THE MAHARASHTRA PROHIBITION ACT

[*Text as on 21st May 2025*]

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24. Amended by Mah. 24 of 2012 (22-8-2012)
25. Amended by Mah. 19 of 2017[7]
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1 This Act was extended to those areas of the State of Bombay to which immediately before the commencement of Bom. 12 of 1959, it did not extend (*vide* Bom. 12 of 1959, s. 2).

2 Maharashtra Ordinance No. XV of 1981 was repealed by Mah. 70 of 1981, s. 5.

3 Maharashtra Ordinance No. XII of 1996 was repealed by Mah. 9 of 1997, s. 48.

4 This Act came into force on 16-11-2001 *vide* G.N., No., H.D., BPA-1098/8/EXC-2, dated the 16th October 2001.

5 Maharashtra Ordinance No. XI of 2005 was repealed by Mah. 52 of 2005, s. 38.

6 This Act came into force *vide* G.N., H.D.No.BPA-EXC-2, dated the 11th August 2006, *w.e.f.* 16th August 2006.

7 (*i*) This Act came into force *w.e.f.* 22-03-2017 in the area of Ahmednagar District *vide* G.N., H.D., No. BPA. 0117/C.R. 22/EXC-3, dated 22-03-2017.
(*ii*) This Act came into force *w.e.f.* 09-01-2018 in the remaining part of the Maharashtra other than Ahmednagar District *vide* G.N., H.D., No. BPA. 0517/C.R. 159(*2*)/EXC-3, dated 09-01-2018.

8 Maharashtra Ordinance No. XV of 2017 was .

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

ACT No. XXV OF 1949[1]

[THEMAHARASHTRAPROHIBITIONACT.]

[This Act received the assent of the Governor General on the 15th May 1949; assent was first published in the *Bombay Government Gazette*, Part IV, on the 20th May 1949.]

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 [2][State] 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 [3][State] of Bombay for the said purpose and 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 [4][the Maharashtra Prohibition Act.]

[5][(*2*)It extends to the whole of the [6][State of Maharashtra]].

[7](*3*) It shall come into force [8][in the area comprising the pre-Reorganisation State of Bombay] on on such date as the [9][State] Government may by notification in the *Official Gazette*[10][specify.

In those areas of the State to which it is extended by the Bombay Prohibition (Extension and Amendment) Act, 1959 (Bom. XII of 1959), it shall come into force on such other date as that Government may, by like notification appoint:

Provided that having regard to the nature of the outstill area of the Chanda District, the general backwardness of the people residing therein, and the necessity of preparing an adequate background before the introduction of prohibition therein, the State Government may, if it thinks fit, fix a different date for bringing the Act into force in that area.

Explanation.— In this sub-section the expression "outstill area of the Chanda District" means the areas of the Chanda District specified in Schedule I-A.]

[11, 12][(*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 (Bom. 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 pre-Reorganisation State of Bombay excluding the transferred territories immediately before such commencement, shall also extend to, and be in force in that area.]

2 This word was substituted for the word "Province" by Bom. 12 of 1959, s. 4.

3 This word was substituted for the word "Province" by Bom. 12 of 1959, s. 4.

4 This short title was amended for "the Bombay Prohibition Act, 1949" by Mah. 24 of 2012, s. 2, Sch., entry 37, *w.e.f.* 1-5-1960.

5 This sub-section was substituted for the original by Bom.12 of 1959, s. 5(*a*).

6 These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

7 Sub-section (*3*) shall stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

8 These words were inserted by Bom. 12 of 1959, s. 5(*b*)(*i*).

9 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

10 This portion was substituted for the word "specify" by Bom. 12 of 1959, s. 5(*b*)(*ii*).

11 Sub-section (*4*) shall stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

12 This sub-section was added by Bom. 12 of 1959, s. 5(*c*).

2.Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "authorization" 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 not; bottling includes re-bottling;

[1][* *]

[2][(*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;

[3][(*5*) "Commissioner" means an officer appointed as the Commissioner of Prohibition and Excise under section 3 of this Act and includes any officer on whom the State Government may confer all or any of the powers of the Commissioner under this Act;]]

(*6*) "Committee [4][or board]" means [5][a committee or board] appointed by the [6][State] 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;

[7][(*9*) "cultivation" means raising a plant from seed and includes the tending or protecting of a plant during its growth;]

(*10*) "denatured" means subjected to a process prescribed for the purpose of rendering unfit for human consumption;

[8][(*10a*) "denatured spirituous preparation" means any preparation made with denatured spirit [9][or denatured alcohol] and includes lacquers, French Polish and varnish prepared out of such spirit or alcohol;]

[10][* *]

(*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 [11][or hemp],

(*c*) opium,

1 Clause (*3*) was deleted by Bom. 22 of 1960, s. 2(*a*).

2 Clauses (*4*) and (*5*) were substituted for the original by Bom. 12 of 1959, s. 6(*a*).

3 Clause (5) was substituted by Mah. 52 of 1973, s. 3, Schedule.

4 These words were inserted by Bom. 22 of 1960, s. 2(*b*).

5 These words were substituted for the words "any of the committees" by Bom. 22 of 1960, s. 2(*b*).

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 7 This clause was substituted for the original by Bom. 22 of 1960, s. 2(*c*).

8 Clause (*10a*) was inserted by Bom. 36 of 1954, s. 2.

9 These words were substituted for the words "or alcohol" by Bom. 22 of 1960, s. 2(*d*).

10 Clause (*11*) was deleted by Bom. 22 of 1960, s. 2(*e*).

11 These words were added by Bom. 22 of 1960, s. 2(*f*)(*i*).

[1][(*d*) other narcotic drugs and narcotics which the State Government may, by notification in the *Official Gazette*, declare to be an excisable article;]

(*14*) "excise duty" and "countervailing duty" means such excise duty or countervailing duty, as the case may be, as is mentioned in [2][entry 51 in List II in the Seventh Schedule to the Constitution];

(*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 [3][State] otherwise than across a customs frontier [4][* *];

(*17*) "foreign liquor" [5][means all liquor produced or manufactured outside India:]

Provided that the [6][State] 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;

[7][(*17A*) "Gram Rakshak Dal" means Gram Rakshak Dal established under section 134A;]

(*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 35;

[8][(*19a*) "household" means a group of persons residing and messing jointly as members of one domestic unit, but does not include their servants;]

