

# **Bihar Country Liquor Bottling Rules, 2004**

BIHAR

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### **Rule BIHAR-COUNTRY-LIQUOR-BOTTLING-RULES-2004 of 2004**

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Bihar Country Liquor Bottling Rules, 2004Published vide Notification No. 152, dated 10.2.2004No. 152, dated 10.2.2004 - In exercise of powers conferred by section 90 of the Bihar Excise Act, 1915 (Bihar Act II, 1915), the Board of Revenue makes the following rules for bottling and whole-sale supply of country liquor.

#### **1. Short Title, extent, and commencement.**

(1)These rules shall be called "Bihar Country Liquor Bottling Rules, 2004".(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force at once.

#### **2. Definitions**

- In these rules unless there is anything repugnant in the subject or context,-(i)"Bottling Plant" means those equipment and machines which are specified by the Board of Revenue for bottling country liquor in the warehouses.(ii)"Bottle Filling" means filling of country liquor from any cask or vessel into bottles without any change for the purpose of sale.(iii)"Licensing Officer" means the Collector of the District or any such Officer, empowered by the State Government under Section 13 of the Excise Act to issue a licence.(iv)"Manufactory" means the licensed premises where country liquor shall be manufactured.(v)"Excise Chemist" means the Excise Chemist, Bihar.(vi)"Contractor" means any person/firm who has been granted licence in the prescribed excise form 27 under section 22(d) of the Bihar Excise Act, 1915 for exclusive privilege or special privilege.(vii)"Liquor Warehouse" means the liquor warehouse, established by the Excise Commissioner under Section 15 of the Bihar Excise Act, 1915.(viii)"Bottling Manufactory" means the room prescribed within the premises of Liquor warehouse for sealing the bottles of country liquor by machine.(ix)"Bottle Warehouse" means the premise authorised by the Excise Commissioner for the purpose of storage and supply of country liquor within the liquor warehouse or in the bottle of the said warehouse.(x)"Rectified Spirit" means normal spirit having strength of not less than 50 degree Over Proof (O.P.)(xi)"The Deputy Commissioner Excise Distillery and Ware House" means the Deputy

Commissioner, Excise, Distillery and Ware-house, Bihar, Patna. Note - The words used but not defined in these rules shall have the same meaning which have been assigned to them in the Bihar Excise Act, 1915, or in the amendment.

### **3. Supply of spirit.**

(1) The Contractor (Holder of Distillery or non-holder of distillery) of every bottling plant or the agent authorised by him, after obtaining allotment of rectified spirit from, the Excise Commissioner or the Officer authorised by him, shall make available the spirit to country liquor warehouse on the basis of the pass issued by the collector of the district and the spirit obtained in this manner shall be stored in presence of the officer, deputed by the District Superintendent of Excise/Assistant Commissioner of Excise. (2) The deputed Excise Officer/the Warehouse Officer shall enter the details of spirit obtained in the country liquor warehouse in prescribed Form-86 of the Excise Manual and shall make, available its monthly statement to the Deputy Commissioner, Excise Distillery and Warehouse in the first week of the succeeding month, through the District Superintendent of Excise/The Assistant Commissioner of Excise.

### **4.**

The transit wastage of spirit, found in transportation from distillery to liquor warehouse after storage in spirit warehouse, shall be calculated in accordance with the relevant provisions of Rules published vide Notification No. 23-137-2 dated 29th April, 1919 of the Board of Revenue, Bihar. If the transit wastage is found to be more than the provision, the licensee shall be liable to penalty at the rate of excise duty prevalent on country liquor.

### **5.**

The Warehouse Officer or the deputed officer shall transfer the country liquor or prescribed strength from the reduction vat to the bottling plant as per requirement and shall make its entry in prescribed Form-84 of the Excise Manual.

### **6.**

The sample of reduced country liquor, (which shall be bottled), shall be packed in a bottle containing 600 ml; with the seal of both the contractor or his Agent and the Incharge Excise Officer and it shall be kept with the Incharge Excise Officer; and on verifying it again after one month from the date on which it was sealed, the same shall be returned to the reduction vat, after entering its details in a register.

### **7.**

The account of country liquor supplied for bottling shall be kept in Form-1 A of these Rules. Filling of the bottles of different prescribed quantity shall be done in presence of the In-charge, Excise

Officer. After bottling in Form 1-A, the details of bottle of different quantity shall be kept in Form-IIA; and day-to day account of issue shall be kept in Form IIIA.

