the words, figures and letters 'provisions of section 59A' by Bombay 22 of 1960, Section 55 (a)(i).]-(1a)[manufactures, imports or exports any article mentioned in section 24A, or] [Clause (1a) was inserted, by Bombay 22 of 1960, Section 55 (a) (ii).](a)sells, uses or disposes of any liquor otherwise than as an ingredient of any [article mentioned in section 24A] [These words substituted for the words 'medicinal or toilet preparation' by Bombay 36 of 1954, Section 11 (1)(a).], or(b)uses more alcohol [in the manufacture of any of the articles mentioned in section 24A] [These words, figures and letters were substituted for the words 'in the manufacture of such articles which may be used as intoxicating liquor' by Bombay 22 of 1960, Section 55 (a)(iii).] than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of such [article] [This word was substituted for the word 'preparation' by Bombay 26 of 1954, Section 11 (i)(b).], or(c)knowingly sells [any such article] [These words were substituted for the words, figures and letters 'any article to which section 24A applies' , by Bombay 26 of 1954, Section 11 (i)(c).] for being used as an intoxicating drink, or sells any such

article under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purpose, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.(2)No person who has been convicted for any offence under this section or has paid any sum of money under section 104 [by way of composition] [These words were inserted by Bombay 22 of 1960, Section 55 (b).] for such offence shall be entitled to manufacture, import or to sell any [article mentioned in section 24A] [These words figures and letters were substituted for the words, figures and letter 'preparation to which section 24A applies' by Bombay 36 of 1954, Section 11 (ii)(a).] for a period of one year from the date of such conviction or payment, and any person who imports, manufactures or sells any [such article] [These words were substituted for the words 'such preparation' by Bombay 26 of 1954, Section 11 (i) (b).] in contravention of this sub-section shall be liable to the same punishment as is provided for an offence punishable under section 65.[67-1A. Penalty for alteration or attempting to alter denatured spirituous preparation. [Section 67-1A was inserted by Bombay 36 of 1954, Section 10.]- [(1)] Whoever in contravention of section 21A alters or attempts to alter any denatured spirituous preparation or has in his possession any such preparation in respect of which he knows or has reason to believe that any such alteration or attempt has been made shall, on conviction, be punished with imprisonment for a term which may extend to [three years] [Substituted 'one year' by Gujarat Act No. 9 of 2017, dated 16.3.2017.] and with fine which may extend to [one lakh rupees] [Substituted 'one thousand rupees' by Gujarat Act No. 9 of 2017, dated 16.3.2017.]:Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court such imprisonment shall not be less than [one year] [Substituted 'three months' by Gujarat Act No. 9 of 2017, dated 16.3.2017.] and fine shall not be less than [fifty thousand rupees] [Substituted 'five hundred rupees' by Gujarat Act No. 9 of 2017, dated 16.3.2017.]].(2)[In prosecutions under this section, it shall be presumed, until the contrary is proved, that the alteration or attempt to alter any denatured spirituous preparation was done with the intention that such spirit may be used for human consumption as an intoxicating liquor.] [This sub-section was added by Bombay 22 of 1960, Section 53.]

67B. [Penalty for failure to satisfy the Director under sub-section (1), or to comply with a requisition under sub-section (2) of Section 59B] [This marginal note was substituted for the original, by Bombay 26 of 1954, Section 6 (2).].

- [(1)] [This original section 67-B was renumbered as sub-section (1) of that section by Bombay 20 of 1955, Section 6 (1).] If the manufacturer of any of the articles mentioned in section 24A fails to show to the satisfaction of the Director that the article corresponds to the description and limitations provided in section 59A, his licence for the purchase, use of possession of liquor or alcohol for the manufacture of such article shall be revoked.(2)[Any person who fails to comply with any requisition made by the Director under sub-section (2) of section 59B, shall, on conviction be punished with imprisonment for a term which may extend to one year or with fine or with both.] [Sub-section (2) was added, section by Bombay 20 of 1955, Section 6 (1).][67-1B. Penalty for contravention of provision regarding prescriptions. [This section was inserted, by Bombay 22 of 1960, Section 54.]- whoever-(a)not being a registered medical practitioner issues a prescription for

intoxicating liquor, or(b)being a registered medical practitioner,-(i)prescribes intoxicating liquor in contravention of the provisions of sub-section (2) of section 22A, or(ii)fails, without reasonable excuse, to state in the prescription for intoxicating liquor the particulars required by that section to be stated therein, or(iii)fails to preserve such prescriptions, or a copy thereof, for the period for which it is required by that section to be preserved.shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.]

67C. [Penalty for possessing, etc., denatured spirituous preparations in contravention of provisions of section 59C and 59D. [This section was inserted by Bombay 22 of 1960, Section 56.]

- Whoever,-(a)in contravention of the provisions of section 59C, possesses, without a permit, any denatured spirituous preparation in excess of the quantity prescribed under that section, or(b)in contravention of the provisions of section 59D, manufactures, sells, bottles for sale or imports, exports or transports, any denatured spirituous preparation, or(c)drinks any denatured spirituous preparation, shall on conviction, be punished-(i)for a first offence with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees:Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than three months and fine shall not be less than five hundred rupees;(ii)for a second offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees:Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than six months and fine shall not be less than one thousand rupees;(iii)for a third or subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees:Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than nine months and fine shall not be less than one thousand rupees.]

68. Penalty for opening etc., of common drinking house.

- Whoever-(a)opens, keeps or uses any place as a common drinking house; or(b)has the care, management or control of, or in any manner assists in conducting the business, of any place opened, kept or used as a common drinking house,[shall on conviction, be punished for each such offence with imprisonment for a term which may extend to ten years but which shall not be less than seven years and with fine which extend to rupees one lakh rupees.] [Substituted by Gujarat Act No. 9 of 2017, dated 16.3.2017.]

69. Penalty for illegal import, etc. of mhowra flowers.

- Whoever, in contravention of the provisions of this Act, or of any rule, regulation or order made or licence, permit or pass granted thereunder, imports, exports, [collects] [This word was inserted by

Bombay 26 of 1952, Section 32.], transports, sells,[buys] [This word was inserted by Bombay 26 of 1952, Section 32.], or has in his possession mhowra flowers, shall, on conviction, be punished,-(i)for a first offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees:Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than three months and fine shall not be less than five hundred rupees:(ii)for a second offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees:Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than six months and fine shall not be less than one thousand rupees:(iii)for a third and subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees:Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than nine months and fine shall not be less than one thousand rupees:Provided further that no person shall be punished in respect of any mhowra flowers which are either growing on a tree or are lying uncollected on the ground as they have fallen from a tree.

70. Penalty for illegal import of molasses.

- Whoever, in contravention of the provisions of this Act, or of any rule, regulation or order made or of any licence or permit granted thereunder, exports, imports, transports, sells or has in his possession molasses shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

70A. [Penalty for illegal possession, etc. of rotten gur or ammonium chloride. [Section 70A was inserted by Gujarat 9 of 1978, Section 9.]

- Whoever in contravention of the provisions of this Act, or any rule, regulation or order made or of any licence, permit, pass or authorisation granted thereunder possesses, manufactures, uses or consumes rotten gur or ammonium chloride shall, on conviction, be punished with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees,]

71. [Penalty for selling molasses at price exceeding fixed price.].

- Deleted by Bombay 26 of 1952, Section 33.

72. [Penalty for removal of intoxicant etc. [This section was substituted for the original by Bombay 22 of 1960, Section 58.]

- Whoever, in contravention of the provisions of this Act, or of any rule, regulation or order made, or pass granted, thereunder, removes any intoxicant, hemp, mhowra flowers or molasses from any distillery, warehouse, godown or other place of storage established or licensed under this Act, shall,

on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.]

73. Penalty for printing or publishing advertisement in contravention of provisions of Act, etc.

- Whoever, in contravention of the provisions of this Act, or of any rule, regulation or order made thereunder, prints, or publishes in any newspaper, news-sheet, book, leaflet, booklet or any single or periodical publication or otherwise displays or distributes any advertisement or other matter-(a)which [*] [The word 'commends' was deleted by Bombay 26 of 1952, Section 34.] solicits the use of or offers any intoxicant or hemp, or(b)which is calculated to encourage or incite any individual or class of individuals or the public generally to commit an offence under this Act, or to commit a breach of or to evade the provisions of any rule, regulation or order made thereunder or of the conditions of a licence, permit, pass or authorization granted thereunder;shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

74. Penalty for circulating etc. news-papers, etc. containing advertisements regarding intoxicants, etc..

- Whoever, in contravention of a notification issued under sub-section (3) of section 24, circulates, distributes or sells any newspaper, news-sheet, book, leaflet, booklet or other publication printed and published outside the [State] [This word was substituted for the 'words 'pre-Reorganisation State of Bombay, excluding the transferred territories' by Bombay 12 of 1959, Section 3.] which contains any advertisement or matter,-(a)which [*] [The word 'commends' was deleted by Bombay 26 of 1952, Section 35 (1).] solicits the use of or offers any intoxicant or hemp, [or] [This word was inserted, by Bombay 26 of 1952, Section 35(2).](b)which is calculated to encourage or incite any individual or class of individuals or the public generally to commit any offence under this Act, or to commit a breach of, or to evade the provisions of any rule, regulation or order made thereunder, or the conditions of any licence, permit, pass or authorization granted thereunder.shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

75. Penalty for inciting or encouraging certain acts [*] [The words 'frustrating provisions of this Act' were deleted, by Bombay 26 of 1952, Section 36 (3).]**

- Whoever, in contravention of the provisions of this Act or any rule, regulation order made thereunder,-(a)[*] [The word 'commends' was deleted by Bombay 26 of 1952, Section 36 (1).] solicits the use of or offers any intoxicant or hemp, or[***] [Clause (b) was deleted by Bombay 26 of 1952, Section 36(2).](c)does any act which is calculated to incite or encourage any individual or a class of individuals or the public generally to commit an offence under this Act or to commit a breach of any rule, regulation or order made or of conditions of a licence, permit, pass or authorization

granted-thereunder, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

75A. [Penalty for contravention of provisions of Section 43. [This section was inserted by Bombay 22 of 1960, Section 59.]

- Whoever in contravention of the provisions of section 43,-(a)drinks in a public place or in the rooms of a hotel or institution to which the public may have access;(b)allows the use or consumption of any quantity of foreign liquor possessed by him to any other person;(c)serves liquor at any ceremonial or other function or any assembly of persons where persons (not being members of his family or his employees) not holding permits under sections 40, 41, 46, 46A or 47 are present;shall, on conviction, be punished for every such offence with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both.]

76. Penalty for neglect to keep measures, etc.

- Whoever in contravention of the provisions of this Act, rule or regulation or order or condition of any licence, permit or pass granted under this Act,-(a)neglects to supply himself with measures and weights for measuring and weighing any intoxicant or hemp or with instruments for testing the strength of liquor or keep the same in good condition, or(b)refuses to measure, weigh or test any intoxicant or hemp in his possession [or to have it weighed measured or tested] [These words were added, by Bombay 22 of 1960, Section 60.],shall, on conviction, be punished for each such offence with fine which may extend to two hundred rupees.

77. Penalty for misconduct by licensee, etc.

- Whoever, being the holder of a licence, permit, pass or authorization granted under this Act or a person in the employ of such holder or acting with his express or implied permission on his behalf-(a)fails to produce licence, permit, pass or authorization on demand by a Prohibition Officer or any other officer duly empowered if such licence, permit, pass or authorization is in his possession or control, or(b)wilfully does or omits to do anything in contravention of any rule, regulation or order made under this Act, or[***] [Clause (c) was deleted, by Bombay 22 of 1960, Section 61(a).]shall, on conviction, be punished for each offence with imprisonment for a term which may extend to [six] [This word was substituted for the word 'three' by Bombay 22 of 1960, Section 61 (b).] months or with fine which may extend to [five hundred] [These words were substituted for the words 'two hundred', by Bombay 22 of 1960, Section 61 (b).] rupees or with both.