(*20*) "import" (except in section 147) means to bring into the [9][State] otherwise than across a customs frontier [10][* * *];

(*21*) "interim permit" means a permit granted under section 47;

(*22*) "intoxicant" means any liquor, intoxicating drug, opium or any other substance, which the [11][State] Government may, by notification in the *Official Gazette*, declare to be an intoxicant;

(*23*) "intoxicating drugs" means—

(*a*) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (Cannabis Sativa L.) including all forms known as *bhang*, *sidhi* or ganja;

(*b*) charas, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;

(*c*) any mixture, with or without natural materials of any of the above forms of intoxicating drug, or any drink prepared therefrom; [12][* *]

1 This was substituted for clauses (*d*) and (*e*) by Bom. 22 of 1960, s. 2(*f*)(*ii*).

2 This portion was 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.

3 This word was substituted for the word "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.

4 The words "as defined by the Dominion Government" were deleted by Bom. 26 of 1952, s. 2(*1*).

5 These words were substituted for the words "includes all liquor brought into India by sea, air or land;" by Bom. 22 of 1960, s. 2(*g*).

6 This word was substituted for the word "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.

7 Clause (*17A*) was inserted by Mah. 19 of 2017, s. 2.

8 This clause was inserted by Bom. 22 of 1960, s. 2(*h*).

9 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.

10 The words "as defined by the Dominion Government" were deleted by Bom. 26 of 1952, s. 2(*1*).

11 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

12 The word "and" was deleted by Bom. 26 of 1952, s. 2(*2*)(*a*).

[1][(*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 1930)];

(*24*) "liquor" includes—

(*a*) [2][spirits], [3][denatured spirits], wine, beer, toddy and all liquids consisting of or containing alcohol; and

(*b*) any other intoxicating substance which the [4][State] 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 redistillation and every process for the [5][rectification, flavouring, or colouring of liquor or intoxicating drug] 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;

[6][(*28*)"molasses" means the heavy, dark coloured viscous liquid produced during 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; and shall also include substances containing sugars obtained from sugarcane known as black coloured *gur* and residual substances obtained from *khandsari* known as third sugar or raskat or sayar and irrespective of its colour rotten *gur* or rotten rab which conform to the following analytical standards on dry weight basis,—

(*i*) total sugars (expressed as invert sugar) less than 85 per cent. and sucrose less than 57 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 Hydrochloric acid (HCL) more than 0.5 per cent.; or

(*v*) more than 10 per cent. of moisture;

but does not include any article which the State 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—

(*a*) in the Greater Bombay, the Officer in charge of a police station as provided under the provisions of the [7, 8][Bombay Police Act, 1951(Bom. XXII of 1951); and]

1 Clause (*d*) was substituted for the original clause together with the proviso by Bom. 26 of 1952, s. 2(*2*)(*b*).

2 This word was substituted for the words "spirits or wine" by Bom. 22 of 1960, s. 2(*i*).

3 These words were substituted for the words "methylated spirits" by Bom. 26 of 1952, s. 2(*3*).

4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

5 These words were substituted for the words "rectification of liquor" by Bom. 22 of 1960, s. 2(*j*).

6 This clause was substituted by Mah. 29 of 2006, s. 2.

7 The short title of this Act has been amended as "the Maharashtra Police Act" by Mah. 24 of 2012, s. 2, Sch. entry 45, *w.e.f.*, 1-5-1960.

8 These words and figures were substituted for the words and figures "City of Bombay Police Act, 1902" by Bom. 12 of 1959, s. 6(*b*).

(*b*) elsewhere the Officer in charge of a police station as defined in the 1Code of Criminal Procedure, 1898 (V of 1898);

(*30*) "opium" means—

(*a*) the capsules of the poppy (Papaver Somniforum L.), 2[whether in their original form or cut, or crushed or powdered and whether or not the juice has been extracted therefrom];

(*b*) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulation other than those necessary for packing and transport; 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 of Act, 1930 (II of 1930).

3[* * *]

(*32*) "permit" means a permit granted under 4[the provisions of this Act] and the expression "permit holder" shall be construed accordingly;

(*33*) "police station", means in the Greater Bombay a police station as provided under the provisions of the 5, 6[Bombay Police Act, 1951 (Bom. XXII of 1951)] and elsewhere any place declared to be a police station for the purposes of the 7Code of Criminal Procedure, 1898 (V of 1898);

(*34*)"prescribed" means prescribed by the rules, orders or regulations under this Act;

(*35*)"Prohibition officer" includes the 8[Commissioner], 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 9[and also includes any officer or person invested with any such powers and and on whom any such functions, or duties are imposed, and any member of a committee, board or medical board;]

10[(*36*) "State" means the 11[State of Maharashtra] including the space within the limits of the territorial waters appertaining to it;]

12[(*37*) "rectification" includes every process whereby liquor is purified or refined;]

13[(*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 14Bombay Veterinary Practitioners Act, 1953 (Bom. LXV of 1953) or under any law corresponding thereto in any part of the State;]

1 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

2 These words were added by Bom. 22 of 1960, s. 2(*l*).

3 Clause (*31*) was deleted by Bom. 22 of 1960, s. 2(*m*).

4 These words were substituted for the words and figures "Sections 40, 41, 46 or 47" by Bom. 26 of 1952, s. 2(*4*). 5 The short title of this Act has been substituted as "the Maharashtra Police Act" by Mah. 24 of 2012, s. 2, Sch., entry 45, *w.e.f.* 01-05-1960.

6 These words and figures were substituted for the words and figures "City of Bombay Police Act, 1902 (Bom. IV of 1902)" by Bom. 12 of 1959, s. 6(*b*).

7 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

8 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

9 These words were substituted for the words "and also includes any member of a committee or the Medical Board" by Bom. 22 of 1960, s. 2(*n*).

10 This clause was substituted by Bom. 12 of 1959, s. 6(*c*).

11 These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

12 This clause was substituted for the original b

13 This clause was substituted for the original by Bom. 12 of 1959, s. 6(*d*).

14 *See* now the Maharashtra Veterinary Practitioners Act, 1971 (Mah. XLIV of 1971).

