

# **Import and Sale Rules for Foreign Made Foreign Liquor and Foreign Made Wine, 2013**

BIHAR

India

## **Import and Sale Rules for Foreign Made Foreign Liquor and Foreign Made Wine, 2013**

### **Rule**

### **IMPORT-AND-SALE-RULES-FOR-FOREIGN-MADE-FOREIGN-LIQUOR- of 2013**

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Import and Sale Rules for Foreign Made Foreign Liquor and Foreign Made Wine, 2013Published vide Notification No. 3/lh 5 uhrh (vofoo'kofuo)-09/2010-3277, dated 13.5.2013Last Updated 10th February, 2020No. 3/lh 5 uhrh (vofoo'kofuo)-09/2010-3277. - In exercise of powers conferred by Section- 89 of the Bihar Excise Act, 1915, the Government of Bihar makes the following rules for import, transport, sale and licence of Foreign Made Foreign Liquor and Foreign Made Wine.

### **1. Short Title, Extent and Commencement.**

(1)These rules may be called "Import and Sale Rules for Foreign Made Foreign Liquor and Foreign Made Wine, 2013".(2)It shall extend to the whole of the State of Bihar,(3)It shall come into force from the date of its notification in the Official Gazette of Bihar.

### **2. Definitions.**

- In these rules, unless there is anything repugnant in the subject or the context -(a)"The Act " means the Bihar Excise Act, 1915 ; (Act - ii, 1915)(b)"Section" means a section of the Act,(c)"Excise Commissioner" means the officer appointed under clause of (a) section-7, of the Act ;(d)"Excise Duty" or "Duty" means duty as is mentioned in Entry 51 of list II in the Seventh Schedule to the Constitution;(e)" Import into India" means any such import, as defined by the Central Government under the Seas Customs Act, 1879" or the "Indian Tariff Act 1894";(f)"Import", except the phrase "Import into India", means to bring into the State otherwise than across a customs frontier as defined by central Government;(g)"Sale" means any transfer otherwise than by way of

gift;(h)"Foreign Made Foreign Liquor", or "FMFL" means:-(i)All liquor imported into India from other countries by sea or air, in original bottled form, and also termed as "Imported Foreign Liquor";(ii)All Beer, Porter and Stout including cider imported into India from other countries by sea or air, in bottled form i.e. Bottled in Origin; and(iii)All wines including sweet wine prepared from grapes or other fruits by a process of fermentation only with or without the addition of alcohol or any other ingredients imported into India from other countries by sea or air in bottled form.(j)"Board" means Board of Revenue.(k)"B.S.B.C.L." means Bihar State Beverages Corporation Limited, the State Government undertaking empowered for wholesale trading of all kinds of liquors;(l)"License" means a license granted under section-13 of the Bihar Excise Act and rules made thereunder;(m)"Permit" means an authorization granted under Bihar Excise Act and rules made thereunder for the removal of FMFL and FMFW;(n)"M.R.P" means the maximum price at which the FMFL and FMFW may be sold to the ultimate consumer and shall include all taxes, freight, transport charges, Commission or trade margin payable to B.S.B.C.L. and all charges towards delivery etc. ;(o)"ECBP" means the Ex-Custom Bond price.

### 3.

No FMFL and FMFW shall be sold in the State of Bihar unless it is legitimately imported into India under "The Seas Customs Act, 1878" and "The Indian Tariff Act, 1894" and any other relevant Central Act and thereafter imported to the State of Bihar as per the provisions contained herein.

### 4.

No person/Company/Firm shall import FMFL and FMFW in the State of Bihar unless he obtains from Excise Commissioner a license of distributorship in a separate form which shall be prescribed by the Board. The importer shall obtain such license in his own name and may import FMFL or FMFW of different brands from more than one manufacturing company.

### 5.

The importer or the holders of distributorship license shall not import any FMFL or FMFW unless he obtains on written request through the Assistant Commissioner of Excise /Superintendent of Excise, the import order from the Excise Commissioner.On the basis of such import order, The Assistant Commissioner of Excise / Superintendent of Excise shall issue permit in favour of the importer or the holders of distributorship license on prepayment of the requisite fee.

### 6.

The importer or the holders of distributorship licenses shall supply such imported FMFL and FMFW from his warehouse to B.S.B.C.L. against valid permits and the B.S.B.C.L. shall supply the same to the retailers or to licensed Hotels/ Restaurants/ Bars against valid permits.Payment of Fees & Duty

**7.**

No duty and import fee shall be levied on the imported FMFL or FMFW in accordance with the provisions of section-6 of the Bihar Excise Act.

**8.**

The importer or the holders of the distributorship license shall pay an advance annual license fee as prescribed by the Board.

**9.**

No FMFL or FMFW shall be imported in the state unless the permit fee at the rate fixed/prescribed by Member, Board of Revenue is prepaid by the importer or the holders of distributorship licenses. Label Registration Fee

**10.**

No brand of FMFL or FMFW shall be imported and sold in this State of Bihar unless its label is approved and Registered by the Excise Commissioner on pre payment of annual Registration/Renewal fee as prescribed under Rule 42-B made specifically under section-90 of the Bihar Excise Act, 1915.

**11.**

A movement fee as prescribed by the Board shall be paid by the holders of distributorship licenses on FMFL and FMFW before its removal from the warehouse.

**12.**

Each bottle of FMFL and FMFW shall be pasted by the licensee with a separate adhesive sticker on which statutory warning "Drinking Liquor is injurious to health" in red ink and its maximum retail price shall be printed.

**13.**

No change in pack-size and strength of FMFL and FMFW shall be allowed at any sale point.