78. Penalty for misconduct by licensed vendor or manufacturer.

- Whoever, being the holder of a licence for the sale or manufacture of any intoxicant under this Act, or a person in the employ of such holder or acting with his express or implied permission on his behalf,-(a)mixes or permits to be mixed with the said intoxicant any noxious drug or any foreign ingredient likely to add to the actual or apparent intoxicating quality or strength or any article

prohibited by any rules made under this Act or water except for the purpose of reducing liquor to the strength prescribed in the licence, or any diluting or colouring substance or any ingredient whatsoever likely to render the intoxicant inferior in quality whether such ingredient is or is not prohibited as aforesaid, when such admixture shall not amount to the offence of adulteration under section 272 of the Indian Penal Code, (XLV of 1860), or (b) sells or keeps or exposes for sale as foreign liquor, which liquor he knows or has reason to believe to be country liquor, or (c) marks the cork of any bottle, or any bottle, case, packages or other receptacle containing country liquor, or uses any bottle, case, package or other receptacle containing country liquor, with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to an offence of using a false trade mark with intent to deceive or injure any person under Section 482 of the Indian Penal Code, (XLV of 1860), or (d) sells or exposes for sale, any country liquor in a bottle, case or package or other receptacle, with any mark thereon or on the cork thereof with the intention of causing it to be believed, that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of selling goods marked with a counterfeit trade mark under Section 486 of the Indian Penal Code (XLV of 1860), or (e) sells any intoxicant which is not of the nature, substance and quality demanded by the purchaser or keeps or exposes for sale any intoxicant which is not of the nature, substance and quality authorised by the terms of the licence to be kept for sale by the holder of the licence, shall, on conviction, be punished for each such offence with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees.

79. Liability of licensee for acts of servant.

- The holder of a licence, permit, pass or authorisation granted under this Act shall be responsible, as well as the actual offender, for any offence committed by any person in his employ or acting with his express or implied permission on his behalf under the provisions of this Act as if he himself had committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence; Provided that no person other than the actual offender shall be punished with imprisonment except in default of payment of fine.

80. Import, export, etc. of intoxicant by any person on account of another.

(1) Whenever any intoxicant, hemp, mhowra flowers or molasses are manufactured, imported, exported, transported, sold, or are possessed by any person on account of any other person and such other person knows or has reason to believe that such manufacture, import, export, transport, sale or possession is, on his account, the intoxicant, hemp, mhowra flowers or molasses, as the case may be, shall, for the purposes of this Act, be deemed to have been manufactured, imported, exported, transported or sold by or to be in possession of, such other person. (2) Nothing in sub-section (1) shall absolve any person from liability to any punishment under this Act for the unlawful manufacture, import, export, transport, sale or possession of such articles.

81. Penalty for attempts or abetment.

- Whoever attempts to commit or abets the commission of an offence under this Act shall, on conviction, be punished for such attempt or abetment with the same punishment as is provided for the principal offence.

82. Breach of licence, permit, etc. to be an offence.

(1) In the event of any breach by the holder of any licence, permit, pass or authorisation granted under this Act or by his servants or by any person acting with his express or implied permission on his behalf of any of the terms or conditions of such licence, permit, pass or authorisation such holder shall, in addition to the cancellation or suspension of the licence, permit, pass or authorisation granted to him be punished, on conviction, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both, unless it is proved that all due and reasonable precautions were exercised by him to prevent any such breach. (a) Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence, permit, pass or authorisation, be liable to the same punishment.

83. Penalty for conspiracy.

- When two or more persons agree- (a) to commit or cause to be committed any offence under this Act, or (b) [***] [The words 'to defeat or frustrate the provisions of this Act, rules, regulation or order, or' were deleted by Bombay 26 of 1952, Section 37.] to commit a breach of a condition of a licence, permit, pass or authorisation, each of such persons shall, on conviction, be punished with imprisonment for a period which may extend to two years or with fine which may extend to one thousand rupees or with both.

84. Penalty for being found drunk in any drinking house.

- Whoever is found drunk or drinking in a common drinking house or is found there present for the purpose of drinking shall, on conviction, be punished with fine which may extend to five hundred rupees. Any person found in a common drinking house during any drinking therein shall be presumed, until the contrary is proved, to have been there for the purpose of drinking.

85. Penalty for being drunk and for disorderly behaviour.

- [(1) whoever, in any street, thoroughfare, public place, in any place to which the public have or are permitted to have access, is drunk and creates nuisance, takes up a quarrel with any person, uses foul or abusive language, indulges in fight with others, misbehaves with any woman or behaves obscenely, shall, on conviction, be punished with imprisonment for a term which may extend to three years but which shall not be less than one year and with fine.] [Substituted by Gujarat Act No. 9 of 2017, dated 16.3.2017.] shall, on conviction, be punished, - (i) for an offence under clause (1) [or clause (3)] [These words, brackets and figure were inserted by Bombay 18 of 1953, Section 3 and

Second Schedule.],(a)for a first offence, with imprisonment for a term which may extend to one month and with fine which may extend to two thousand rupees;[***] [Proviso deleted by Gujarat 7 of 2005, dated 25th February 2005 (w.e.f. 17-02-2006).](b)for subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees; and[***] [Proviso deleted by Gujarat 7 of 2005, dated 25th February 2005 (w.e.f. 17-02-2006).](ii)for an offence under clause (2)-(a)for a first offence, with imprisonment for a term which may extend to three months and with fine which may extend to five hundred rupees;[***] [Proviso deleted by Gujarat 7 of 2005, dated 25th February 2005 (w.e.f. 17-02-2006).](b)for subsequent offence, with imprisonment for a term which may to one year and with fine which may extend to one thousand rupees;[***] [Proviso deleted by Gujarat 7 of 2005, dated 25th February 2005 (w.e.f. 17-02-2006).](2)[In prosecution for an offence under sub-section (1), it shall be presumed until the contrary is proved that the person accused of the said offence has drunk liquor or consumed any other intoxicant for the purpose of being intoxicated and not for a medicinal purpose.] [Sub-section (2) was added by Bombay 26 of 1952, Section 38 (2).]

86. Penalty for allowing any premises to be used for purpose of committing an offence under Act.

(1)Whoever, being the owner or occupier or having the use or care or management or control of any place, knowingly permits it to be used for the purpose of the commission by any other person of any offence punishable under this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both:Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the imprisonment shall not be less than three months and fine shall not be less than five hundred rupees.(2)It shall be presumed until contrary is proved, that a person accused of an offence under sub-section (1) has committed such offence if the offence committed by that other person is proved to have been committed in the premises in his immediate possession.

87. Penalty for chemist, druggist or apothecary for allowing his premises to be used for the purpose of consumption of liquor.

- A chemist, druggist, apothecary or keeper of a dispensary who allows any liquor, which has not been Bonafide medicated for medicinal purposes according to the prescription of a [registered medical practitioner] [These words were substituted for the word 'medical practitioner' by Bombay 12 of 1959, Section 10.] or any intoxicating drug to be consumed on his business premises by any person, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

88. Penalty for issuing false prescriptions.

- If a [registered medical practitioner] [These words were substituted for the word 'medical practitioner' by Bombay 12 of 1959, Section 10.] issues a prescription with the intention that such prescription shall be used by the person to whom it is issued for the purpose of consuming liquor,

intoxicating drug or opium in contravention of the provisions of this Act, or rule, regulation or order made thereunder or any licence, permit, pass or authorisation granted under this Act, he shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to six months or with fine which may extend to one thousand rupees or with both.

89. Penalty for maliciously giving false information.

- Any person who maliciously and falsely gives information to any person exercising powers under this Act leading to a search, seizure, detention or arrest shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

90. Penalty for offences not otherwise provided for.

- Whoever is guilty of any wilful act or intentional omission in contravention of the provisions of this Act, or any rule, regulation, or order thereunder or of any licence, permit, pass or authorisation granted under this Act, and if such act or omission is not otherwise made an offence under this Act shall, on conviction, be punished with the imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

91. Demand for security for abstaining from commissioner of certain offences.

(1)Whenever any person is convicted of an offence punishable under this Act, the Court convicting such person, may, at the time of passing the sentence on such person, order him to execute a bond for a sum proportionate to his means with or without sureties to abstain from the commission of offences punishable under the provisions of this Act during such period not exceeding three years as it may direct.(2)The bond shall be in such form as may be provided under the provisions of [Code of Criminal Procedure, 1973 (2 of 1974)] [Substituted 'Code of Criminal Procedure, 1898 (V of 1898)' by Gujarat Act No. 9 of 2017, dated 16.3.2017.], and the provisions of the said Code shall in so far as they are applicable apply to all matters connected with such bond if it were a bond to keep the peace ordered to be executed under section 106 of the said Code.(3)If the conviction is set aside in appeal the bond so executed shall become void.

92. [[Deleted by Gujarat Act No. 9 of 2017, dated 16.3.2017.]

***]

92. [Rendering Community service in lieu of imprisonment. [Section 92 inserted by Gujarat 21 of 2003, dated 5th April 2003 (w.r.e.f. 17-02-2006).]- (1) Where the court, on conviction for the first offence under clause (b) of sub-section (1) of section 66 for consumption of an intoxicant, or sub-section (1) of section 85 or both sentences a person to simple imprisonment for certain term,[it may], in lieu of such imprisonment, require such person to execute a bond with sureties containing

such conditions in such form as may be prescribed, for rendering such community service and subjecting himself to such medical treatment for getting freed from addiction of intoxicant as may be prescribed for the term of such imprisonment.(2) On execution of the bond under sub-section (1), the sentence shall stand suspended and the person shall be released:Provided that if the person commits breach of any condition of the bond, the suspension of sentence shall stand cancelled and the sentence shall revive and the person shall be arrested by any police officer without warrant and remanded to undergo the unexpired portion of the sentence.Explanation.- Nothing in this section shall be deemed as granting of probation to the offender.]

93. Demand of security for good behaviour.

(1)Whenever a [***] [The words 'Presidency Magistrate specially empowered by the State Government in this behalf in Greater Bombay and elsewhere, a District Magistrate or Sub-Divisional Magistrate' were substituted for the words 'Presidency Magistrate in Greater Bombay and elsewhere, a Magistrate of the first class' by Bombay 21 of 1954, Section 3, second Schedule.]] a District Magistrate or Sub-Divisional Magistrate] receives information that any person within the local limits of his jurisdiction habitually commits or attempts to commit or abets the commission of an offence punishable under this Act such Magistrate may require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate may direct.(2)The provisions of the [Code of Criminal Procedure, 1973 (2 of 1974)] [Substituted 'Code of Criminal Procedure, 1898 (V of 1898)' by Gujarat Act No. 9 of 2017, dated 16.3.2017.], shall in so far as of they are applicable apply to any proceedings under sub-section (1) as if the bond referred to therein were a bond required to be executed under Section 110 of the said Code.

94. Execution of bonds in respect of minors.

- If any person in respect of whom a bond is ordered to be executed under [Sections 91 and 93] [These words and figures were substituted for 'the last three preceding sections' by Bombay 67 of 1953, Section 3.] is a minor, the bond shall be executed by his guardian.

94A. [Punishment for failure in duty by Prohibition Officer or Police Officer. [Inserted by Gujarat Act No. 29 of 2011, dated 1.12.2011.]

- Any Prohibition Officer or Police Officer duty bound under Section 116-C, fails to send the sample of liquor to Forensic Science Laboratory of the State for its detailed report shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to three thousand rupees.]

95. Punishment for vexatious search, seizure or arrest.

- Any officer or person exercising powers under this Act who-(a)maliciously enters or searches or causes to be entered or searched, any building or house or similar dwelling place; or(b)vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for

anything liable to confiscation under this Act; or(c)vexatiously and unnecessarily detains, searches or arrests any person, or(d)in any other way maliciously exceeds or abuses his lawful powers, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

96. [Punishment for vexatious delay. [This section was substituted for the original by Bombay 22 of 1960, section 62.]

- Any officer or person exercising powers under this Act who vaxatiously and unnecessarily delays forwarding to a Magistrate or to the officer-in-charge of the nearest police station as required by the provisions of this Act any person arrested or article seized under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.]

97. Punishment for Abetment for escape of person arrested.

- Any officer or person exercising power under this Act, who-(a)unlawfully releases any person arrested under this Act, or(b)abets the escape of any person arrested under this Act, or(c)abets the commission of any offence against this Act, and any other officer of the [Government] [This word was substituted for the word 'Crown' by the Adaptation of Laws Order, 1950.] or of a local authority who abets the commission of any offence against this Act, shall, on conviction, be punished with imprisonment for a term which may extend to [three years] [Substituted 'one year' by Gujarat Act No. 9 of 2017, dated 16.3.2017.] or with fine which may extend to [fifty thousand rupees] [Substituted 'one thousand rupees' by Gujarat Act No. 9 of 2017, dated 16.3.2017.], or with both.[Provided that any officer who abets the offence punishable under Section 65-A shall, on conviction, be punished with imprisonment which may extend to seven years and with fine which may extend to one lakh rupees] [Added by Gujarat Act No. 9 of 2017, dated 16.3.2017.]