(*39*) "regulations" means regulations made under this Act;

(*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 [1][* * *];

The word "buy" with its grammatical variations shall be construed accordingly;

[2][* * * * * * *]

(*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, barb, date or any kind of palm tree into receptacles treated in the prescribed manner so as to prevent fermentation;

[3][(*45*) "territorial waters" with reference to the State, means any part of the open sea within a distance of six nautical miles measured from the appropriate base line according to the President's proclamation published in this behalf in the Government of India, Ministry of External Affairs, Notification No. SRO-669, dated the 22nd March 1956, or such other distance as may be fixed from time to time by the President hereafter;]

(*46*) "toddy" means fermented or unfermented juice drawn from a coconut, barb, 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;

[4][(*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;

(*47B*) "tourist permit" means a permit granted under section 46A;]

(*48*) "trade and import licence" means a licence granted under section 33;

(*49*) "transport" means to move from one place to another within the [5][State];

(*50*) "vendor's licence" means a licence granted under section 34;

(*51*) "visitor's permit" means a permit granted under section 46;

[6][(*52*) any reference to the [7]Code of Criminal Procedure, 1898 (V of 1898), the [8]Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), or the [9]Bombay Police Act, 1951 (Bom. XXII of 1951), includes a reference to any law corresponding to those Acts, respectively, in force in any part of the State.]

1 The words "as deemed by the Dominion Government" were deleted by Bom. 26 of 1952, s. 2(*1*).

2 Clause (*42*) was deleted by Bom. 22 of 1960, s. 2(*p*).

3 This clause was substituted for the original by Bom. 12 of 1959, s. 6(*e*).

4 Clauses (*47A*) and (*47B*) were inserted by Bom. 20 of 1955, s. 2.

5 Substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.

6 This clause was added by Bom. 12 of 1959, s. 6(*j*).

7 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

8 *See* now the Maharashtra Village Panchayats Act (3 of 1959).

9 The short title of this Act has been substituted as "the Maharashtra Police Act" by Mah. 24 of 2012, s. 2, Sch., entry 37, *w.e.f.* 1-5-1960.

CHAPTER II

ESTABLISHMENT

3. [1][Commissioner of Prohibition and Excise].— The [2][State] Government may, by notification notification in the *Official Gazette*, appoint an officer to be called the [3][Commissioner of Prohibition and Excise], who subject to the control of the [4][State] Government and subject to such general or special orders as the [5][State] 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:

[6][Provided that, the person holding the office of Director of Prohibition and Excise immediately before the commencement of the Maharashtra Director of Prohibition and Excise (Change in Designation) Act, 1973 (Mah. LII of 1973) shall be the Commissioner of Prohibition and Excise for the State and shall hold that Office until the State Government otherwise directs].

4. Collectors.— (*1*) The Collectors shall, within the limits of their jurisdiction [7][* * * * * * *] 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 including the Collector of Bombay shall be subordinate to the [8][Commissioner].

(*3*) The [9][State] Government may, by notification in the *Official Gazette*, appoint any person other than the Collector [10][* * * *] to exercise in any district or place [11][all or any of the powers and perform all or any of the duties] as are assigned by or under this Act to a Collector subject to such control, if any, in addition to that of the [12][Commissioner] and of the [13][State] Government as the [14][State] Government may from time to time direct.

5.Subordinate officers.— To aid the [15][Commissioner] and the Collectors in carrying out the provisions of this Act, the [16][State] 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. Investing officers of [17][Police and] other departments with powers and duties under this Act.— (*1*) The [18][State] 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.

1 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Schedule.
2 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
3 These words were substituted for the words “Director of Prohibition and Excise” by Mah. 52 of 1973, s. 3, Schedule. 4 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
5 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
6 This proviso was substituted by Mah. 52 of 1973, s. 3, Schedule.
7 The words and figures “for which they are appointed as Collectors under the Bombay Land Revenue Code, 1879 (Bom. V of 1879)” were deleted by Bom. 12 of 1959, s. 8(*a*).
8 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Schedule.
9 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
10 The words “of land revenue” were deleted by Bom. 12 of 1959, s. 8(*b*)(*i*).
11 These words were substituted for the words “all the powers and perform all the duties” by Bom. 12 of 1959, s. 8(*b*)(*ii*). 12 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Schedule.
13 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
14 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
15 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Sch.
16 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
17 These words were inserted by Bom. 22 of 1960, s. 3(*b*).
18 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

(*2*) The [1][State] Government may also invest any person [2][* * *] 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 designation as the [3][State] Government may deem fit.

[4]**[6A. Board of Experts.—**[5][(*1*) [6][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,

[7][is an article fit for use as intoxicating liquor, the State Government shall constitute a Board Board of Experts.]

(*2*) The Board of Experts constituted under sub-section (*1*) shall consist of such members, not less than [8][five in number], with such qualifications as may be prescribed. The members so appointed shall hold office during the pleasure of the State Government.

(*3*) [9][Three members] 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.

[10][(*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.]

[11][(*7*) 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.]

7. [12][Other Boards and committees].— (*1*) The [13][State] Government may appoint [14][other boards and committees] to advise and assist officers in carrying out the provisions of this Act.

(*2*) Such [15][other boards and committees] shall perform such functions [16][as may be prescribed.]

1 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
2 The words “working in an honorary capacity or otherwise” were deleted by Bom. 22 of 1960, s. 3(*a*).
3 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
4 Section 6A was inserted by Bom. 26 of 1952, s. 3.
5 Sub-section (*1*) was substituted for the original by Bom. 36 of 1954, s. 3(*i*).
6 These words were substituted for the words “For the purpose of determining” by Bom. 22 of 1960, s. 4(*a*).
7 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 Bom. 22 of 1960, s. 4(*a*).
8 These words were substituted for the words “three in number” by Bom. 22 of 1960, s. 4(*b*).
9 These words were substituted for the words “Two members” by Bom. 22 of 1960, s. 4(*c*).
10 Sub-section (*6*) was substituted for the original by Bom. 22 of 1960, s. 4(*d*).
11 Sub-section (*7*) was added by Bom. 22 of 1960, s. 4(*e*).
12 These words were substituted for the word “Committees” by Bom. 22 of 1960, s. 5(*a*).
13 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
14 These words were substituted for the word “Committees” by Bom. 22 of 1960, s. 5(*a*).
15 These words were substituted for the word “Committees” by Bom. 22 of 1960, s. 5(*a*).
16 These words were substituted for the words “as are provided by or under the provisions of this Act” by Bom. 22 of 1960, s. 5(*b*).

