

The U.P. Settlement of Shops for Retail Sale of Bhang Rules 1988

UTTAR PRADESH

India

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Rule

THE-U-P-SETLEMENT-OF-SHOPS-FOR-RETAIL-SALE-OF-BHANG-RULES of 1988

- Published on 2 April 1988
- Commenced on 2 April 1988
- [This is the version of this document from 2 April 1988.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Settlement of Shops for Retail Sale of Bhang Rules 1988Published vide Notification No. 984/UPA, dated March 23, 1988, published in the U.P. Gazette, Part 1 (ka), dated 2nd April, 1988, Pages 1065-1068In exercise of the powers under 41 of the U.P. Excise Act, 1910 (U.P.Act, No. IV of 1910), read with section 21 of the U.P. General Clauses Act. 1904 (U.P. Act No. 1 of 1904), and in omission of clauses (d) of Rule 1 of the Excise Rule as substituted by Rule 2 of the U.P. Excise (First Amendment) Rules, 1984, published with Notification No. 5354/Licence/Anubhag-3, dated march 3, 1984 the Excise Commissioner, Uttar Pradesh, with the previous sanction of the State Government, makes the following rules with a view to regulating the grant of licence for retail sale of bhang :

1.

(1)These rules may be called the Uttar Pradesh Settlement of shops for Retail Sale of Bhang Rules, 1988.(2)They shall come into force with effect from the date of their publication in the Gazette.

2.

The licence for retail vend of Bhang be granted by the Collector in Form I.D. 14/appended to these rules.

3.

The licence under Rule 2 shall be granted to such persons only as have deposited the fee mentioned

in Column 2 and the security mentioned in Column 3 of the table given below. Table

Area in which shop is located	Scale of fixed fee for a year or part thereof	Security deposit in shape of fixed deposit receipt of a scheduled bank
1	2	3
	Rs.	Rs.
Urban area (except Tarai area)	50,000	10,000
Rural area	25,000	7,500
Tarai area	10,000	5,000

4.

A licence under Rule 2 shall not be granted to a person-(a) Who has been convicted by a criminal court of a non-bailable offences or (b) who has been a former licensee and is in arrears of Government dues or his conduct has been found unsatisfactory or has been found guilty of any serious breach of any of the conditions given in the licences; or (c) who is below the age of 18 years; or (d) who is suffering from any infectious or contagious disease.

5.

The retail vendors shall be allowed to sell ghota bhang.

6.

A licence for retail sale of Bhang shall abide by the prescribed general conditions binding on all licences for retail vend of intoxicants (paragraphs 347, 348, 349 and 351 in Chapter VI of Excise Manual, Volume I) and the special conditions mentioned in the licence. Licence for the Retail Sale of Bhang Under Fixed Fee System Register No. Locality Name of licence holder Name of Salesman Exact description of the licensed premises (with boundaries). North. South East West. Licence for retail sale of bhang is hereby granted at in district of from to March 31, 19 subject to the following special and general conditions, the infraction of any of which or a conviction for any offence under the Excise or Narcotic Drugs and Psychotropic Substances Laws shall render the licensee liable to the cancellation of his licence and forfeiture of his security deposits in addition to any penalties imposed under the above laws.

1. The license shall pay to Government a fixed fee in advance along with a security as mentioned below, whichever is applicable for the area for which the licence is granted :

Area in which shop is located	Scale of fixed fee for a year or part thereof	Security deposit in shape of fixed deposit receipt of a scheduled bank
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1	2	3
	Rs.	Rs.
Urban area (except Tarai area)	50,000	10,000
Rural area	25,000	7,500
Tarai area	10,000	5,000

2. The licensee shall obtain his supplies of bhang only from a bonded warehouse established in his district.

3. The licensee shall provide himself with accurate scales and weights which may be prescribed by the Excise Commissioner and shall use such weights only and no other and keep the same in good condition.

4. At the entrance to the shop a signboard shall be affixed on which the name of the vendor, the designation "Licence Vendor of Bhang for the year" shall be legibly painted.

5. The licensee is strictly prohibited from possessing or selling packets of bhang which are unsealed. >

6. The licensee is allowed to sell ghoti bhang at his licensed premises.

7. The licensee must personally supervise weighing of packets wrapped in paper and sealed in his presence and kept ready for sale to the public, provided that the number of such packets sold to any person at one time except under a permit granted under Rule 1003 of the U. P. Excise Manual, Vol. I shall not exceed 120 gms. in total weight.

8. The licensee shall possess and sell only that bhang which has been lawfully obtained from a bonded warehouse. Admixture of bhang or doing anything with regard to it which might change its appearance, potency, quantity or weight is strictly prohibited.

9. Any portion of the stock of bhang which may be declared by any officer, duly authorised in this behalf, to be unfit for consumption shall be surrendered for destruction.

10. The licence-holder, unless exempted by an order of the Collector, shall correctly maintain a daily account in a printed register to be obtained from the Collector's Office on payment.

The account shall be written up as soon as the transaction of each day has been closed.

11. The licensee shall, on the expiry of his licence report to the Collector, the amount of stock, if any, remaining in his possession. Such stock shall be disposed off by the Collector in accordance with the provisions contained in para 343 of the U. P. Excise Manual, Vol. I.

12. The licensee is strictly forbidden from having recourse to any form of blandishment or inducement to the customers with a view to increase his sales.

13. The licensee shall not keep in his licensed shop any other intoxicating drug, liquor or narcotic substance except lawfully obtained bhang and recovery of any such drug or liquor from the licensed premises shall render the licensee liable to cancellation of his licensee and forfeiture of his security deposits.

14. The licensee shall be bound to observe the prescribed general conditions binding on all licensees for retail vend of intoxicants (paragraphs 347, 348, 349 and 351 in Chapter VI of Excise Manual, Vol. I).

Collector.DistrictDated