98. Things liable to confiscation.

(1)Whenever any offence punishable under this Act has been committed,(a)any intoxicant, hemp, mhowra flowers, molasses, materials, still, utensil, implement or apparatus in respect of which the offence has been committed,(b)where, in the case of an offence involving illegal possession, the offender has in his lawful possession any intoxicant, hemp, mhowra flowers or molasses other than those in respect of which an offence under this Act has been committed, the entire stock of such intoxicant, hemp, mhowra flowers or molasses,(c)where, in the case of an offence of illegal import, export or transport, the offender has attempted to import, export or transport any intoxicant, hemp, mhowra flowers or molasses, in contravention of the provisions of this Act, rule, regulation or order or in breach of a condition of licence, permit, pass or authorisation, the whole quantity of such intoxicant, hemp, mhowra flowers or molasses which he has attempted to import, export, or transport,(d)where in the case of an offence of illegal sale, the offender has in his lawful possession any intoxicant, hemp, mhowra flowers or molasses other than that in respect of which an offence has been committed, the whole of such other intoxicant, hemp, mhowra flowers or molasses, shall

be confiscated by the order of the Court.(2)Any receptacle, package or covering in which any of the articles liable to confiscation under sub-section (1) is found and the other contents of such receptacle, package or covering and the animals, carts, vessels or other conveyances used in carrying any such article shall likewise be liable to confiscation by the order of the Court, [but it shall not be released on bond or surety till the final judgment of the Court where the quantity of the seized liquor is exceeding the quantity as may be prescribed by the rules.] [Added by Gujarat Act No. 29 of 2011, dated 1.12.2011.]

99. Return of things liable to confiscation to bona fide owners.

- When during the trial of a case for an offence under this Act the Court decides that anything is liable to confiscation under the foregoing section, the Court may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order confiscation, or in the case of any article other than an intoxicant, hemp, mhowra flowers or molasses give the owner an option to pay fine as the Court deems fit in lieu of confiscation:Provided that no animals, cart, vessel, vehicle or other conveyance shall be confiscated if the owner thereof satisfies the Court that he had exercised due care in preventing the commission of the offence.

100. Procedure in confiscation.

- When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act is found or seized, the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], Collector or any other officer authorised by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government in this behalf may make an inquiry and if after such inquiry is satisfied that an offence has been committed, may order the thing found to be confiscated:Provided that no such order shall be made before the expiry of one month from the date of seizure, or without hearing [the person, if any, claiming any right thereto] [These words were substituted for the words 'any person who can claim any right thereto' by Bombay 22 of 1960, Section 63.] and the evidence, if any, which he produces in support of his claim.

101. Power of Collector etc. to order sale or destruction of articles liable to confiscation.

- If the thing in question is liable to speedy and natural decay, or if the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], Collector, [Court] [This word was substituted for the word 'Magistrate' by Bombay 21 of 1954, Section 3, Second Schedule.] or the officer authorised by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950] Government in this behalf is of the opinion that the sale would be for the benefit of the owner, the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], Collector, [Court] [This word was substituted for the word 'Magistrate' by Bombay 21 of 1954, Section 3, Second Schedule.] or the officer may at any time direct it to be sold and the provisions of section 99 or 100 shall apply so far as may be to the net proceeds

of the sale:[Provided that, where anything is liable to speedy and natural decay, or is of trifling value, the Court, or the officer concerned may order such thing to be destroyed, if in its or his opinion such order is expedient in the circumstances of the case.] [This proviso was substituted for the original by Bombay 22 of 1960, Section 64.]

102. Forfeiture of any publication containing advertisement matter [soliciting] [This word was substituted for the word 'commending' by Bombay 26 of 1952, Section 39.] use of intoxicants.

(1)Where any newspaper, news-sheet, book, leaflet, booklet or other publication wherever printed or published appears to the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government to contain any advertisement of matter [*] [The word 'commending' deleted by Bombay 26 of 1952, Section 39.] soliciting the use of, or offering an intoxicant or hemp, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, declare every copy of such newspaper, news-sheet, book, leaflet, booklet or other publication whether printed or published in the [State] [This word was substituted for the words 'pre-Reorganisation State of Bombay, excluding the transferred territories' by Bombay 12 of 1959, Section 3] or outside to be forfeited to [the State Government] [These words were substituted for the words 'His Majesty' by the Adaptation of Laws Order, 1950.], and thereupon any Police Officer may seize the same wherever found in the [State] [This word was substituted for the words 'pre-Reorganisation State of Bombay, excluding the transferred territories' by Bombay 12 of 1959, Section 3], Any Magistrate may by warrant authorize any Police Officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such newspaper, news-sheet, book, leaflet, booklet or other publication may be or may be reasonably suspected to be. Every warrant issued under this section shall be executed in the manner provided for the execution of search warrants under the [Code of Criminal Procedure, 1973 (2 of 1974)] [Substituted 'Code of Criminal Procedure, 1898 (V of 1898)' by Gujarat Act No. 9 of 2017, dated 16.3.2017.].(2)The declaration of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government under this section shall be final and shall not be questioned in any Civil or Criminal Court.

103. Presumption as to commission of offences in certain cases.

(1)In prosecutions under any of the provisions of this Act, it shall be presumed without further evidence until the contrary is proved, that the accused person has committed an offence under this Act in respect of any intoxicant, hemp, mhowra flowers or molasses or any still, utensil, implement or apparatus, whatsoever for the manufacture of any intoxicant [***] [The words 'as are ordinarily used in the manufacture of such intoxicant' were deleted by Bombay 22 of 1960, Section 65(a).] [or any materials which have undergone any process towards the manufacture of any intoxicant or from which an intoxicant has been manufactured] [These words were inserted by Bombay 20 of 1955, Section 8.], for the possession of which he is unable to account satisfactorily.[***](2) Where in any trial of an offence of manufacturing liquor or any intoxicating drug and using a still for such purpose

in contravention of the provisions of this Act, it is proved that the accused person was present by the side of the still while it was working or that he was the owner or occupier having the care, management or control of the place wherein such still was used, then the burden of proving that the accused person had not used, or had not abetted in using the still for manufacturing liquor or an intoxicating drug shall be on the accused person and the Court shall, in the absence of such proof, assume to the contrary.] [Sub-section (2) was deleted by Bombay 22 of 1960, Section 65(b).]]

103A. [Report of certain registered medical officers as evidence].

- Deleted by Bombay 12 of 1959, Section 12.

104. Compounding of offences.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may sanction the acceptance from any person whose licence, permit, pass or authorization is liable to be cancelled or, suspended under the provisions of this Act or who is reasonably suspected of having committed an offence under sections [69, 70, 77, 82 or] [These figures and word were inserted by Bombay 26 of 1952, Section 40.] 108, of a sum of money in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be and in all cases in which any property other than the intoxicant, hemp, mhowra flowers or molasses have been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or such officer as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may authorize in this behalf: Provided that where a person who is reasonably suspected of having committed an offence under sections [69, 70, or] [These figures and words were inserted by Bombay 26 of 1952, Section 40.] 108, is not the holder of a licence, permit, pass or authorization granted under this Act or a person in the employ of such holder or a person acting with his express or implied permission on his behalf, the sum of money which may be accepted from such person by way of composition shall [be such as the State Government may by notification in the Official Gazette, specify] [Substituted 'not exceed five hundred rupees' by Gujarat Act No. 9 of 2017, dated 16.3.2017.]:[Provided further that, in the case of a person who is reasonably suspected of having committed an offence under section 108, the sum of money which may be accepted from him by way of composition for the offence shall be in addition to the duty or fee required to be paid by him under this Act.] [This proviso was added by Bombay 22 of 1960, Section 66.](2)On the payment by such person of such sum of money, or such value or both, as the case may be, such person, if in custody, shall be set at liberty and the property seized may be released and if any proceedings shall have been instituted against such person in any Criminal Court, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same facts.

104A. [Bombay Probation of Offenders Act, 1938, and [Section 360 of the Code of Criminal Procedure, 1973 (2 of 1974)] [Section 104A was inserted by Bombay 67 of 1953, Section 4.], not to apply to persons convicted of offence under this Act.

- Nothing in the Bombay Probation of Offenders Act, 1938 (Bombay XIX of 1938), or [in any law corresponding to that Act in force in any part of the State or in the Probation of Offenders Act, 1958, (XX of 1958), where that Act is brought into force in any part of the State or in] [These words and figures were inserted by Bombay 12 of 1959, Section 13.] section 562 of the [Code of Criminal Procedure, 1898 (V of 1898)] [See now the Code of Criminal Procedure, 1973 (2 of 1974).], shall apply to any person convicted of any offence under this Act]

Chapter VIII

Excise Duties

105. Excise Duties.

- [(1)] [Section 105 was renumbered as sub-section (1) by the Adaptation of Laws Order, 1950.] An excise duty or countervailing duty, as the case may be, at such rate or rates as the [State] [This word was substituted for the word 'Provincial', by the Adaptation of Laws Order, 1950.] Government shall direct may be imposed either generally or for any specified local area on-(a)any alcoholic liquor for human consumption.(b)any intoxicating drug [or hemp] [These words were added by Bombay 22 of 1960, Section 67 (a).],(c)[opium,] [This clause was substituted for the original by Bombay 22 of 1960, Section 67(b).](d)any other excisable article,]when imported, exported, transported, possessed, manufactured or sold [in or from the [State] [These words were substituted for the words and figures 'in accordance with the provision contained in Chapter IV of this Act' by Bombay 26 of 1952, Section 41.], as the case may be]:Provided that duty shall not be so imposed on any article which has been imported into [the territory of India] [These words were substituted for the words 'the Dominion of India' by the Adaptation of Laws Order, 1950.] and was liable on such importation to duty under the Indian Tariff Act, 1934 (XXXII of 1934), or the Sea Customs Act, 1878 (VIII of 1878), [or on any medicinal or toilet preparation containing alcohol, opium, hemp or other narcotic drugs or narcotics.] [These words were added by Bombay 22 of 1960, Section 67 (c).]Explanation. - Duty may be imposed under this section at different rates according to the places to which an excisable article is to be removed for consumption or according to the varying strengths or quality of such article.[(2) All notifications or orders issued under sub-section (1) shall be laid for not less than thirty days before the State Legislature as soon as may be after they are issued and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.] [Sub-section (2) was deleted by Bombay 12 of 1959, Section 14.](3)Any modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect].

106. Manner of levying excise duties.

- Subject to any regulations to regulate the time, place and manner of payment made by the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] in this behalf, the duties referred to in Section 105 may be levied in one or more of the following ways:(a)In the case of an excisable article imported-(i)by payment either in the [State] [This word was substituted for the words 'pre-Reorganisation State of Bombay, excluding the transferred territories' by Bombay 12 of 1959, Section 3.] at the time of its import or in the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] or territory of export at the time of its export, or(ii)by payment upon issue for sale from a warehouse established or licensed under the provisions of this Act;(b)in the case of an excisable article exported by payment in the [State] [This word was substituted for the words 'pre-Reorganisation State of Bombay, excluding the transferred territories' by Bombay 12 of 1959, Section 3.] at the time of its export, or in the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] or territory of import;(c)in the case of excisable articles transported-(i)by payment in the district from which they are transported, or(ii)by payment upon issue for sale from a warehouse established or licensed under the provisions of this Act;(d)in the case of spirit or beer manufactured in any distillery established or any distillery or brewery licensed under this Act-(i)by a rate charged upon the quantity produced in or issued from the distillery or brewery, as the case may be, or issued from a warehouse established or licensed under this Act, or(ii)by a rate charged in accordance with such [scale of equivalents] [These words were substituted for the words 'sale of equivalents' by Bombay 22 of 1960, Section 68.] calculated on the quantity of materials used or by the degree or attenuation of the wash or wort, as the case may be, as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may prescribe;(e)in the case of intoxicating drugs manufactured [in the [State] [These words were substituted for the word 'in pursuance of a licence granted under this Act' by Bombay 26 of 1959, Section 42.]] by payment upon the quantity produced or manufactured or issued from a warehouse established or licensed under this Act:Provided that, where payment is made upon issue for sale from a warehouse established or licensed under this Act, such payment shall be at the rate of the duty in force at the date of issue from the warehouse:Provided further that where one and the same person is permitted-(i)to manufacture or import and to sell, or(ii)to manufacture and export, country liquor or any intoxicant, such duty may be levied in consideration of the joint privileges granted, as the Collector deems fit.