(*3*) The constitution of such [1][other boards and committees] and the procedure regarding their work shall be as may be prescribed.

(*4*) The [2][State] Government may direct that the members of such [3][other boards and committees] committees] shall be paid such fees and allowances as may be prescribed.

8. Medical boards.— (*1*) The [4][State] Government may constitute one or more medical boards [5][or panels thereof] for such areas and consisting of such members as it may deem fit.

(*2*) A medical board [6][or a panel thereof] so constituted shall perform such functions [7][as are prescribed].

(*3*) The procedure regarding the work of the medical board [8][or a panel thereof] shall be as may be prescribed.

(*4*) The members of the medical board [9][or a panel thereof] shall be entitled to such fees and allowances as may be prescribed.

9. Control of [10][Commissioner] 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 [11][State] Government be subordinate to and under the control of the [12][Commissioner] and shall be bound to follow such orders as the [13][Commissioner] may, from time to time make.

10. Delegation.— (*1*) The [14][State] Government may delegate any of the powers exercisable by it under this Act to the [15][Commissioner] or such other officers as it deems fit.

(*2*) Subject to the control and direction of the [16][State] Government the powers conferred on the [17][Commissioner] or any other officer 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, [18][bottle], sell, buy, possess, use or consume any intoxicant or hemp [19][or to cultivate or collect hemp] 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

1 These words were substituted for the word “Committees” by Bom. 22 of 1960, s. 5(*a*).
2 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
3 These words were substituted for the word “Committees” by Bom. 22 of 1960, s. 5(*a*).
4 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
5 These words were inserted by Bom. 22 of 1960, s. 6(*a*).
6 These words were inserted by Bom. 22 of 1960, s. 6(*b*).
7 These words were substituted for the words “as are provided by or under this Act” by Bom. 22 of 1960, s. 6(*d*). 8 These words were inserted by Bom. 22 of 1960, s. 6(*c*).
9 These words were inserted by Bom. 22 of 1960, s. 6(*c*).
10 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Schedule.
11 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
12 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Schedule.
13 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Schedule.
14 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
15 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Schedule.
16 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
17 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Schedule.
18 This word was inserted by Bom. 22 of 1960, s. 7.
19 These words were inserted by Bom. 26 of 1952, s. 4(*1*).

and to the extent provided by the provisions of this Act [1][or] any rules, regulations or orders made or in in accordance with the terms and conditions of a licence, permit, pass or authorization granted thereunder.

[2]**[11A. Power of *Gram Sabha* to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant.—** Notwithstanding anything contained in section 11 or any other provisions of this Act, in respect of any Scheduled Area falling within the jurisdiction of a *Gram Sabha* and a *Panchayat* or a *Panchayat Samiti* or a *Zilla Parishad*, as the case may be, it shall be competent for such *Gram Sabha* or a *Panchayat* or the *Panchayat Samiti* or the *Zilla Parishad* to enforce prohibition or to regulate or restrict the sale and consumption of intoxicant in Scheduled areas within its jurisdiction:

Provided that, the decision taken by majority of the *Gram Sabhas* concerned by passing a resolution in the above matter shall be binding on the concerned *Panchayat Samiti* or the *Zilla Parishad*, as the case may be.

Explanation.— For the purpose of this section,—

(*i*) the expression "Gram Sabha", "Panchayat" and "Scheduled Areas" shall have the meanings, respectively assigned to them in the [3]Bombay Village Panchayats Act, 1958 (Bom. III of 1959);

(*ii*) the expression "Panchayat Samitis" and "Zilla Parishads" shall have the meanings respectively, assigned to them in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962).]

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, implement 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 [4][* * *]

(*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

1 This word was inserted by Bom. 26 of 1952, s. 4(*2*).

2 Section 11A was inserted by Mah. 46 of 1997, s. 13.

3 The short title of this Act has been amended as "the Maharashtra Village Panchayats Act" by Mah. 24 of 2012, s. 2, Schedule, Entry 74, *w.e.f.* 1-5-1960.

4 The words "or extract any portion of such plant from which any intoxicating drug can be manufactured" were deleted by Bom. 22 of 1960, s. 8.

(*f*) manufacture any intoxicati

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 [1][minors].—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 [2][to any person who is a minor] whether for consumption by such person or by other person and whether for consumption on or off the premises of such licensed vendor.

19.[3][*Prohibition of sale of toddy.*] *Deleted by Bom. 22 of 1960, s. 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.

[1][21A. Alteration of denatured spirituous preparation.— No person shall—

1 This word was substituted for the word "children" by Bom. 22 of 1960, s. 9(*b*).

2 These words were substituted for the words "to any person apparently under the age of twenty-one years" by Bom. 22 of 1960, s. 9(*a*).

3 Section 19 was deleted by Bom. 22 of 1960, s. 10.

(*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.

[2][**22A. Prohibition of issuing prescriptions for intoxicating liquor except by registered medical practitioners.—**(*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. [3][**Prohibition of soliciting use of intoxicant or hemp or doing any act calculated to incite or encourage member of public to commit offence].—** No person shall—

(*a*) [4][* *] solicit the use of [5][or] offer any intoxicant or hemp; or

[6][* * *]

(*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 [7][* *] 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*) catalogue or price lists which may be generally or specially approved by the [8][Commissioner] in this behalf;

1 Section 21A was inserted by Bom. 36 of 1954, s. 4.

2 Section 22A was inserted by Bom. 22 of 1960, s. 11.

3 This marginal note was substituted for the original by Bom. 26 of 1952, s. 5(*3*). 4 The word "commend" was deleted by Bom. 26 of 1952, s. 5(*1*)(*a*).

5 This word was inserted by Bom. 26 of 1952, s. 5(*1*)(*b*).

6 Clause (*b*) was deleted by Bom. 26 of 1952, s. 5(*2*).

7 The word "commends," was deleted by Bom. 26 of 1952, s. 6.

8 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

(*b*) any advertisement or other matter contained in any newspaper, news sheet, book, leaflet, booklet or other publication printed and published outside the [1][State];

(*c*) any advertisement or other matter contained in any newspaper printed, and published in the [2][State] before such date as the [3][State] Government may by notification in the *Official Gazette*, specify; and

(*d*) any other advertisement or matter which the [4][State] Government may, by notification in in the *Official Gazette*, generally or specially exempt from the operation of this section.

