

Bihar Beer (Import & Sale) Rules, 2000

JHARKHAND

India

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Rule BIHAR-BEER-IMPORT-SALE-RULES-2000 of 2000

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Bihar Beer (Import & Sale) Rules, 2000Published vide Notification No. S.O.165, dated 10th August, 2000S.O.165, dated 10th August, 2000. - In exercise of the powers conferred by Section 89 of the Bihar Excise Act, 1915 (Bihar Act II of 1915) (hereinafter referred to as the Act) the Governor of Bihar is pleased to make the following rules with a view to regulating import and sale of beer. Whereas, the Governor considers that these rules should be brought into force at once, the same are not previously published as required under the proviso to subsection (3) of Section 89 of the Act.

1. Short title, extent and commencement.

- These rules may be called the Bihar Beer (Import and Sale) Rules, 2000;(2)They shall extend to the whole of Bihar, and(3)They shall come into force with effect from the date of their publication in the Official Gazette.

2.

(A)In these rules, unless the context otherwise requires,-(1)"Act" means the Bihar Excise Act, 1915 (Bihar Act II of 1915);(2)"Brewer" means person who brews beer, and the term "brewery" shall be construed accordingly;(3)"Commissioner" means the Excise Commissioner as defined in Clause (7) of Section 2 of the Act;(4)"Distributors" Licence" means a licence for the sale of beer only to the holder of sale to trade licence in Excise Form 1;(5)"Beer" means beer as defined in clause (1) of sub-section 2 of the Bihar Excise Act, 1915 and includes beer manufactured outside India;(6)"Licence" means a licence granted under the Act or rules made thereunder and the term "Licensee" shall be construed accordingly;(7)"Licenced Premises" means premises in respect of which a licence has been granted and includes any other premises approved by the Collector for storage of beer;(8)"Licensing year" means the year beginning from 1st April and ending on 31st March following;(9)"Section" means section of the Act.(B)Words and expressions used in these rules but not defined in these rules shall have the same meanings as assigned to them in the Act.

3.

(1) No beer shall be imported and sold in Bihar except in accordance with procedure laid down in these rules and under the authority and subject to the terms and conditions of a licence in Form No. 19D granted by the Collector. (2) Any brewer desirous of obtaining a distributor's licence in Form No. 19D for the sale of beer only in Bihar shall apply to the Collector concerned who shall not grant licence without previous sanction of the Commissioner. (3) The application shall be in writing giving the following particulars and documents. - (i) The name and address of the applicant; (ii) Proof that applicant owns a brewery outside the State of Bihar or India, as the case may be; (iii) Brands of beer to be sold in Bihar; (iv) The description of the proposed licensed premises; (v) Three copies of the layout plan showing the position of the offices respectively of the licensee, officer-in-charge and the godown in which beer is to be stored; (vi) Proof of solvency of the applicant; (vii) Whether the applicant is liable to pay any dues to the Government such as area of excise revenue, sales tax, income tax etc. in respect of any other license held by him. (4) On receipt of application, the Collector shall make such enquiries as he deems necessary. If he is satisfied, he shall submit a proposal to the Commissioner recommending the sanction of licence. No licence shall be granted unless the Commissioner accords sanction to this effect. (5) Before the licence is granted by the Collector, the licensee shall pay Rs. 25,000.00 as security deposit and any fee which may be required to be paid as per provisions of the Act or rules made thereunder. (6) The licence shall be in such form as may be prescribed by the Board.

4.

(1) Imports of beer manufactured outside India by a person holding a distributor's licence may be allowed only on pre-payment of literage fee at such rates as may be prescribed by the Board from time to time and only under cover of a pass granted by the Collector of the importing district. (2) Import of beer manufactured in other States of the Country by a person holding a distributor's licence may be allowed only on pre-payment of duty at such rates as may be prescribed by the Government from time to time and on prepayment of import fee as may be prescribed by the Board from time to time and only under cover of pass granted by the Collector of the importing district.

5.

The holder of a distributor's licence in Form No. 19D shall apply to the concerned Collector for issuance of a pass. The application shall state- (i) The name and address of the licensee; (ii) The name and address of the brewery from which beer is to be imported; (iii) The brand names of beer, the alcoholic content of such beer and the exact quantity of beer to be imported and the number of bottles of different sizes containing beer; (iv) The rate of literage fee, or the Duty, as the case may be and the amount of literage fee, or the Duty, paid; and (v) The route by which beer is to be brought.

6.

(1) The pass required under sub-section (1) of section 12 of the Bihar Excise Act, 1915 (Bihar Act II of 1915) for import of beer shall be granted when the import is made direct to the premises licensed under the Act or the rules made thereunder and subject to the fulfilment of the following conditions:-(a) The brand names under which and the labels with which the beer is intended to be imported into Bihar have been registered in Bihar in accordance with the rules for the time being in force for such registration, (b) The literage fee on the quantity of beer to be imported from outside India has been paid at the rate fixed under rule 106D of the Board's rules and in case the beer imported from other States, Excise Duty and Import Fee have been paid at the prescribed rates. (c) The pass as aforesaid shall be drawn in quadruplicate. The original shall be made over to the importer to cover the import, the duplicate copy shall be forwarded to the Chief Revenue authority of the place of export and the triplicate copy shall be forwarded to the Officer-in-charge of the brewery from which the consignment of beer is to be brought and the quadruplicate copy with the copies of the challans showing payment of literage fee or duty, as the case may be, and duly posted on it shall be retained on the record of the officer granting the pass. (2) The pass as aforesaid shall be drawn in such form as may be prescribed by the Board.

7.

On arrival at the licenced premises in Bihar of any such beer, the Officer-in-charge shall verify the consignment. The officer shall count the cartons/packings, and may, if necessary count the number of bottles in some of the cartons/packings chosen at random as a sample check, and shall receive the quantity of beer as found and shall certify on the importer's copy of the pass full details regarding the beer received.

8.

The beer shall be then taken into store and entered in licensee's account.

9.

Beer may be transported from the licensed premises of the holder of a Distributor's license to the premises of the holder of sale to trade licenses only under a pass: Provided that the production of permit granted by Collector of the district to which beer is intended to be transported shall also be necessary.