107. [Fees. [Section 107 was inserted by Gujarat 9 of 1878, Section 12.]

- The State Government may, by rules prescribe the fees payable in respect of any privilege, licence, permit, pass or authorisation granted or issued under this Act].

107. [Power to exempt, remit or refund excise duty].- Deleted by Bombay 22 of 1960, Section 69.

107A. [Declaration of stock of articles mentioned in section 24A; maintenance of accounts and submission of returns. [Section 107A and 107B were inserted by Bombay 26 of 1952, Section 44.]

- Every person who imports or manufactures any of the articles mentioned in Section 24A shall-(a)submit to the Collector within such period and in such form, as may be prescribed, a declaration of the quantity of such articles in his possession on the importation or manufacture of the said article, as the case may be;(b)maintain accounts of the articles in such form and submit such returns as may be prescribed.

107B. Power to obtain information and to search and seize excisable articles.

(1)The Collector or any officer empowered by the State Government in this behalf may, subject to such conditions as may be prescribed,(a)by order require any person liable to pay any excise duty of fee under this Chapter to furnish him with any information or to produce before him any accounts or other documents concerning any excisable article as may be necessary, for the purposes of this Chapter;(b)inspect at all reasonable hours the accounts or other documents relating to the stocks of any excisable article imported or manufactured, or stored in respect of which such duty or fee has been paid or is payable and any place where such article is manufactured or stored;(c)for reasons to be recorded in writing, enter any place where he knows or has reason to believe that any excisable article in respect of which such fee has not been paid is being imported or manufactured or stored and search for the same and seize any stocks of such article found therein and detain the same until such time as proof of payment of such duty or fee is produced or such further time as may be necessary for taking action under Sections 98, 99 or 100 or for prosecuting for an offence under Section 108.(2)Whoever-(a)fails to furnish any information or produce any accounts or other documents in compliance with an order made under clause (a) of sub-section (1) or [furnishes false information or produces false accounts or documents; or] [These words were added by Bombay 22 of 1960, Section 70.](b)obstructs any officer making an inspection, entry, a search or a seizure under clause (b) or clause (c) of sub-section (1),shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.]

108. Penalty for import of intoxicant, etc., without payment of duty.

- Whoever imports, exports, transports, possesses, [sells] [This word was inserted by Bombay 26 of 1952, Section 45(1).] or manufactures any intoxicant or hemp without the payment of duty or fee provided for under this Act shall, on conviction [in addition to being required to pay such duty or fee, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or the amount of such duty or fee, whichever is greater, or with both.] [This portion was substituted for the portion beginning with the words 'be liable to the same punishments' and ending with the words 'of this Act', by Bombay 26 of 1952, Section 45 (z).]

109. Duty on tapping of toddy trees.

(1)For every toddy producing tree [which is tapped or licensed to be tapped or in respect of which a licence for drawing toddy therefrom is granted] [These words were substituted for the words 'from which toddy is drawn' by Bombay 22 of 1960, Section 71 (a).] there shall, if the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws, Order, 1950.] Government so

directs, be levied for any period during which such tree is tapped or licensed to be tapped, such duty as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws, Order, 1950.] Government may from time to time direct.(2)Every licence [for the tapping of, and drawing toddy from, toddy-producing trees] [These words were substituted for the words 'to draw toddy' by Bombay 22 of 1960, Section 71 (b).] granted under this Act shall specify in addition to any other particulars prescribed under the provisions of this Act or rules and regulations-(a)the number, description and situation of the trees to be tapped,(b)the amount of duty to be levied in respect of each tree,(c)the instalments, if any, in which and the period at which the said duty shall be leviable.

110. Duty by whom payable.

- The duty on toddy-producing trees shall be leviable primarily from the person holding the licence [to tap them and to draw toddy therefrom] [These words were substituted for the words 'for the drawing of toddy' by Bombay 22 of 1960, Section 72.] and in default by him or if the trees are tapped without licence, from the owner of the trees.

111. Owner of trees entitled to assistance for duty paid.

- When the duty on toddy-producing trees, is levied from the owner of the trees, he shall be entitled to assistance in recovering the same, from the holder of the licence under the provisions of the law for the time being in force relating to the recovery by superior holders of their dues from their tenants.

112. Privilege of drawing toddy from trees belonging to Government.

- The privilege of drawing toddy from trees the right to which vests in the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws, Order, 1950.] Government may be disposed of [*] [The word 'annually' was deleted, by Bombay 22 of 1960, Section 73.] by auction or otherwise on such terms as the Collector deems fit.

113. [Rules for levy of duty on opium, etc.].

- Deleted by Bombay 22 of 1960, Section 74.

114. [Recovery of duties, etc. [This section was substituted for the original, by Bombay 22 of 1960, Section 75.]

- (1) All duties, taxes, fines (except fines imposed by a Court) and fees leviable under any of the provisions of this Act or in respect of any licence, permit, pass or authorisation granted under it, and the cost of the supervising staff appointed under section 58-A, may be recovered from any person liable to pay the same or from his surety, if any, as if they were arrears of land revenue.(2)When any person, in compliance with any rule, regulation or order made under this Act, gives a bond (other than a bond under Section 91 or 93) for the performance of an act, or for his abstention from any

act, such performance or abstention shall be deemed to be a public duty within the meaning of section 74 of the Indian Contract Act, 1872 (XI of 1872); and upon breach of the conditions of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him or from his surety (if any) as if it were an arrear of land revenue.]

Chapter IX

[115. [Deleted by Gujarat Act No. 9 of 2017, dated 16.3.2017.]

***] Powers and Duties of Officers and Procedure

115. [Magistrate's power to impose enhanced penalties: [This section was substituted for the original by Rom. 22 of 1960, Section 76.]- Notwithstanding, anything contained in section 32 of the Code of Criminal Procedure, 1898 (V of 1898), it shall be lawful for[***]any Magistrate of the First Class to pass any sentence authorised by this Act[except any sentence under Section 65-A] [Inserted by Gujarat Act No. 29 of 2011, dated 1.12.2011.]in excess of his powers under section 32 of the said Code, provided that the fine shall not exceed three thousand rupees.](2) [The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply for trials of the offences under Sec. 65-A.] [Inserted by Gujarat Act No. 29 of 2011, dated 1.12.2011.]

115A. [Venue of trial of offence of consumption of intoxicant or hemp. [This section was inserted by Gujarat 16 of 1964, Section 3.]

- Notwithstanding anything contained in [Code of Criminal Procedure, 1973 (2 of 1974)], an offence of consumption of any intoxicant or hemp specified in clause (b) of sub-section (1) of section 66, may be tried by the Magistrate having jurisdiction either at the place in which the offence was actually committed or at any place in the State in which the offender may be found.]

116. [[Deleted by Gujarat Act No. 9 of 2017, dated 16.3.2017.]

***]

116. Procedure to be followed by Magistrates.- In all trials for offences under this Act, the Magistrate shall follow the procedure prescribed in the Code of Criminal Procedure, 1898 (V of 1898), for the trial of summary cases in which an appeal lies.

116A. [[Deleted by Gujarat Act No. 9 of 2017, dated 16.3.2017.]

***]

116A. [Tender of pardon to accomplice. [This section was inserted, by Bombay 22 of 1960, Section 77.]- (1) Whenever two or more persons are prosecuted for an offence under this Act,[***]any Magistrate of the First Class may, at any stage of the investigation or inquiry into or the trial of offence, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to the offence, tender a pardon to such person on condition of his

making a full and true disclosure of all facts within his knowledge relative to the offence.(2) Every Magistrate, who tenders a pardon under sub-section (1), shall record his reasons for so doing.(3) Every person, accepting a tender under this section, shall be examined as a witness in the Court of the Magistrate taking cognizance of the offence, and, in the subsequent trial, if any.(4) The provisions of sections 339 and 339A of the Code of Criminal Procedure, 1898 (V of 1898), shall apply to the trial of a person to whom pardon has been tendered under this Section as they apply to a person to whom pardon has been tendered under Section 337 or 338 of that Code.Explanation.- For the purposes of sub-section (4), the reference of the Public Prosecutor, in Section 339 of the said Code shall include a reference to any officer conducting a prosecution under this Act.]

116B. [No analysis required for known brand of liquor. [Section 116-B was inserted by Gujarat 9 of 1978, Section 13.]

- Where in any trial for any offence of unlawful possession of liquor under this Act, it is proved that the accused person was in the possession of any sealed bottle bearing the original label indicating the name of any known brand of spirits, such as whisky, brandy, rum, gin, club cup, liqueurs, milk punch, or of wines such as champagne, moselle, burgundy, chianti, white wines, clarets, hocks, riesling, meceira, ginger-wine, port type., port vermouth, sherry wincarnis, vibrona, manola, buckfast, tonic-wine or of fermented liquors such as ale, beer, milk-stout (porter), cider, and the name of its manufacturer it shall be presumed that the accused person was in possession of liquor.]

116C. [Duty to send sample to Laboratory. [Inserted by Gujarat Act No. 29 of 2011, dated 1.12.2011.]

- It shall be the duty of the Prohibition Officer or the Police Officer who has seized any liquor to forward immediately without any loss of time the sample of the same to the Forensic Science Laboratory of the State for detailed analysis report.]

117. Investigations arrest, searches, etc., how to be made.

- [All investigations, arrests, detention in custody and searches shall be made in accordance with the provisions of the code of Criminal Procedure, 1973 (2 of 1974).] [Substituted by Gujarat Act No. 9 of 2017, dated 16.3.2017.].Provided that [***] [The words beginning with the words 'in any local area' and ending with the words 'State Government' was deleted by Bombay 26 of 1952, Section 46.] no search shall be deemed to be illegal by reason only of the fact that witnesses for the search were not inhabitants of the locality in which the place searched is situated.

117A. [Maintenance of list of Panchas. [Section 117-A was inserted by Gujarat 9 of 1978, Section 14.]

(1)If the Commissioner of Police or the District Superintendent of Police, as the case may be, considers that in any gram, nagar, municipal borough or city, or in any locality thereof it is necessary to have a list of local persons liable to serve as pancha witnesses for searches made and for such other purposes connected with the investigation of offences under this Act, the Commissioner

of Police or the District Superintendent of Police, as the case may be, may request the gram panchayat, the nagar panchayat, the municipality, or the municipal corporation, of such gram, nagar, municipal borough or city respectively to prepare and maintain such list for such gram, nagar, municipal borough, city or any locality thereof, and thereupon it shall be the duty of such panchayat, municipality as municipal corporation to prepare and maintain such list.(2)The State Government shall, by rules, prescribe the age and qualifications of persons who may be considered suitable for being included in any such list, the procedure for preparing, publishing and maintaining such list and the period for preparing, publishing and maintaining such list and the period for which such list shall remain in force.(3)Every person whose name is included in such list shall, when so required by a prohibition officer or a police officer, be found to serve as a pancha witness.]

118. [[Deleted by Gujarat Act No. 9 of 2017, dated 16.3.2017.]

***]

118. [Procedure of Code of Criminal Procedure relating to cognizable offences to apply. [These sections were substituted for the original by Bombay 22 of 1960, Section 78.]- In the absence of any provision to the contrary in this Act, the provisions of the Code of Criminal Procedure, 1898 (V of 1898) with respect to cognizable offences shall apply to offences under this Act.

119. Certain offences to be non-bailable.

- Offences under sections [65, 65-A, 67, 67-1A and 68] [Substituted '65-A, 67, 67-1A and 68' by Gujarat Act No. 29 of 2011, dated 1.12.2011.] shall be non-bailable].

120. [Power of entry and inspection. [This section was substituted for the original, by Bombay 22 of 1960, Section 79.]