## **8.**

For the maintenance of sufficient stock of bottled country liquor, the premises of the bottling plant shall remain open from 8.00 A.M. to 12.00 O'clock in the noon and from 1.00 P.M. to 5.P.M., on every working day. In special circumstances, filling of country liquor into the bottle may be made even on holidays or after working hours in presence of the warehouse officer, with the written permission of the Superintendent of Excise/the Assistant Superintendent of Excise.

## **9.**

In case of liquor flow-out due to breakage or leakage during bottling, it shall be filtered and stored in neat and clean plastic jerrycans; and after bottling, the strength of such liquor shall be examined and on finding the same issuable, it shall be used by the contractor for bottling. If the said liquor is found to be of weak strength, it shall be fortified by mixing spirit in proportional quantity in accordance with the rule, and after making the same to issuable strength, it shall be bottled again. It shall be the liability of the contractor that the liquor carrying any foreign substance or glass particle, or which is not suitable for bottling, is not bottled.

## **10.**

Everyday, after completion of bottling, bottles of the bottling manufactory, shall be transferred to the bottle warehouse and packed systematically in crates/ cartons in such a manner that crates of each volume and strength are stocked one above the other, to a maximum of six crates/cartons in a row; and the distance between two such rows should not be less than 2 feet. The storing capacity of each crate/carton shall be clearly written on the crate/carton and only that number of bottles shall be stored in each crate/carton, and its account shall be kept in Form-IIA of these Rules.

## **11.**

The word "Manufactory" at the door of warehouse premises, and the word "Bottle Warehouse" at the door of the room where country liquor is stored in bottles shall be written in enamel paint in bold letters. As per rule, the issuance of bottled country liquor shall be made to other liquor warehouses from the Bottle warehouse and the issuance of liquor shall be made to the retail licensees after payment of the issuance price. The account of the same shall be kept in Form IIIA of these Rules.

## **12.**

The entire responsibility of transporting the bottles safely from the manufactory to other warehouses shall lie with the contractor. If, on account of unavoidable reasons, any liquor starts

dripping from bottles, due to breakage or leakage in such warehouses, it shall be stored in neat and clean drums by the contractor, and after mentioning its exact stock in the drums, in prescribed register 87 of the Excise Manual on the basis of transport pass issued under signature of the Warehouse Officer or the deputed Excise Officer, the contractor shall be allowed to take the same in the warehouse of his bottling plant by the end of every month. On being conveyed to the warehouse in sealed condition by the warehouse officer or the deputed Excise Officer, and on finding the samples of liquor, contained in each drum, to be genuine, after examination by the Excise Chemist, it shall be bottled again at the contractor's level in the same manner as is specified for leaked liquor in the plant.

### **13.**

(1)Manufactory:- The country liquor shall have to be manufactured in the specified premises where the licensing authority has approved the construction of the manufactory. The contractor shall have to write in enamel paint on every door of the spirit warehouse and its vessels to be used in manufacture, the specific purposes for which they have been kept. There shall be at least, two rooms in the warehouse out of which one shall be used for storing of spirit and manufacturing, and bottling of liquor; and the other for storing the manufactured liquor. The contractor shall have to make adequate arrangement for ventilation of every room; and the ventilator shall be so fitted and closed with iron rod as is approved by the Excise Commissioner. Separate lock and key may be arranged for every room. Double lock and key may also be arranged by the order of the Excise Commissioner. (2) The responsibility for sanitation in plant premises, arrangement for clear and unpolluted drinking water, lavatory and urinal, office accommodation and residences etc. for excise officers and employees posted there shall rest entirely with the contractor. The contractor shall have to provide accommodation for the Excise Officer and the Excise Constables, posted at the liquor Ware house Bottling Plant, in the liquor warehouse premises itself as far as possible. In case, accommodation is not provided to them within the liquor warehouse premises itself, the contractor shall have to provide accommodation on rent in the vicinity, or also he will have to pay the rent to them in cash.

### **14.**

If shall be essential for the licensee to keep the prescribed minimum stock of country liquor, filled in bottles of different measures, in every warehouse held by him. This shall be 5 per cent of the monthly minimum guarantee quota. In case of refusal to lift the liquor, the contractor shall be liable to penalty as per terms and conditions of the licence.