(*3*) Notwithstanding anything contained in sub-section (*2*), the [5][State] Government may, by notification in the *Official Gazette*, prohibit within the [6][State] the circulation, distribution or sale of any

newspaper, news-sheet, book, leaflet, booklet or other publication printed and published outside the [7][State] which contains any advertisement or matter,—

(*a*) which [8][* *] 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.

[9]**[24A. This Chapter not to apply to [10][certain articles].—**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;

[11][(*3*) any antiseptic preparation or solution containing alcohol which is unfit for use as intoxicating liquor;

(*4*) any flavouring extract, essence or syrup containing alcohol which is unfit for use as intoxicating liquor:]

Provided that [12][such article] 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 [13][such article] shall not be made or had except under a licence granted under section 31A.

[14][*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.]]

1 This word was substituted for the words "pre-Reorganisation State of Bombay including the transferred territories" by Bom. 12 of 1959, s. 3.

2 This word was substituted for the words "pre-Reorganisation State of Bombay including the transferred territories" by Bom. 12 of 1959, s. 3.

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

6 This word was substituted for the words "pre-Reorganisation State of Bombay including the transferred territories" by Bom. 12 of 1959, s. 3.

7 This word was substituted for the words "pre-Reorganisation State of Bombay including the transferred territories" by Bom. 12 of 1959, s. 3.

8 The word "commends," was deleted by Bom. 26 of 1952, s. 6.

9 Section 24A was inserted by Bom. 26 of 1952, s. 7.

10 These words were substituted for the words "certain toilet and medicinal preparations" by Bom. 36 of 1954, s. 5(*iii*). 11 Clauses (*3*) and (*4*) were inserted by Bom. 36 of 1954, s. 5(*i*).

12 These words were substituted for the words "such preparations" by Bom. 36 of 1954, s. 5(*ii*).

13 These words were substituted for the words "such preparations" by Bom. 36 of 1954, s. 5(*ii*).

14 This *Explanation* was added by Bom. 22 of 1960, s. 12.

CHAPTER IV

CONTROL,REGULATION AND EXEMPTIONS

25. Exemption of preparations.—The [1][State] 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 [2][State Government] 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 [3][State] Government deems fit to impose;

(*b*) discontinue any distillery

(*c*) licence, on such conditions as the [4][State] Government deems fit to impose the construction and working of a distillery or brewery;

(*d*) establish or license a warehouse wherein any [5][intoxicant], hemp, mhowra flowers or molasses may be deposited and kept without payment of duty; and

(*e*) discontinue any warehouse so established.

27. [6][Intoxicant] or hemp not to be removed from warehouse, etc.—No [7][intoxicant], hemp, 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 [8][State] 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 [9][intoxicant] or hemp.

(*2*) Such passes may be either general for definite periods of time and definite kinds of [10][intoxicant] or hemp or special for specified occasions and particular consignments only.

(*3*) Every such pass shall specify—

(*a*) the name of the person authorized to import, export or transport [11][intoxicant] or hemp;

(*b*) the period for which the pass is to be in force;

(*c*) the quantity and description of [12][intoxicant] or hemp for which it is granted; and

(*d*) the places from and to which [13][intoxicant] or hemp are to be imported, exported or transported and in the case of places more than ten miles apart, the route by which they are to be conveyed.

[14]**[29. Through transport.—**The through transport—

(*a*) of any consignment of any intoxicant, hemp, denatured spirituous preparation, mhowra flowers or molasses by a railway administration or by any steamer, ferry, road transport or air service, or

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 2 These words were substituted for the word "Director" by Bom. 22 of 1960, s. 13(*2*).

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 5 This word was substituted for the words "liquor, intoxicating drug" by Bom. 22 of 1960, s. 13(*1*).

6 This word was substituted for the words "Intoxicating drug" by Bom. 22 of 1960, s. 13(*3*). 7 This word was substituted for the words "liquor, intoxicating drug" by Bom. 22 of 1960, s. 13(*1*).

8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 9 This word was substituted for the words "liquor, intoxicating drug" by Bom. 22 of 1960, s. 13(*1*). 10 This word was substituted for the words "liquor, intoxicating drug" by Bom. 22 of 1960, s. 13(*1*). 11 This word was substituted for the words "liquor, intoxicating drug" by Bom. 22 of 1960, s. 13(*1*). 12 This word was substituted for the words "liquor, intoxicating drug" by Bom. 22 of 1960, s. 13(*1*). 13 This word was substituted for the words "liquor, intoxicating drug" by Bom. 22 of 1960, s. 13(*1*). 14 This section was substituted for the original by Bom. 22 of 1960, s. 14.

(*b*) of any intoxicant, hemp, denatured spirituous preparation, mhowra flowers or molasses, 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 Bom. 22 of 1960, s. 15*.

[1]**[31. Licences for *bona fide* medicinal or other purposes.—**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 purposes:

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.]

[2]**[31A. Licences for purchase, etc., of liquor for manufacture of [3]articles mentioned 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 [4][any article mentioned in section 24A] on such conditions as may be prescribed.]

32. Licences for tapping for [5]neera].—The [6][State] Government may authorise an officer by rules or an order in writing to grant licences for [7][the tapping of, [8][and drawing juice from], any plam trees for the purpose of sale or consumption as neera or [9][* * *] manufacture of *gur* or any other article article which is not an intoxicant [10][and on a licence being granted to 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.]

33. Trade and import licences.—The [11][State] 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 [12][foreign liquor].

34. Vendor's licence.— (*1*) The [13][State] Government may, by rules or an order in writing, authorise an officer to grant a vendor's licence [14][for the sale of foreign liquor.]

(*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 [15][godown] approved by Government.

1 This section was substituted for the original by Bom. 22 of 1960, s. 16.

2 Section 31A was inserted by Bom. 26 of 1952, s. 9.

3 These words were substituted for the words "preparation referred to" by Bom. 36 of 1954, s. 6(*ii*).

4 These words were substituted for the words, figure and letter "any preparation to which section 24A applies" by Bom. 36 of 1954, s. 6(*i*).

5 This word was substituted for the word "toddy" by Bom. 26 of 1952, s. 10(*2*).

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 These words were substituted for the words "the tapping of palmyra or datepalm trees for juice intended to be used" by Bom. 26 of 1952, s. 10(*1*).