- [(1)] The Director, Collector or any Prohibition Officer duly empowered in this behalf by the State Government, or any Police Officer may-(a)enter at any time by day or by night, any warehouse, godown, shop, premises, house, building, vessel, vehicle or enclosed place in which he has reason to believe that any intoxicant, hemp, mhowra flowers, molasses, material or article liable to confiscation under this Act is manufactured, kept or concealed or that any still, utensil, implement or apparatus is used, kept, or concealed for the purpose of manufacturing any intoxicant contrary to the provisions of this Act;(b)in case of resistance break open any door and remove any other obstacle to the entry into any such warehouse, godown, shop, premises, house, building, vessel, vehicle or enclosed place;(c)seize any intoxicant, hemp, mhowra flowers, or molasses and any material used in the manufacture of any intoxicant and any still, utensil, implement, or apparatus and any other thing which he has reason to believe to be liable to confiscation under this Act and any document or other article which he has reason to believe may furnish evidence of the commission of any offence under this Act; [*] [The word 'and' was omitted by Gujarat 16 of 1964, Section 4 (1).](cc)[destroy any earthen pot or other receptacle found hanging on a toddy producing tree, if he is satisfied that the person by whom or on whose behalf the pot or receptacle is so hung is not known or cannot be found and he has reason to believe that an offence specified in clause (c) or (d) of

sub-section (1) of section 66 is committed; and] [This clause was inserted, by Gujarat 16 of 1964, Section 4(2).](d)detain and search and if he thinks proper arrest any person whom he has reason to believe to be guilty of any offence under this Act.](2)[Whoever assaults or obstructs any officer or person with a view to preventing him from discharging his duties or exercising his powers under this Act, shall on conviction, be punished with imprisonment which may extend to five years and with fine which shall not be less than five lakh rupees] [Added by Gujarat Act No. 9 of 2017, dated 16.3.2017.]

121. Power to open packages etc.

(1)Any Prohibition Officer duly empowered in this behalf by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or any Police Officer may open any package and examine any goods and may [stop and search] [These words were substituted for the words 'stop or search' by Bombay 22 of 1960, Section 80 (a).] for any intoxicant, hemp, mhowra flowers, or molasses any vessel, vehicle or other means of conveyance [and may seize any intoxicant, hemp, mhowra flowers, molasses or any other thing liable to confiscation or forfeiture under this Act or any other law for the time being in force relating to excise revenue fund while making such search.] [These words were added by Bombay 26 of 1952, Section 47.](2)The unloading and carrying of goods, the bringing of them to the place appointed under sub-section (3) for examination, the opening and repacking of them, where such operations [are necessary for searches made] [These words were substituted for words 'are necessary to be made' by Bombay 22 of 1960, Section 80 (b) (i).] under this section and the removing of goods to and placing of them in the place appointed under sub-section (3) [for examination or deposit] [These words were substituted for the words 'for deposit' by Bombay 22 of 1960., Section 80 (b)(ii).], shall be performed by or at the expense of the owner of such goods.(3)The owner of goods or the persons in charge of the goods shall, if so required by any officer conducting the search, take the goods [to a place appointed] [These words were substituted for the words 'to a place appointed by the District Magistrate or the Commissioner of Police, Bombay' by Bombay 22 of 1960., Section 80(c).] [in any area for which a Commissioner of Police has been appointed] [These words were substituted for the words 'in Greater Bombay by the Commissioner of Police, Bombay' by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Orders, 1960.] and elsewhere, by the District Magistrate] for the purpose of examination or deposit.(4)[The expenses incurred by the State Government for any of the purposes mentioned in sub-section (2) may be recovered from the owner, or as the case may be, the person-in-charge, of the goods as arrears of land revenue.] [This sub-section was substituted for the original, by Bombay 22 of 1960, Section 80 (d).]

122. [Power to require production of licences. [This section was substituted for the original by Bombay 22 of 1960, section]

(1)The Director or Collector or any Prohibition Officer duly empowered in this behalf by the State Government or any Police Officer may-(a)require a licensed manufacturer or vendor or tapper or drawer of toddy or a person in the employ of such manufacturer or vendor or tapper or drawer of toddy or acting with his express or implied permission on his behalf to produce the licence, permit, pass or authorisation issued under this Act under which he carries on the manufacture, storage or

sale of any intoxicant, hemp, mhowra flowers or molasses or taps, toddy-producing trees or draws toddy therefrom;(b)enter and inspect, at any time by day or by night, any land on which toddy-producing trees are growing, whether such trees are licensed for tapping or not, and any warehouse, godown, shop or premises in which any licensed manufacturer or vendor manufactures, stores, or sells any intoxicant, hemp, mhowra flowers or molasses and examine, test, measure or weigh any stock of any such articles or cause any such stock to be examined, tested, measured or weighed.(2)If any officer mentioned in sub-section (1) finds that the holder of a licence, permit, pass or authorisation issued under this Act, or a person in the employ of such holder or acting with his express or implied permission on his behalf wilfully does or omits to do anything, which is an offence under this Act, such officer may seize any intoxicant, hemp, mhowra flowers or molasses or any material or article in respect of which the offence is committed and any document or other article which he has reason to believe may furnish evidence of the commission of an offence under this Act and send a report to his official superior for such action as he deems fit].

123. Arrest of offenders and seizure of contraband articles.

(1)Any Prohibition Officer authorised by the [State] [This word was substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] Government in this behalf or any Police Officer may-(a)arrest without warrant any person whom he has reason to believe to be guilty of an offence under this Act;(b)seize and detain any intoxicant hemp, mhowra flowers or molasses or other articles which he has reason to believe to be liable to confiscation or forfeiture under this Act [and seize any document or other article which he has reason to believe may furnish evidence of the commission of any offence under this Act] [These words were added by Bombay 22 of 1960, Section 82.].(2)Any Prohibition Officer authorised by the [State] [This word was substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] Government under this section who arrests any person under clause (a), or seizes and detains any article under clause (b), of sub-section (1) shall forward such person or article, as the case may be, without unnecessary delay to the officer-in-charge of the nearest Police Station.

124. Power to obtain information.

(1)The [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] or Collector or any Prohibition Officer specially empowered in this behalf by the [State] [This was substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] Government or a Police Officer may, by order require any person to furnish to any specified authority or person any such information in his possession concerning any intoxicant, hemp, mhowra flowers or molasses as may be specified in the order.(2)If any person fails to furnish any information in compliance with the order made under sub-section (1) or furnishes false information, he shall, on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

125. Power to seize intoxicants, etc.

- The [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], Collector or any Prohibition Officer duly empowered in this behalf or any Police Officer may-(a)seize in any open place, or in transit any intoxicant, hemp, mhowra flowers or molasses or any other thing which he has reason to believe to be liable to [confiscation or forfeiture] [These words were substituted for the word 'confiscation' by Bombay 22 of 1960, Section 83 (a).] under this Act or any other law for the time being in force relating to excise revenue [and any document or other article which he has reason to believe may furnish evidence of the commission of any offence under this Act;] [These words were added, by Bombay 22 of 1960, Section 83(a).](b)detain and search any person whom he has reason to believe to be guilty of any offence under this Act or any other law for the time being in force relating to excise revenue, and if such person has any intoxicant, hemp, mhowra flowers, molasses or [other thing] [These words were substituted for the words 'any other thing', by Bombay 22 of 1960., Section 83(b).] in his possession, arrest him.

126. Arrest without warrant.

- The [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], Collector or any Prohibition Officer duly empowered in this behalf by the [State] [This was substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] Government or any Police Officer may arrest without an order from a Magistrate and without warrant any person who obstructs him in the execution of his duties under this Act or who has escaped or attempts to escape from custody in which he has been or is lawfully detained under this Act.

127. Arrest of offenders failing to give names.

(1)When any person who in the presence of the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], Collector or any Prohibition Officer not below such rank as the [State] [This was substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] Government may determine, has committed or has been accused of committing an offence under this Act, refuses on demand of such officer to give his name and residence or gives a name and residence which such officer has reason to believe to be false, he may be arrested by such officer, in order that his name or residence may be ascertained.(2)When the true name and residence of such person have been ascertained, he shall be released on his executing a bond with or without sureties, to appear before [a Magistrate having jurisdiction] [These words were substituted for the words 'a Magistrate' by Bombay 21 of 1954, Section 3, Second Schedule.] when so required:Provided that if such person is not resident in [India] [This word was substituted for the words 'the Dominion of India' by the Adaptation of Laws Order 1950.], the bond shall be secured, by a surety or sureties residing in [India] [This word was substituted for the words 'the Dominion of India' by the Adaptation of Laws Order 1950.],(3)If the true name and residence of such person is not ascertained within twenty-four hours from the time of the arrest, or if he fails to execute the bond or if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

128. Issue of warrants.

(1)The [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], Collector or any Prohibition Officer duly empowered in this behalf [***] [The words 'or in Greater Bombay, a Deputy Commissioner of Police or Superintendent of Police in charge of a Division' were omitted by the Gujarat Adaptation of Laws Order, 1950.] or a Magistrate or a District Superintendent of Police or an Assistant or Deputy Superintendent of Police specially empowered by the [State] [This was substituted for the word 'Provincial' by Adaptation of Laws (State and Concurrent Subjects) Order, 1950.] Government in this behalf may issue a warrant-(a)for the arrest of any person whom he has reason to believe to have committed an offence under this Act or any other law relating to the excise revenue for the time being in force;(b)for the search whether by day or by night of any building, vehicle or place in which he has reason to believe that any intoxicant, hemp, [] **[The word 'opium' was deleted by Bombay 22 of 1960, Section 84.] mhowra flowers or molasses are manufactured or sold, or stored or that any toddy is drawn contrary to the provisions of this Act or that any intoxicant, hemp [mhowra flowers, molasses] [These words were substituted for the words 'or opium' by Bombay 22 of 1960., Section 84.] or other thing liable to confiscation or forfeiture, under this Act or any other law for the time being in force relating to the excise revenue is kept or concealed [and for the seizure of such intoxicant, hemp, [] [These words were inserted by Bombay 26 of 1952, Section 48(2).] mhowra flowers, molasses or such other thing found in such building, vehicle or place].(2)All warrants issued under sub-section (1) shall be executed in accordance with the provisions of [the Code of Criminal Procedure, 1973 (2 of 1974)] [Substituted 'the Code of Criminal Procedure, 1898 (V of 1898)' by Gujarat Act No. 9 of 2017, dated 16.3.2017.], by a Police Officer or a Prohibition Officer duly empowered in this behalf or if the officer issuing the warrant deems fit, by any other person.**

128A. [Certain provisions to apply to denatured spirituous preparations. [Section 128A was substituted for the original by Bombay 22 of 1960, Section 85.]

- The provisions of sections 80, 98, 99, 103(1), 104, 120, 121, 122, 123, 124, 125, 128, 135 and 139 shall apply to [denatured spirituous preparations, rotten gur or ammonium] as they apply to any intoxicant under this Act.]

129. Prohibition Officers may be empowered to investigate offences.

(1)The [State] [This word was substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] Government may empower any Prohibition Officer to investigate offences under this Act.(2)An officer empowered under sub-section (1) shall in the conduct of such investigation exercise the powers conferred by [the Code of Criminal Procedure, 1973 (2 of 1974)] [Substituted 'the Code of Criminal Procedure, 1898 (V of 1898)' by Gujarat Act No. 9 of 2017, dated 16.3.2017.], upon an officer-in-charge of a police station for the investigation of cognizable offences.(3)Any Prohibition Officer; to whom such officer is subordinate may, during the course of the investigation,

take over the investigation himself or direct any other Prohibition Officer duly empowered to conduct the same. The officer in conducting the investigation shall have the same power under sub-sections (1) and (2) as if he were the Prohibition Officer appointed for the area or for the purpose of investigating the said offences.(4)If the Prohibition Officer conducting the investigation is of the opinion that there is no sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on 'his executing a bond with or without sureties, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence and shall make a full report of the case to his official superior and be guided by the order which he shall receive on such report.(5)The powers of any officer empowered under this section shall be subject to such other modifications or restrictions as the [State] [This word was substituted for the word 'Provincial' by Adaptation of Laws Order, 1950.] Government may deem fit.