### **15.**

On non-payment of any penalty in time, as specified in the rules, the same may be realised from the security money of the contractor but he will have to make good the deficit immediately, or otherwise his contract may be cancelled.

**16.**

In case of a sudden breakdown of all the machines of the bottling plant at the same time, the contractor, in special circumstance, shall supply country liquor from his own reserve stock which may be available in his bottle warehouse, at his own risk, under order of the Collector/Deputy Commissioner or the Excise Commissioner. If the contractor has no reserve stock in the other bottle warehouse, the liquor shall be supplied to the retail licensees from the warehouse/bottle warehouse of the contractor in the other area, under order of Collector or the Excise Commissioner; and the transportation and other expenses thereto shall be borne by the contractor. However, such arrangement for supply of country liquor in bottles shall be made for a fixed period only with the approval of the Collector, and such arrangement shall not exceed more than a week at a time, and information thereto shall be passed on the Excise Commissioner, mentioning all the relevant circumstances. If the contractor reports breakdown of the bottling machine again and again and fails to put it in order in time his contract may be cancelled. At the same time, the contractor shall be liable to penalty in failing the compliance of the terms and conditions, as laid down in prescribed licence form 27 of the Excise Manual, and the orders given to him from time to time.

**17.**

(1)The size of bottle shall be such as is specified in Appendix-I. Centpercent new transparent white glass bottles having round bottom and long neck, manufactured by automatic plant and in accord with appendix-I, will have to be used. Use of old bottles shall be prohibited. All bottles shall be washed, first in a solution of potassium permanagnate or hydrochloric acid and again there-after in pure water. After being finally dried up, liquor shall be filled in the bottle. The account of all bottles shall be kept in the 'Prescribed Bottle Form', appended to these Rules, or in a format, as directed by the Excise Commissioner, Bihar from time to time.(2)The bottle shall have only such label as is prescribed in Appendix-II.

**18.**

The bottled country liquor shall be issued from the bottling plant of the warehouse to other concerned warehouses and retail licensees on the following days of a week-(i)From liquor warehouse to other stock warehouses on Monday, Wednesday and Friday.(ii)From Liquor warehouse to retail licensees on Tuesday, Thursday and Saturday, The number of issuance days in a week may be reduced as per requirement, by the Assistant Commissioner of Excise/The Superintendent of Excise, with the approval of the Collector, for such liquor warehouse where the lifting of liquor is less.In special circumstance, liquor could be issued even on other days on the written order of the Superintendent of Excise/The Assistant Commissioner of Excise.

**19.**

The liquor warehouse officer or the deputed Excise officer will have to submit without fail copies of registers 86 and 88 for the last month to the Deputy Commissioner, Excise Distillery and

Warehouse by 5th of every next month, through the Superintendent of Excise/The Assistant Commissioner of Excise. At the sometime, it shall be essential to send the statement of anticipated consumption of spirit for the next month.

## **20.**

Each retail licensee shall submit for supply of country liquor his indent of liquor of different strength and quantity, as per monthly distribution, after; drawing up the programme for its weekly lifting to the contractor and the Warehouse Officer or the deputed Excise Officer, one month earlier, and shall receive the supply accordingly every week.

## **21.**

(1)The contractor shall be liable to penalty at the rate of the prevalent excise duty on country liquor for wastage in excess of a total of 0.5 per cent during the process of bottling in the bottling plant, transportation of bottled country, liquor from one liquor warehouse to other liquor warehouses, storage, issuance, shifting of oozed out liquor from bottles to the bottling plant, or manufacturing of liquor of prescribed strength by fortifying it through liquor-mix. No wastage beyond 0.5 per cent in all shall be admissible to the contractor.(2)The entire wastage caused after storage of spirit in the liquor warehouse (including transportation of country liquor in bottle) shall be calculated at the end of the year and the contractor shall be liable to penalty at the rate of the prevalent excise duty on country liquor for the wastage in excess of the limit aforesaid payable to the Collector of the district where his bottling plant is situated.