8 These words were substituted for the words "or drawing juice from" by Bom. 22 of 1960, s. 17(*a*).

9 The words "for the" were deleted by Bom. 22 of 1960, s. 17(*b*).

10 This portion was added by Bom. 22 of 1960, s. 17(*c*).

11 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

12 These words were substituted for the words "liquor, intoxicating drug or hemp" by Bom. 22 of 1960, s. 18.

13 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

14 These words were added by Bom. 22 of 1960, s. 19(*a*).

15 This word was substituted for the word "warehouse" by Bom. 22 of 1960, s. 19(*b*)(*i*).

[1][* * * * * *]

(*iii*) the licensee shall pay all rent, costs, charges and expenses incidental to warehousing and supervision;

[2][(*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 person outside the State, subject to such conditions as the [3][Commissioner] may impose;

(*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 [4][foreign liquor] according to such such instructions as may be given by the [5][Commissioner], or any officer authorized in this behalf behalf by the [6][Commissioner].

35. Hotel licences.—(*1*) The [7][State] Government may, by rules or an order in writing, authorize 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 [8][State] 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 [9][* * * * *] to the permit holders [10][residing or boarding] 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 [11][or for the supervision over the issue and consumption of foreign liquor in the hotel.]

36. [*Special import licences to hotels.*] *Deleted by Bom. 22 of 1960, s. 21.*

37. [*Dining car licences.*] *Deleted by Bom. 22 of 1960, s. 21.*

38. Licences to shipping companies [12][and to Masters of ships].—The [13][State] Government may, by rules or an order in writing, authorize an officer to grant licences to any shipping company for each ship [14][or to the Master of any ship] to sell foreign liquor [15][and to permit the use or consumption of foreign liquor on such ship on such conditions as may be prescribed].

1 Clause (*ii*) was deleted by Bom. 22 of 1960, s. 19(*b*)(*ii*).
2 These clauses were substituted for the original by Bom. 22 of 1960, s. 19(*b*)(*iii*).
3 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
4 These words were substituted for the words "the goods" by Bom. 22 of 1960, s. 19(*b*)(*iv*).
5 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
6 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
7 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
9 The words "in sealed bottles" were deleted by Bom. 26 of 1952, s. 12(*1*).
10 These words were substituted for the word "residing" by Bom. 26 of 1952, s. 12(*2*).
11 This portion was added by Bom. 22 of 1960, s. 20.
12 These words were added by Bom. 26 of 1952, s. 14(*3*).
13 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
14 These words were inserted by Bom. 26 of 1952, s. 14(*1*).
15 These words were substituted for the words "on condition that such liquor shall be sold only to *bona fide* passengers on such ship" by Bom. 26 of 1952, s. 14(*2*).

39.Permission to use or consume foreign liquor on [1][* *] warships, troopships and in [2][messes and canteens of armed forces].— The [3][State] Government may, on such conditions as may may be specified [4][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 [5][of the armed forces], and

(*b*) the crew of warships or troopships and the members of the armed forces thereon.]

40. Permits.— (*1*) The [6][State] Government may, by rules or an order in writing authorize an officer to grant permits for the use or consumption of foreign liquor to person on the following conditions :—

(*a*) that such person is not a minor;

[7][* * * * *]

(*c*) (*i*) that such person was ei 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 [8][India]:

Provided that, in the case of any person falling under sub-clause (*i*) or (*ii*)—

(*a1*) 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

(*b1*) that such person has been ordinarily using or consuming such liquor

[9][* * * *]

(*3*) Such permits shall be granted for such quantities as may be prescribed.

[10][(*4*) If any question arises whether the conditions imposed by clause (*a*) or (*c*) of sub-section (*1*) are satisfied or not in any case, the State Government shall decide the question and its decision shall be final.

[11][* * * *]

[12]**[40A. Health permits.—** (*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.

1 The words "cargo boats" were deleted by Bom. 26 of 1952, s. 15(*2*)(*a*).

2 These words were substituted for the words "military and naval messes and canteens" by Bom. 26 of 1952, s. 15(*2*)(*b*). 3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4 This portion was substituted for the words beginning with the words "in the notification" and ending with the word "canteens" by Bom. 26 of 1952, s. 15(*1*).

5 These words were inserted by Bom. 22 of 1960, s. 22.

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 Clause (*b*) was deleted by Bom. 26 of 1952, s. 16(*1*).

8 This word was substituted for the words "the Dominion of India" by the Adaptation of Laws Order, 1950.

9 Sub-section (*2*) was deleted by Bom. 22 of 1960, s. 23.

10 Sub-section (*4*) was added by Bom. 26 of 1952, s. 16(*2*).

11 The *Explanation* was deleted by Bom. 26 of 1952, s. 16(*3*).

12 Sections 40A and 40B were inserted by Bom. 26 of 1952, s. 17.

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 [1][subject to such conditions as may be prescribed] 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.

[2][* * * *]

(*3*) Such permits shall be granted for such quantities and shall be subject to such further conditions as may be prescribed.]

[3][* * * *]

41. Special permits to foreign sovereigns, etc.—The [4][State] Government may grant special permits for the use or consumption of foreign liquor [5][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; [6][* * *]

[7][(*c1*) a member of a foreign Government;

(*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*), [8][(*c*), (*c1*) or (*c2*)] or any relation of such person dependent upon him.

42. [*Permits to be non-transferable.*] *Deleted by Bom. 22 of 1960, s. 26.*

[9]**[43. Regulation of use or consumption of foreign liquor by certain permit holders.—** (*1*) No No holder of a permit granted under any of the provisions of this Act other than section 40B shall drink in a public place [10][* * *].

(*2*) [11][* * *]

[12][(*3*) A person holding a permit under sections 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.

1 These words were inserted by Bom. 22 of 1960, s. 24(*a*).
2 Sub-section (*2*) and the *Explanation* were deleted by Bom. 22 of 1960, s. 24(*b*).
3 Sub-section (*2*) and the *Explanation* were deleted by Bom. 22 of 1960, s. 24(*b*).
4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
5 This portion was substituted for the words beginning with the words "to sovereigns" and ending with the words "envoy or consul" by Bom. 26 of 1952, s. 18.
6 The word "and" was deleted by Bom. 22 of 1960, s. 25(*a*).
7 Clauses (*c1*) and (*c2*) were inserted by Bom. 22 of 1960, s. 25(*b*).
8 These brackets, letters, figures and word were substituted for the word, brackets and letter "or (*c*)" by Bom. 22 of 1960, s. 25(*c*).
9 Section 43 was substituted for the original by Bom. 26 of 1952, s. 20.
10 These words were deleted by Mah. 52 of 2005, s. 2(*a*).
11 Sub-section (*2*) was deleted by Mah. 52 of 2005, s. 2(*b*).
12 Sub-sections (*3*) and (*4*) were substituted for the original sub-section (*3*) by Bom. 22 of 1960, s. 27.