**129A. [Power to require persons to submit to medical examination, etc.
[Sections 129A and 129B were inserted by Bombay 12 of 1959, Section 16.]**

(1)Where in the investigation of any offence under this Act, any Prohibition Officer duly empowered in this behalf by the State Government or any Police Officer has reasonable ground for believing that a person has consumed an intoxicant and that for the purpose of establishing that he has consumed an intoxicant or for the procuring of evidence thereof it is necessary that his body be medically examined, or that his blood be collected for being tested for determining the percentage of alcohol therein, such Prohibition Officer or Police Officer may produce such person before a registered medical practitioner (authorised by general or special order by the State Government in this behalf) for the purpose of such medical examination or collection of blood, and request such registered medical practitioner to furnish a certificate on his finding whether such person has consumed any intoxicant and to forward the blood collected by him for the test to the Chemical Examiner or Assistant Chemical Examiner to Government, or to such other officer as the State Government may appoint in this behalf.(2)The registered medical practitioner, before whom such person has been produced, shall examine such person and collect and forward in the manner prescribed the blood of such person and furnish to the officer by whom such person has been produced, a certificate in the prescribed form containing the result of his examination. The Chemical Examiner or Assistant Chemical Examiner to Government, or other officer appointed under sub-section (1) shall certify the result of the test of the blood, forwarded to him, stating therein in the prescribed form, the percentage of alcohol and such other particulars as may be necessary or relevant.(3)If any person offers resistance to his production before a registered medical practitioner under sub-section (1) or on his production before such practitioner to the examination of his body or to the collection of his blood, it shall be lawful to use all means reasonably necessary to secure the production of such person or the examination of his body or the collection of blood necessary for the test.(4)If the person produced is a female, such examination shall be carried out by, and the blood shall be collected by or under the supervision of, a female registered medical practitioner authorised by general or special order, by the State Government in this behalf, and any examination of the body, or collection of blood, of such female shall be carried out or made with strict regard to decency.(5)Resistance to production before a registered medical practitioner as aforesaid, or to the examination of the body under this section or to the collection of blood as aforesaid, shall be deemed

to be an offence under Section 186 of the Indian Penal Code (XLV of 1869). (6) Any expenditure incurred for the purpose of enforcing the provisions of this section including any fees payable to a registered medical practitioner or the Officer appointed under sub-section (1) shall be defrayed out of moneys provided by the State Legislature. (7) If any Prohibition Officer or Police Officer vexatiously and unreasonably proceeds under sub-section (1) he shall, on conviction, be punished with fine which may extend to five hundred rupees. (8) Nothing in this section shall preclude the fact that the person accused of an offence has consumed an intoxicant from being proved otherwise than in accordance with the provisions of this section.

129B. Documents or reports of registered medical practitioner, etc. as Evidence.

- Any document purporting to be:- (a) a certificate under the hand of a registered medical practitioner, or the Chemical Examiner or Assistant Chemical Examiner to Government, under Section 129A or of an officer appointed under sub-section (1) of that section, or (b) a report under the hand of any registered medical practitioner, in any hospital or dispensary maintained by the State Government or a local authority or any other registered medical practitioner authorised by the State Government in this behalf, in respect of any person examined by him or upon any matter or thing duly submitted to him for examination or analysis and report, may be used as evidence of the facts stated in such certificate, or as the case may be, report, in any proceedings under this Act; but the Court may if it thinks fit, and shall, on the application of the prosecution or the accused person, summon and examine any such person as to the subject matter of his certificate or, as the case may be, report.]

130. Arrested persons and things seized to be sent to officer in-charge of police station.

- Every person arrested and thing seized by a Prohibition Officer under this Act, shall be sent to the officer-in-charge of the nearest Police Station [or to any other officer duly empowered under Section 129 if the Director in any particular case has directed such officer to conduct the investigation of the offence] [This portion was added by Bombay 22 of 1960, Section 86.],

131. Bail by Prohibition Officer.

(1) Any Prohibition Officer empowered to investigate an offence under this Act shall have power to grant bail in accordance with the provisions of [the Code of Criminal Procedure, 1973 (2 of 1974)] [Substituted 'the Code of Criminal Procedure, 1898 (V of 1898)' by Gujarat Act No. 9 of 2017, dated 16.3.2017.] to any person arrested without a warrant for an offence under this Act. (2) When any person has been arrested under Section 126, a Prohibition Officer empowered to investigate offence under this Act shall have power to grant bail in accordance with the provisions of [the Code of Criminal Procedure, 1973 (2 of 1974)] [Substituted 'the Code of Criminal Procedure, 1898 (V of 1898)' by Gujarat Act No. 9 of 2017, dated 16.3.2017.].

132. Articles seized.

- [When anything has been seized under the provisions of this Act by a Prohibition Officer exercising powers under Section 129 or by an officer-in-charge of a police station] [These words were substituted for the words 'When anything has been seized by a Prohibition Officer other than the Collector or Director under the provisions of this Act' by Bombay 22 of 1960, Section 87.], or has been sent, to him in accordance with the provisions of this Act, such officer, after such inquiry as may be deemed necessary:-(a) if it appears that such thing is required as evidence in the case of any person arrested, shall forward it to the Magistrate to whom such person is forwarded or for his appearance before whom bail has been taken; (b) if it appears that such thing is liable to confiscation but is not required as evidence as aforesaid, shall send it with a full report of the particulars of seizure to the Collector; (c) if no offence appears to have been committed shall return it to the person from whose possession it was taken.

133. Duty of [Officer of the Government] [These words were substituted for the words 'officials of all departments'; by Bombay 22 of 1960, Section 88(b).] and local authorities to assist.

- Every officer of the [Government] [This word was substituted for the word 'Crown' by the Adaptation of Laws Order, 1950.] and every officer or servant of local authority, shall be [legally bound to assist any Prohibition Officer or] [These words were substituted for the words 'legally bound to assist any' by Bombay 22 of 1960, Section 88 (a).] police officer or person authorised in this behalf in carrying out the provisions of this Act.

134. [Offences to be reported. [Sections 134 and 135 were substituted for the original, by Bombay 22 of 1960, Section 89.]

- Every village officer or servant useful to Government, every officer of the State Government, and (with the consent of the Central Government) every officer of the Customs and Central Excise Departments, and every officer or servant of a local authority, and the Sarpanch of a village Panchayat constituted under the Bombay Village Panchayats Act, 1958 (Bombay iii of 1959), shall be bound-(a) to give immediate information at the nearest police station or to any officer or person authorised in this behalf of the commission of any offence and of the intention or preparation to commit any offence under this Act which may come to their knowledge; (b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reasons to believe is about or likely to be committed.

135. Landlords and others to give information.

- Every person who owns or occupies any land or building, or who is a landlord of an estate residing in the village, and the agent of such owner, occupier or landlord of the land, building or estate, as the case may be, on or in which there has been any unlawful tapping of toddy-producing trees or unlawful manufacture of any liquor or intoxicating drug or unlawful cultivation or collection of

hemp and every owner of a vessel or vehicle in which liquor or intoxicating drug is manufactured contrary to the provisions of this Act, shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to a Prohibition Officer or to a Police Officer immediately the same shall have come to his knowledge.]

136. [Power to arrest and make orders detaining or restricting movements or actions of persons].

- Deleted by Bombay 26 of 1952, Section 59.

Chapter X

Appeals and Revision

137. Appeals.

(1)All orders passed by any Prohibition Officer other than the Collector or [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] under this Act; shall be appealable to the Collector at any time within sixty days from the date of the order complained of.(2)All orders passed by the Collector and [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] shall be appealable to the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] and the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government respectively at any time within ninety days from the date of the order complained of:Provided that no appeal shall lie against an order passed by the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] on appeal.(3)Subject to the foregoing provisions the rules which the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may make in this behalf shall apply to appeals under this section.

138. [Revision. [This section was substituted for the original by Bombay 22 of 1960, Section 90.]

- The State Government may call for and examine the record of any proceeding before any Prohibition Officer, including that relating to the grant or refusal of a licence, permit, pass or authorisation under this Act for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed in, and as to the regularity of any such proceeding and may when calling for such record, direct that the order be not given effect to, pending the examination of the record. On examining the record, it may either annul, reverse, modify or confirm such order, or pass such other order as it may deem fit.]

Chapter XI

Miscellaneous

139. General powers of [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Orders, 1950.] Government in respect of licences, etc.

- [(1)] [Section 139 was renumbered as sub-section (1), by Bombay 22 of 1960, Section 91(1).] Notwithstanding anything contained in this Act or the rules made thereunder, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by general or special order, -(a) prohibit the grant of any kind of licences, permits, passes or authorisations throughout the [State] [This word was substituted for the words 'pre-reorganisation State of Bombay excluding the transferred territories' by Bombay 12 of 1959, section 3.] or in any area; (b) regulate the import, export, transport, possession, sale, purchase, consumption or use of any intoxicant, hemp, mhowra flowers, molasses or any article which is likely to be used for the manufacture of an intoxicant with or without licence, permit, pass or authorisation throughout the [State] [This word was substituted for the words 'Pre-Reorganisation State of Bombay, excluding the transferred territories' by Bombay 12 of 1959, section 3.] or within the limits of any local area subject to such conditions [as it may impose] [These words were substituted for the words 'and for such periods as it deems fit' by Bombay 22 of 1960, section 91 (1)(a).] (c) [exempt any person or institution or any class of persons or institutions from all or any of the provisions of this Act or from all or any of the rules, regulations or orders made thereunder or from all or any of the conditions of any licence, permit, pass or authorisation granted thereunder, subject to such conditions as it may impose; [Clauses (c), (d) and (dl) were substituted for the original clauses (c) and (d) by Bombay 22 of 1960., section 91(l)b).] (d) exempt any intoxicant or class of intoxicants, denatured spirituous preparation, hemp, mhowra flowers or molasses from all or any of the provisions of this Act or from all or any of the rules, regulations or orders made thereunder subject to such conditions as it may impose; (d1) remit or refund wholly or partially any fee in respect of any privilege, licence, permit, pass or authorisation granted under this Act or any duty on toddy-producing trees or any excise or countervailing duty or fee leviable under this Act on any intoxicant, hemp, mhowra flowers or molasses from any person or institution or from a class of persons or institutions or exempt any person or institution or class of persons or institutions from the payment of such duty or fee subject to such conditions as it may impose;] (e) prescribe the maximum number of licences, permits, passes or authorisations of any kind which may be granted in any area or to any class of persons; (f) prescribe the number of places at which any intoxicant specified in such order [denatured spirituous preparation] [These words were inserted, by Bombay 22 of 1960, section 91 (1) (c) (i).], hemp, mhowra flowers or molasses, may be sold in any area, the location of such places in any area, the days and hours during which such places may or may not be kept open, the number of such places in respect of which licenses for sale may be granted and the number of such places which may be [managed by the State Government departmentally] [These words were substituted for the words 'managed by the Excise Department', by Bombay 22 of 1960, section 91(l)(c)(ii).]; (g) direct that no licence, permit, pass or authorisation of the kind specified in such order shall be granted without the previous approval of the [State] [This word was substituted for

the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or also direct any additions or alterations to be made to or in the conditions subjects to which under any other provisions of this Act, such licence, permit, pass or authorisation can be granted;(h)prescribe the maximum quantity of any intoxicant [denatured spirituous Preparation] [These words were inserted by Bombay 22 of 1960, Section 91 (1)(d).], hemp, mhowra flowers or molasses which may be sold in any area or at any place;(i)[prescribe in respect of any place or area, the maximum number of toddy-producing trees for tapping which or for drawing toddy from which licence or licences may be granted] [This clause was substituted for the original by Bombay 22 of 1960, Section 91(1)(e).];(j)[prescribe the procedure for the disposal of any shop or shops authorised to sell any intoxicant, denatured spirituous preparation, hemp, mhowra flowers or molasses under this Act and the procedure to be followed before granting any licence or licences] [This clause was substituted for the original by Bombay 22 of 1960, Section 91 (1)(f).];(k)direct that before granting licences, auctions may be held, tenders called for or offers received and that licences shall be granted [subject to such conditions as may be prescribed] [These words were inserted by Bombay 22 of 1960., section 91 (1)(g).] to persons whose bids, tenders or offers are accepted by the Collector;(l)specify the person or class of persons [to whom licences may or may not be granted] [These words were substituted for the words 'to whom licences may not be granted' by Bombay 22 of 1960., see 91(2)(h).] and in cases in which auctions are held, the person or classes of persons who may or may not be permitted to offer bids at such auctions;(m)direct that licences of the kind specified in such order shall be granted to persons specified in such order; and(n)issue such other instructions in any matter pertaining to the grant or otherwise of licences, permits, passes or authorisations under this Act, as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may deem proper.(2)[An order made under sub-section (1), shall, if it is of a general nature of affecting a class of persons, be notified in the Official Gazette.] [This sub-section was added by Bombay 22 of 1960, Section 91(2).]