## **22.**

(1)The contractor or his authorised agent and the warehouse officer or the deputed officer shall have to ensure at the time of bottling that the country liquor in the bottle is not in any case, weaker or stronger than 0.3 degree of the prescribed strength; otherwise, action shall be taken as per direction of the Excise Commissioner under section 42 of the Excise Act.(2)It shall be the responsibility of the contractor or his authorised agent and the warehouse officer/deputed Excise Officer not to issue liquor, weaker or stronger than 0.3 degree of the prescribed strength to the retail licensee, as set forth in sub rule (1) above.

## **23.**

The duty-paid country liquor shall be issued from warehouse of the bottling plant to other warehouses in prescribed Form-50 of the Excise Manual; and non-duty paid country liquor shall be issued under bond in prescribed Form 46 of the Excise Manual, the receipt of which shall be immediately made available to the Warehouse Officer by the in-charge Excise Officer. Only after its receipt, further issuance of liquor may be made.

**24.**

For transportation of liquor in bottle from one warehouse to the other warehouse the dates of its issuance and receipt with their time shall be mentioned in the relevant pass.

**25.**

After preparing registers of Form-IA, Form-IIA, Form-IIIA and the prescribed Bottle Form' under these Rules the same shall be numbered, and got verified by the Inspector of Excise or the senior-officer; and its details shall be kept in the Sudar Excise Office.

**26.**

In course of inspection of retail country liquor shops by the Inspecting Officer, if as required, the quality of liquor on examinations, after breaking open the seal of the bottle, is found to be genuine, it shall be put back in the same bottle and resealed,, and a certificate to this effect shall be pasted on the sealed bottle of liquor and a copy thereof shall be handed over to the retail licensee or his authorised agent. He will submit, the said bottle in sealed condition to the ware house supplying the said country liquor, along with the certificate, in the first week of every month. It shall be the responsibility of the warehouse officer, or the deputed Excise Officer to send the said liquor to the liquor warehouse for bottling after examining the seal and thereafter on getting a favourable report from the Chemical Examiner. The expenses of making the said liquor issuable from the bottling liquor warehouse, or obtaining the examination report of the Excise Chemist on its sample and making the strength of the liquor issuable after fortifying it through liquor mix shall be borne by the contractor; and permission to lift only that much of liquor may be granted to the retail licensees, but without making payment of any duty or cost, and full details of such issuance shall be kept in the concerned register, provided that, if the liquor of any bottle is found to be less than the prescribed quantity, or adulterated during examination, it shall be kept apart after being sealed; and sample of bottle of liquor of the same volume shall be sent to Excise Chemist for examination, and the entire volume (Quantity) of the said batch shall be sealed. If the report of the Excise Chemist reveals that the quantum of liquor is less than the prescribed quantity, or is adulterated or different from the prescribed measure, action may be taken against the concerned contractor under Section 42 of the Excise Act; and the said sealed liquor, made issuable after fortification, shall be issued, and the cost thereof shall be borne by the contractor. If the liquor is not found suitable for human consumption as per the report of the Excise Chemist, action will be taken to destroy the entire sealed liquor.

**27.**

The decision of the Excise Commissioner regarding postings and deputations of the excise officers and their numbers in the bottling plant of each liquor warehouse shall be final and binding on the contractors.

**28.**

Besides these Rules, is shall also be obligatory for the contractor to comply with the rules/sub-rules/orders, or rules, framed from time to time, in respect of liquor warehouse under the Excise Act.

**29.**

In case of any discrepancy/dispute arising in the functioning of the bottling plant, the Superintendent of Excise/The Assistant Commissioner of Excise of the district shall inform, through the Collector, the Excise Commissioner who, on receipt of such information, shall be competent to take appropriate decision on it and any such decision shall be binding on the concerned contractor.

**30.**

After commencement of these Rules, The Bihar Sacheting Rules, 1992 may be repealed by the Board of Revenue with effect from such date on which a separate notification in the official Gazette shall be made for such purpose. Appendix-I The bottles to be used shall be made from automated machine, being cent-percent new, white and transparent, made of glass having round bottom and long neck and measuring 600 ml, 200 ml and 150 ml on which the words "Bihar Excise" shall be embossed, and shall be leak-proof i.e., of the roll-on-threads pilfer-proof standard. The lid of the bottle will be made of aluminium and leak-proof on which the words "Bihar Excise" shall be embossed. Any other transparent material, in addition to glass bottle, may be used, as prescribed by the Board of Revenue. Appendix-II A rectangular lable of white colour shall be pasted on the bottles on which the name of the contractor-firm and the district of the liquor warehouse from where the liquor has been issued, the strength of the liquor, its quantity, the date and year of manufacture, its batch no and the date of expiry of the liquor for consumption shall be mentioned in green ink; and at the bottom of the label, the words "Consumption of Liquor is Injurious to Health" shall be clearly written in red ink. The directions of the concerned Ministries/Departments of the Government of India/The Government of Bihar, issued from time to time, in respect of bottling, packaging, labelling, etc, shall have to be essentially complied with. Prescribed Bottle Form (See Rule 17(1)) Bihar Excise Bottling Manufactory Financial Year.....