(*4*) No holder of a permit under sections 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 [1][State] Government may, by rules or an order in writing [2][grant [2][grant or authorise an officer to grant] licence; to a club approved by the [3][State] Government in this behalf to sell foreign liquor [4][to its members holding permits.]

(*2*) Such licences shall be granted on the following conditions—

[5][* * *]

(*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 [6][in writing] by any member who is the holder of a permit may stock the permitted quantity of liquor on account of such member;

[7][* * *]

[8][* * *]

[9][* * *]

45. Authorization for sacramental purposes.—(*1*) The [10][State] 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.

[11][(*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.]

[12][* * *]

(*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 [13][Commissioner]. The [14][Commissioner] after holding a summary inquiry [15][* * *]

shall decide whether or not the liquor is required by the person for sacramental purposes.

(*5*) The decision of the [16][Commissioner] under sub-section (*4*) shall be final.

[17]**[46. Visitor's permit.—** (*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—

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 2 These words were substituted for the words "authorise or grant" by Bom. 26 of 1952, s. 21. 3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 4 These words were added by Bom. 22 of 1960, s. 28(*a*).

5 Clauses (*a*) and (*d*) were deleted by Bom. 22 of 1960, s. 28(*b*)(*i*).

6 These words were inserted and the word "and" was deleted by Bom. 22 of 1960, s. 28(*b*)(*ii*). 7 Clauses (*a*) and (*d*) were deleted by Bom. 22 of 1960, s. 28(*b*)(*i*).

8 These words were inserted and the word "and" was deleted by Bom. 22 of 1960, s. 28(*b*)(*ii*). 9 The *Explanation* was deleted by Bom. 22 of 1960, s. 28(*b*)(*iii*).

10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 11 This sub-section was substituted for the original by Bom. 22 of 1960, s. 29(*a*).

12 Sub-section (*3*) was deleted by Bom. 22 of 1960, s. 29(*b*).

13 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

14 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 15 The words "in prescribed manner" were deleted by Bom. 22 of 1960, s. 29(*c*).

16 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 17 Section 46 was substituted for the original by Bom. 22 of 1960, s. 30.

(*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 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 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.]

[1]**[46A.** [2]**[Tourist's permit].—** (*1*) The State Government may, by rules or an order in writing, authorise an officer to grant [3][a tourist's permit] to consume, to 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 [4][State], 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 [5][fixed] by the [6][Commissioner] in this behalf.]

47. Interim permits.—(*1*) Notwithstanding anything contained in sections [7][40, 40A and 41] the [8][State] Government may, by rules or an order in writing, [9][authorize an officer to] 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. [10][11][Permits] for consumption or use of intoxicating drugs [12][or opium]].— (*1*) The [13][State] Government may, by rules or an order in writing, authorise an officer to grant [14][permits] for the [15][consumption or use] of [16][intoxicating drugs] [17][or opium] in such quantities as may be prescribed.

(*2*) Such [18][permits] shall be granted on the certificate of the Medical Board.

[19]**[48A. Permits to be non-transferable.—**Permits granted under sections 40, 40A, 40B, 41, 46, 46A, 47 or 48 shall be non-transferable.]

[20]**[49. Exclusive privilege of Government to import, etc., intoxicants, etc., and fees levied include rent or consideration for grant of such privilege to person concerned.—**Notwithstanding anything contained in this Act, the State Government shall have the exclusive right or privilege of importing, exporting, transporting, manufacturing, bottling, selling, buying, possessing or using any intoxicant, hemp or toddy, and whenever under this Act or any rules or orders made thereunder any

1 Section 46A was inserted by Bom. 20 of 1955, s. 4.
2 This marginal note was substituted for the words "tourist permits" by Bom. 22 of 1960, s. 31(*c*).
3 These words were substituted for the words "tourist's permits" by Bom. 22 of 1960, s. 31(*a*).
4 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.
5 This word was substituted for the word "notified" by Bom. 22 of 1960, s. 31(*b*).
6 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
7 These figures, letter and word were substituted for the figures and word "40 and 41" by Bom. 26 of 1952, s. 22(*1*). 8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
9 These words were inserted by Bom. 26 of 1952, s. 22(*2*).
10 This marginal note was substituted for the original by Bom. 26 of 1952, s. 23(*2*).
11 This word was substituted for the word "Licence" by Bom. 22 of 1960, s. 32(*c*).
12 These words were inserted by Bom. 22 of 1960, s. 32(*c*).
13 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
14 This word was substituted for the word "licences" by Bom. 22 of 1960, s. 32(*a*).
15 These words were substituted for the word "sale" by Bom. 26 of 1952, s. 23(*1*)(*i*).
16 These words were substituted for the words "hemp drug" by Bom. 26 of 1952, s. 23(*1*)(*ii*).
17 These words were inserted by Bom. 22 of 1960, s. 32(*b*).
18 This word was substituted for the word "licences" by Bom. 22 of 1960, s. 32(*a*).
19 Section 48A was inserted by Bom. 22 of 1960, s. 33.
20 Section 49 was inserted by Mah. 70 of 1981, s. 2.

fees are levied and collected for any licence, permit, pass, authorisation or other permission given to any person for any such purpose, such fees shall be deemed to include the rent or consideration for the grant of such right or privilege to that person by or on behalf of the State Government.]

50. [*Warehousing of opium.*] *Deleted by Bom. 22 of 1960, s. 34.*

51. [*Rules for sale, etc. of warehoused intoxicant or hemp.*] *Deleted by Bom. 22 of 1960, s. 34.*

52. Power of authorized officer to grant licences, permits and passes in certain cases.— Notwithstanding anything in this Act, it shall be lawful for any officer authorized by the [1][State] Government in this behalf to grant any licences, passes or permits for import, export, transport, possession, sale, buying, cultivation, collection, manufacture, [2][bottling], consumption and 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 authorizations 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 authorization shall be granted only on the condition that the [3][person applying] undertakes, and in the opinion of the officer authorized to grant the licence, permit, pass or authorization is likely to abide by all the conditions of the licence, permit, pass or authorization and provisions of this Act.