140. Power of [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government to prohibit, regulate or control consumption or use of intoxicants, etc. in public place.

- The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by general or special order, prohibit, regulate or control, subject to such conditions as may be specified in the order, the consumption or use of any intoxicant or hemp, in any public place.

141. Employment of additional police.

(1)If the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government is satisfied that the inhabitants of any area `are concerned in the commission or abetment of any of the offences punishable [[under sections 65, 65-A, 65-AA] [These figures, letters and word were substituted for the figures and word 'under sections 65 to 69' by Bombay 22 of 1960, section 92(a).], 66, 66-A, 67, 67-1A, 67-C, 68, 69 and 70] the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may,

by notification in the Official Gazette, direct the employment of additional police [in that area] [These words were inserted, by Bombay 22 of 1960, section 92(b).] for such period as it thinks fit.(2)The cost of such additional police shall, if the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government so directs, be either in whole or in part defrayed by a tax imposed on the persons hereinbelow mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate so imposed and assessed, and charged-(a)either generally on all persons who are inhabitants of the local area to which such notification applies; or(b)specially on any particular section or sections or class or classes of such persons and the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may direct the proportions in which such tax or rate shall be charged.Explanation. - For the purposes of this section "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rents or revenue direct from rayats or occupiers in such area notwithstanding that they do not actually reside therein.(3)It shall be lawful for the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government to extend for a term not exceeding in any case five years the period for the payment of such tax or rate beyond the period for which such additional police are actually employed.(4)[The provisions of sub-sections (4) to (7) of section 50 of the Bombay Police Act, 1951 (Bombay XXII of 1951), shall apply mutatis mutandis to the recovery of such tax or rate.] [This sub-section was substituted for sub-sections (4) and (5) by Bombay 64 of 1954, Section 3.]

142. [Power of Collector to close place where intoxicant or hemp is sold in certain cases. [This section was substituted for the original by Bombay 22 of 1960, Section 93.]

(1)If the Collector is of the opinion that it is in the interest of public peace to close any place in which any intoxicant or hemp is sold, it shall be lawful for the Collector by an order in writing to the person holding a licence for the sale of such intoxicant or hemp to require him to close such place at such time or for such period as may be specified in the order.(2)If a riot or unlawful assembly is imminent, or takes place; it shall be lawful for [any Executive Magistrate] or Police Officer who is present to direct that such place shall be closed and kept closed for such period as he thinks fit, and in the absence of [any Executive Magistrate] [These words were substituted for the words 'any Magistrate' by Bombay 21 of 1954, Section 3 Second Schedule.] or Police Officer the person referred to in sub-section (1) shall himself close such place.(3)Any order given under this section shall be final.]

143. Power of [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government to make rules.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may make rules for the purpose of carrying out the provisions of this Act or any other law for the time being in force relating to excise revenues.(2)In particular and without prejudice to the generality of the foregoing provisions the [State] [This word was substituted for the

word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may make rules,-(a)regulating the delegation of any powers by the [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule], by Collector or by any other Prohibition Officer;(b)regulating the import, export, transport, [collection] [This word was inserted by Bombay 26 of 1952, Section 51(1).], sale, purchase, [bottling] [This word was inserted by Bombay 22 of 1960, Section 94 (1)(a).], consumption, use or possession of any intoxicant, [denatured spirituous preparation] [These words were inserted, by Bombay 22 of 1960, Section 94 (1)(a).] or hemp, mohwra flowers or molasses;(bb)[regulating the possession, manufacture, use and consumption of rotten gur and the possession, manufacture and use of ammonium chloride;] [Clause (bb) was inserted by Gujarat 9 of 1978, Section 16 (1).](c)regulating the manufacture of any intoxicant [or denatured spirituous preparation] [These words were added, by Bombay 22 of 1960, Section 94(1)(b).];(d)regulating the cultivation and collection of hemp;(e)regulating the tapping of toddy-producing trees and drawing of toddy therefrom;(f)regulating the grant, suspension or cancellation of licences, permits, passes or authorisations for the import, export, transport [collection, sale, purchase] [These words were inserted by Bombay 26 of 1952, section 51(2)(a).], possession, manufacture, [bottling] [This word was inserted by Bombay 22 of 1960, Section 94 (1)(a).], consumption, use or cultivation of any of the above articles mentioned in [[clause (b) and (bb)] [These words, brackets and letters were substituted for the words, brackets and letters 'clauses (b)' and (c)' by Bombay 22 of 1960, Section 51 (2) (6).] and for the matters specified in clause (e)];(g)regulating the periods and localities for which the licences may be granted for the wholesale or retail vend of any of the above articles mentioned in [clauses (b) and (bb)] [These words, brackets and letters were substituted for the words, brackets and letters 'clause (b)' by Bombay 22 of 1960, Section 16 (3).];(h)providing for the consulting of public opinion and prescribing the procedure to be followed and the matters to be ascertained before any licence, permit, pass or authorisation for the vend, consumption or use of any of the above articles mentioned in [clauses (b) and (bb)] [These words, brackets and letters were substituted for the words, brackets and letters 'clause (b)' by Bombay 22 of 1960, Section 14 (4).] is granted to any person or in any locality;(hl) prescribing the restrictions under which and the conditions on which any licence, permit, pass or authorisation may be granted including- [Clauses (hi) and (h2) were inserted by Bombay 22 of 1960, section 94(1)(d).](i)the prohibition of the admixture with any intoxicant of any substance deemed to be noxious or objectionable;(ii)the fixing of the strength, price or quantity in excess of or below which any intoxicant or mhowra flowers shall not be sold or supplied, and the quantity in excess of which denatured spirit, denatured spirituous preparation or molasses shall not be possessed or sold and the prescription of a standard or quality for any intoxicant, denatured spirituous preparation, mhowra flowers or molasses;(iii)the prohibition of sale of any intoxicant, [denatured spirituous preparation, hemp, rotten gur or ammonium chloride] except for cash;(iv)the prescription of the days and hours during which any licensed premises may or may not be kept open and provisions for the closure of such premises on special occasions;(v)the prescription of the nature of the premises on which any [intoxicant, rotten gur or ammonium chloride] [These words were substituted for the word 'intoxicant' by Bombay 22 of 1960, Section 16 (5) (b).] may be sold and the notices to be exposed at such premises;(vi)the prescription of the accounts to be maintained and the returns to be submitted by licence-holders or permit-holders;(vii)the regulation or prohibition of the transfer of licences;(viii)the writing of the names and addresses and the taking of signatures of purchasers in the register of sale of any intoxicant, hemp, [mhowra flowers or molasses, rotten gur or ammonium

chloride] [These words were substituted for the word 'mhowra flowers or molasses', by Bombay 22 of 1960, section 16 (5) (c).] or any article the sale or purchases of which is regulated by clause (b) of sub-section (1) of Section 139;(h2)(i)declaring the processes by which spirits shall be denatured in particular areas, or for particular purposes;(ii)for causing such spirits to be denatured through the agency or under the supervision of the Government Officers and for the payment of charges for such supervision;(iii)for ascertaining whether such spirits have been denatured.](i)prohibiting and regulating the employment by the licence-holder of any person or classes of persons to assist him in his business in any capacity whatsoever;(j)prescribing the manner in which the juice from a coconut, brab, date or any kind of palm trees is to be treated for the purpose of prevailing fermentation;(k) prescribing the persons or classes of persons to whom any intoxicant, denatured spirituous preparation, hemp, [mhowra flowers or molasses, rotten gur or ammonium chloride] [This clause was substituted for the original by Bombay 22 of 1960, section 94(l)(e).] may or may not be sold or who may or may not be allowed to sell, purchase or use any of these articles];(l)for the prevention of drunkenness, gambling or disorderly conduct in or near any licensed premises and the meeting and remaining of persons of bad character on such premises;[l-1) prescribing the occasions on which special orders may be granted for the sale by retail of larger quantities of liquor or intoxicating drugs, or opium than those which are prescribed in any notification issued under this Act and the conditions on which such sales may be made; [Clauses (1-1), (1-2) and (1-3) were inserted, by Gujarat 9 of 1978, Section 94(l)(f).](l-2) prescribing the amount of security to be deposited by the holder of any licence, permit, pass or authorisation for the performance of the conditions for the same;(l-3) providing for the maintenance by the holders of licences, permits, passes or authorisation of the registers of sales, purchases, possession, consumption or use and the particulars to be entered in the register;](m)[regulating the grant of rewards or expenses to officers, informant or persons giving information or assistance in the detection or investigation of offences under this Act, and of compensation to persons charged with offences punishable under this Act and acquitted;] [This clause was substituted for the original, by Gujarat 9 of 1978, section 94(l)(g).](n)regulating the printing, publishing or otherwise displaying or distributing any advertisement or other matter [***] [The word 'commending' was deleted by Bombay 26 of 1952, Section 51(3)(a).] soliciting the use of, or offering any intoxicant [hemp, rotten gur or ammonium chloride] [These words were substituted for the words 'intoxicant or hemp' by Gujarat 9 of 1978, Section 16 (7).] or calculated to encourage or incite any individual or class of individuals or the public generally to commit an offence under this Act or to commit a breach or evade the provisions of any rule or order made thereunder or the conditions of any licence, permit, pass or authorisation issued thereunder;(o)regulating within the [State] [This word was substituted for the words 'Pre-Reorganisation State of Bombay, excluding the transferred territories by Bombay 12 of 1959, Section 3.] the circulation, distribution or sale of newspaper, news-sheet, book, leaflet, booklet, or other publication [printed and published outside the [State] [These words were substituted for the words 'whether printed or published 'by Bombay 26 of 1952, Section 51 (4) (a).] containing any advertisement or matter which [*] **[The words 'is prescribed.or which commends 'were deleted, by Bombay 12 of 1959, Section 51 (4)(b).] solicits the use of, or offers any [intoxicant, hemp, rotten gur or ammonium chloride] [These words were substituted for the words 'intoxicant, or hemp' by Gujarat 9 of 1978, Section 16 (8).], [*] [The words 'to be forfeited to the State Government' were deleted, by Bombay 26 of 1952 Section 51 (4)(c).](p)[imposing restrictions and conditions on buyers of intoxicant, denatured spirituous preparation,**

hemp, [mhowra flowers, molasses, rotten gur or ammonium chloride] [This clause was substituted for the original by Bombay 22 of 1960, Section 94 (1)(h).] or any article the purchase of which is regulated by clause (b) of sub-section (1) of Section 139 including provision for compelling them to sign entries pertaining to the purchase by them of any of these articles];[***] [Clause (q) was deleted, by Gujarat 9 of 1978, Section 94(l)(i).](r)regulating the taking of [samples of molasses, rotten gur or ammonium chloride] [These words were substituted for the words 'Sample of molasses' by Gujarat 9 of 1978, Section 16 (10).];[r1] [This clause was inserted, by Bombay 22 of 1960, Section 94 (1)(j).] prescribing the constitution of Committee, Boards and Medical Boards or panels thereof and the procedure regarding their work];(s)prescribing the powers, functions and duties of Prohibition Officers, [Boards, Committee] [These words were substituted for the words 'Committees', by Bombay 22 of 1960, Section 94 (l)(k).] and [Medical Boards or panels thereof] [These words were substituted for the words 'Medical Boards' by Bombay 22 of 1960, Section 94 (l)(k).] and the fees and allowances payable to the members of the [Boards, Committee] [These words were substituted for the words 'Committees', by Bombay 22 of 1960, Section 94 (1)(k).] and - [Medical Boards or panels thereof] [These words were substituted for the words 'Medical Boards' by Bombay 22 of 1960, Section 94 (1)(k).];(t)[prescribing the procedure regarding the work of the Board of Experts; [Clauses (t) to (v) were substituted for the original clause (t), by Bombay 26 of 1952, Section 51(5).](tl)[prescribing conditions of through transport under section 29];(u)prescribing the fees payable in respect of any privilege, licence, permit, pass or authorization granted or issued under this Act;(uu)[prescribing the other persons, other institutions or the circumstances under clause (b) of sub-section (3) of section 66] [This clause was inserted by Bombay 12 of 1959, Section 17(a).];(uuu)[prescribing the form of the bond, nature of the community service; and the terms and conditions subject to which such service shall be rendered and medical treatment to which person shall be subject under sub-section (1) of section 92.] [Clause (uuu) inserted by Gujarat 21 of 2003, dated 5lh April 2003 (w.r.e.f. 17-02-2006).];(v)prescribing the period within which and the form in which a declaration under section. 107A shall be submitted, and the account shall be maintained];(w)[prescribing the manner of collecting and forwarding blood and prescribing the form of certificates, and the other particulars required to be stated therein under sub-section (2) of Section 129A] [This clause was added, by Bombay 12 of 1959, Section 17(b).](3)The power to make rules under this section shall be subject to the condition of previous publication:Provided that any such rules may be made without previous publication, if the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government considers that they should be brought into force at once.(4)[All rules made under this Act shall be laid for not less than thirty days before [***] [This sub-section was inserted by Bombay 22 o?' 1960, Section 94(2).] the State Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.]