Date	Name of the company from where new empty bottles purchased	Opening Balance of Empty Bottles	No of empty bottles purchased					
600 ML	300 ML	150 ML	600 ML	300 ML	150 ML			
1	2	3	4	5	6	7	8	
Total	No of empty bottles damaged during transportation	Total balance of empty bottles						
600	300 ML	150 ML	600	300	150	600	00	150



ML			ML	ML	ML	ML	ML	ML
9	10	11	12	13	14	15	16	17

No. of total bottles in which liquor is filled	Total no of Empty Bottles in the Stock as balance	Signature of contractor/ Agent	Remarks					
600 ML	300 ML	150 ML	600 ML	300 ML	150 ML			
18	19	20	21	22	23	24	25	

Prescribed Bottle Form IA(See rule 7)Particular of..... U.P. bottle-stock manufactured under Country Liquor manufactory....Bihar Excise Bottling Manufactory.

Date	Initial stock (stock tank)	Stock received	Total stock						
Bulk Lt.	L.P. Lit	From which Tank	Bulk Lit.	L.P. Lit	Bulk Lit	L.P. Lit.			
1	2	3	4	5	6	7	8		
Total manufactured bottles after filling	Bottles removed to warehouse								
600 ML	300 ML	150 ML	Bulk Lit	L.P. Lit	600 ML	300 ML	150 ML	Bulk Lit	L.P. Lit
9	10	11	12	13	14	15	16	17	18

Closing balance (Store Tank)	Difference Initial	Remarks							
Bulk Lit	L.P. Lit	Increase	Decrease						
19	20	21	22	23	24				

Prescribed Bottle Form IIA(See rule 7)Stock Particular Register of Country Liquor filled in Bottle of...Bihar Excise Bottling Warehouse U.P.

Date	Opening Stock	Received from Manufactory								
600 ML	300 ML	150 ML	Bulk Lit	L.P. Lit	600 ML	300 ML	150 ML	Bulk Lit.	L.P. Lit.	
1	2	3	4	5	6	7	8	9	10	11

Total Stock	Issued after payment of Duty/issue price									
600 ML	300 ML	150 ML	Bulk Lit	L.P. Lit	600 ML	300 ML	150 ML	Bulk Lit.	L.P. Lit.	
12	13	14	15	16	17	18	19	20	21	

Issued to other Warehouse		Wastage									
600 ML		300 ML	150 ML	Bulk Lit	L.P. Lit	600 ML	300 ML	150 ML	Bulk Lit.	L.P. Lit.	
22		23	24	25	26	27	28	29	30	31	
Increase in Operation		Closing balance	Removal of spirit from damaged bottles	In which	Initial	Remarks					
600 ML		300 ML	150 ML	Bulk Lit	L.P. Lit	600 ML	300 ML	150 ML	Bulk Lit.	L.P. Lit.	
32		33	34	35	36	37	38	39	40	41	42 43 44 45

Prescribed Bottle Form IIIA(See Rules - 7 & 11)Country Liquor Bottling Issue RegisterBihar Excise Bottling Warehouse-

Pass serial No. and Date of Issue	To whom issued	Excise Goods	After Payment of Issue Price, Quantity of Up.Issued	Amount of Issue Price				
600 ML	300 ML	150 ML	Bulk Lit.	L.P. Lit.				
1	2	3	4	5	6	7	8	9
No. and Date of receipt issued by the Contractor.	Removed to other liquor Warehouse	Name of Ship/ Liquor Warehouse to whom issued	Signature of Licence/ authorised Vendorreceiving issue.	Remarks				
600 ML	300 ML	150 ML	Bull Lit	L.P. Lit				
10	11	12	13	14	15	16	17	18