144. [Director's] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] powers to make regulations.

(1)The [Director] [This word was substituted for the word 'Commissioner' by Bombay 28 of 1950, Schedule] may make regulations not inconsistent with the provisions of this Act or rules-(a)regulating, as the case may be the [**] [The word 'manufacture' was deleted by Bombay 22

of 1960, Section 95 (a)(i).] supply or storage of any intoxicant [denatured spirituous preparation] [These words were inserted, by Bombay 22 of 1960., Section 95 9a)(ii).] or hemp, [mhowra flowers or molasses, rotten gur or ammonium chloride] [These words were substituted for the word 'Mhowra flowers or molasses', by Gujarat 9 of 1978, section 17(1).] including-(i)the erection, inspection, supervision, management and control of any place for the manufacture supply or storage of such article, and the fittings, implements and apparatus to be maintained therein;[***] [Sub-clauses (ii) to (v) were deleted, by Bombay 22 of 1960, Section 95 (a)(iii).](b)regulating the deposit of any intoxicant, hemp, [***] [The word 'opium' was deleted by Bombay 22 of 1960, Section 95 (b).] [mhowra flowers or molasses, rotten gur or ammonium chloride] [These words were substituted for the word 'Mhowra flowers or molasses', by Gujarat 9 of 1978, section 17 (2).] in a warehouse and the removal of such articles from any such warehouse or from any distillery or brewery;[***] [Clauses (c), (f), (g), (j), (k) and (1) were deleted, by Gujarat 9 of 1978, Section 95 (c).](d)prescribing the scale of fees or the manner of fixing the fees payable in respect [*] **[The words beginning with the words 'of any privilege' and ending with the words 'authorisation or' were deleted by Bombay 26 of 1952, Section 52 (1).] of any storage of any intoxicant, hemp, [*]** [The word 'opium' , was deleted by Bombay 26 of 1952, Section 95 (b).] [mhowra flowers or molasses rotten gur or ammonium chloride] [These words were substituted for the word 'Mhowra flowers or molasses', by Gujarat 9 of 1978, section 17 (3).](e)regulating the time, place and manner of payment of any duty or fees[***] [Clauses (c), (f), (g), (j), (k) and (1) were deleted, by Gujarat 9 of 1978, Section 95 (c).](h)providing for the destruction or other disposal of any intoxicant declared to be unfit for use;(i)regulating the disposal of confiscated or forfeited articles;[***] [Clauses (c), (f), (g), (j), (k) and (1) were deleted, by Gujarat 9 of 1978, Section 95 (c).](m)regarding any other matter which the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette direct him to prescribe for the purposes of carrying out the provisions of this Act.(2)The regulations made under this section shall be published in the Official Gazette.

145. Officers and persons acting under this Act to be public servants.

- All officers and persons empowered to exercise any powers or to perform any functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

146. Bar of proceedings.

- No suit or proceeding shall lie against the [Government] [This word was substituted for the word 'Crown', by the Adaptation of Laws Order, 1950.] or against any prohibition, police, or other officers or against any person empowered to exercise powers or to perform functions under this Act, for anything in good faith done or purporting to be done under this Act.

146A. [Limitation of prosecutions or suits against officers. [Sections 146A and 146B were inserted by Bombay 22 of 1960, Section 96.]

(1) All prosecutions of any Prohibition, Police or other Officers, or of any persons empowered to exercise powers or to perform functions under this Act, and all actions which may be lawfully brought against the Government or any of the aforesaid officers or persons, in respect of anything done or alleged to have been done in pursuance of this Act, shall be instituted within four months from the date of the act complained of and not afterwards; and any such action shall be dismissed--(a) if the plaintiff does not prove that, previously to bringing such action, he has presented all such appeals allowed by this Act, or any other law for the time being in force, as within the aforesaid period of four months it was possible to present; or (b) in the case of an action for damages, if tender of sufficient amends shall have been made before the action was brought, or if after the institution of the action a sufficient sum of money is paid into Court with costs, by or on behalf of the defendant. (2) Subject to the provisions of Section 197 of [the Code of Criminal Procedure, 1973 (2 of 1974)], no Court shall take cognizance of an offence committed or alleged to have been committed by any Prohibition, Police or other officer or any person empowered to exercise powers or to perform functions under this Act, in regard to anything done under this Act, until the sanction of the Collector having jurisdiction has been obtained.

146B. Provisions of Act not to apply to Government.

- Save in so far as may be expressly provided in any rule, regulation or order made under this Act, nothing in this Act shall apply in respect of any intoxicant, denatured spirituous preparations, hemp, [mhowra flowers or molasses, rotten gur or ammonium chloride] [These words were substituted for the word 'Mhowra flowers or molasses', by Gujarat 9 of 1978, Section 18.] which are the property and in the possession of the Government.]

147. Provisions of this Act not to apply to import or export across customs frontier.

- For removal of doubts it is hereby declared that nothing in this Act shall be deemed to apply to any intoxicant or other article in respect of its import or export across the customs frontiers. [***] [The words 'as defined by the Dominion Government' were deleted by Bombay 26 of 1952, Section 53.]

148. Repeal and amendments.

(1) The enactments specified in Schedule I are hereby repealed to the extent specified in the fourth column thereof and those specified in Schedule II are hereby amended to the extent specified in the fourth column thereof. (2) But nothing in this Act or any report or amendment made thereby shall affect or be deemed to affect--(i) any right, title, obligation or liability already acquired, accrued or incurred before the commencement of this Act; (ii) any legal proceeding or remedy in respect of any right, title, interest obligation or liability or anything done or suffered before the commencement of this Act and any such proceeding shall be continued and disposed of, as if this Act was not passed; (iii) the levy of any duties under section 29A of the Bombay Abkari Act, 1878 (Bombay V of 1878), and the recovery of any duties or fees leviable under any other provisions of the Acts hereby repealed, and all such duties or fees shall be levied or recovered, as the case may be, as if this Act

was not passed.(3)Any appointment, notification, notice, order, rule or form, made, or issued under any of the enactments repealed by this Act shall continue to be in force and deemed to have been made, granted or issued under the provisions of this Act, in so far as such appointment, notification, notice, order, rule, or form is not inconsistent with the provisions of this Act, unless and until it is superseded by any appointment, notification, notice, order, rule or form made or issued under this Act, notwithstanding the fact that the authority competent to make or issue such notification, notice, order, rule or form is different from that authorised in the enactments repealed and notwithstanding also that such notification, notice, order, rule or form was made or issued in a different form or name.(4)Any licence, permit, pass, authorisation or permission granted or issued under any of the enactments repealed by this Act shall continue to be in force and shall be deemed to have been granted or issued under the corresponding provisions of this Act.

149. [Further repeals and savings consequent on commencement of Bombay XXV of 1949 in other areas of State. [This section was inserted by Bombay 12 of 1959, Section 18.]

- [*] On the commencement of this Act in any area of the State to which it is extended by the Bombay Prohibition (Extension and Amendment) Act, 1959 (Bombay XII of 1959), the Acts mentioned in Schedule III and in force in that area, shall, to the extent specified in the fourth column thereof, stand repealed:Provided that such repeal shall not affect,-(a)the previous operation of any Act so repealed or anything duly done or suffered thereunder, or(b)any right, privilege, obligation or liability acquired, accrued or incurred under any Acts so repealed, or(c)any penalty, forfeiture or punishment incurred in respect of any offence committed against any Acts so repealed,(d)any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if those acts had not been repealed:Provided further that,-(a)any licence, permit, pass, authorisation or permission granted or issued under any of the Acts so repealed shall continue to be in force and shall be deemed to have been granted or issued under the corresponding provisions of this Act; and(b)notwithstanding the repeal of any of the Acts aforesaid, for all purposes in connection with the liability for, and the levy, assessment and collection or refund of, any tax, duty or fee (including any penalty) leviable,-(i)under the provisions of section 27A of the Central Provinces and Berar Excise Act, 1915 (C.P. and Berar II of 1915), or(ii)under Section 112A of the Bombay Prohibition Act, 1949 (Bombay XXV of 1949), as in force in the Saurashtra area, or(iii)before the commencement of this Act in any area under any provisions of any of the Acts repealed by this section,the relevant Acts repealed (including all rules, regulations, notifications, and orders made or issued thereunder) shall nevertheless continue in force for all such purposes; and all such taxes, duties and fees shall be levied, assessed, collected, refunded and penalty imposed and paid, as the case may be, as if those relevant Acts had not been repealed.][*****] [Schedule I-A was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.]

I

[See Section 148]

Year (1)	No. (2)	Short title (3)	Extent of Repeal (4)
	[* [This item was deleted, by Bombay 12 of 1959, Section 19(2).]		*
1878	V	The Bombay Abkari Act, 1878	All the provisions except Section 29-A
1947	XXX	The Bombay Molasses Act, 1947	The whole

II

(See Section 148)

Year (1)	No. (2)	Short title (3)	Extent of Amendment (4)
1890	IV	The Bombay District Police Act, 1890	1. Section 46 (a) In sub-section (4), for clauses (ii) and (iii), the following clauses shall be substituted, namely:- "(ii) Sections 65 or 68 of the Bombay Prohibition Act, 1949" (Bombay XXV of 1949). (b) in sub-section (6) for the words and figures "under the Bombay Abkari Act, 1878, or the Opium Act, 1878", the words and figures "under the Bombay Prohibition Act, 1949" (Bombay XXV of 1949), shall be substituted. 2. Section 61-AA shall be deleted.
1902	IV	The City of Bombay Police Act, 1902	1. In Section 27,- (a) in sub-section (2), for the words and figures "under the Bombay Abkari Act, 1878, or the Opium Act, 1878", the words and figures "under the Bombay Prohibition Act, 1949" (Bombay XXV of 1949), shall be substituted. (b) in sub-section (2-A), for clauses (ii) and (iii), the

following clause shall be substituted, namely:

"(ii) Sections 65 or 68 of the Bombay Prohibition Act, 1949" (Bombay XXV of 1949).

2. Section 122-A shall be deleted.

[1951 [This entry was added by Bombay 22 of 1960, section 98.]

The Bombay XXII Police Act, 1951

In Section 57-

(a) in clause (b), in sub-clause (ii) the portion beginning with the words and figures "or under section 65 or 68 of that Act" and ending with the figures "1938" shall be deleted.

(b) in clause (c), for the words "aforesaid Prohibition Acts" the words and figures "Bombay Prohibition Act, 1949" (Bombay XXV of 1949), shall be substituted].

[Schedule III] [Schedule III was added by Bombay 12 of 1959, Section 19(3).] (See Section 149)

Year	No.	Short title	Extent of Amendment
(1)	(2)	(3)	(4)
1878	1	The Opium Act, 1878, in its application to the State of Bombay.	The whole.
1915	II	The Central Provinces and Berar Excise Act, 1915	All the provisions except Section 27-A.
1938	VII	The Central Provinces and Berar Prohibition Act, 1908	The whole.
1316F	I	The Abkari Act	The whole.
1333F	IV	The Hyderabad Intoxicating Drugs Act	The whole.
1949	XXV	The Bombay Prohibition Act, 1949 as in force in the Saurashtra area of the State of Bombay.	All the provisions except Section 112-A.
1949	XXV	The Bombay Prohibition Act, 1949, as in force in the Kutch area of the State of Bombay.	The whole.]