[4][* * *]

[5][53A. Certain licensees required to keep measures, etc.— Every person who manufactures or 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, weight 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*) [6][The authority granting any licence, permit, pass or authorization under this Act may for reasons to be recorded in writing cancel or suspend it,]

(*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 authorization was granted ceases to exist;

(*c*) in the event of any breach by the holder of such licence, permit, pass or authorization or by his servant or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of such licence, permit, pass or authorization or of any licence, permit, pass or authorization previously held by the holder;

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 This word was inserted by Bom. 22 of 1960, s. 35.

3 These words were substituted for the words "holder thereof" by Bom. 22 of 1960, s. 36.

4 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 Bom. 26 of 1952, s. 24.

5 This section was inserted by Bom. 22 of 1960, s. 37.

6 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 Bom. 22 of 1960, s. 38(*a*)(*i*).

(*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 authorization is convicted of any cognizable and non-bailable offence or [1][of any offence under the Dangerous Drugs Act, 1930 (II of 1930) or under the Drugs Act, 1940 (XXIII of 1940) or under the Bombay Drugs (Control) Act, 1952 (Bom. XXIX of 1952)] 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 (XLV of 1860), or of any offence punishable under Article 8 of the Schedule to section 167 of the Sea Customs Act, 1878 (VIII of 1878);

[2][(*e*) if the licence, permit, pass or authorization has been obtained through wilful misrepresentation or fraud.]

(*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 or pass or authorization granted or deemed to have been granted to such person under this Act.

[3][(*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 authorization.]

55.Holder of licence, etc., not entitled to compensation or refund or fee for cancellation or suspension thereof.— No holder of a uthorization shall be entitled to any

compensation for the cancellation or suspension of the licence, permit, pass or authorization 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 [4][licence, permit, pass or authorization] considers that it should be cancelled for any cause other than those specified in section 54, he may cancel [5][it] either—

(*a*) on the expiration of not less than fifteen days' notice in writing of his intention to do so; or

[6][(*b*) forthwith without notice, recording his reasons in writing for doing so.]

[7][(*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 term 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.]

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 the time being in force no right, title or interest in

1 These words and figures were substituted for the words and figures "of any offence under the Dangerous Drugs Act, 1930" by Bom. 22 of 1960, s. 38(*a*)(*ii*).

2 This clause was inserted by Bom. 22 of 1960, s. 38(*a*)(*iii*).

3 This sub-section was substituted for the original by Bom. 22 of 1960, s. 38(*d*). 4 These words were substituted for the word "licences" by Bom. 22 of 1960, s. 39(*a*)(*i*). 5 This word was substituted for the words "the licence" by Bom. 22 of 1960, s. 39(*a*)(*ii*). 6 This clause was substituted by Bom. 22 of 1960, s. 39(*a*)(*iii*).

7 This sub-section was substituted by Bom. 22 of 1960, s. 39(*b*).

any licence, permit, pass or authorization granted under this Act shall be liable to be sold, transferred or attached in execution of any process of any civil or any other Court.

[1]**[58A. Supervision over manufacture, etc.—** 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. [2][Commissioner] entitled to require licence holder [3][or owner] to dispose of stocks.— (*1*) Notwithstanding the fact that the period during which any licence, permit, pass or authorization is to be in force has not expired, the [4][Commissioner] may direct the holder thereof to dispose of his stock of intoxicant, [5][denatured spirituous preparation,] or hemp or mhowra flowers before such date as may be specified in the order.

[6][(*1A*) The [7][Commissioner] may also direct the owner of the stock of any intoxicant, [8][denatured spirituous preparation,] 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 of intoxicant, [9][denatured spirituous preparation,] 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 [10][the State Government] by the order of the [11][Commissioner]. On the cancellation or the expiry of the period of any licence, permit, pass or authorization, the [12][Commissioner] may also direct that any stock of any intoxicant, [13][denatured spirituous preparation,] hemp or mhowra flowers remaining with the holder of the licence, permit, pass or authorization together with receptacles or packages thereof be forfeited to [14][the State Government.]

(*3*) If the articles which are forfeited under sub-section (*2*) are sold, the [15][Commissioner] may, if he thinks fit, order the whole or any portion of the sale proceed of such articles to be paid to the owner thereof.

[16][(*4*) No direction or order under sub-section (*1*), (*1A*), (*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 [17][Commissioner].

1 This section was inserted by Bom. 22 of 1960, s. 40.
2 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
3 These words were inserted by Bom. 26 of 1952, s. 26(*2*).
4 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
5 These words were inserted by Bom. 22 of 1960, s. 41(*a*).
6 Sub-section (*1A*) was inserted by Bom. 26 of 1952, s. 26(*1*).
7 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
8 These words were inserted by Bom. 22 of 1960, s. 41(*a*).
9 These words were inserted by Bom. 22 of 1960, s. 41(*a*).
10 These words were substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950. 11 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
12 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
13 These words were inserted by Bom. 22 of 1960, s. 41(*a*).
14 These words were substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950. 15 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
16 This sub-section was inserted by Bom. 22 of 1960, s. 41(*b*).
17 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

[1][CHAPTER IV-A

CONTROL AND REGULATION OF [2][ARTICLES MENTIONED IN SECTION 24A] TO PREVENT THEIR USE AS INTOXICATING LIQUOR

[3]**[59AA. Control on manufacture, etc., of articles mentioned in section 24A.—** No article mentioned in section 24A shall be manufactured, imported or exported, except under a licence which shall, subject to the provisions of any of 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.]

59A. [4][Manufacture of articles mentioned in section 24A].— (*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 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. [5][by volume.]

(*2*) No person shall—

(*a*) knowingly sell any [6][article mentioned in section 24A] for being used as an intoxicating drink, or

(*b*) sell any such article under circumstances from which he might reasonably reduce the intention of the purchaser to use them for such purpose.

59B. [7][Analysis of articles mentioned in section 24A].—[8][(*1*) Whenever the [9][Commissioner] has reason to believe that any of the articles mentioned in section 24A does not correspond with the description and limitations provided in section 59A, he shall cause an analysis of the said article to be made and if upon such analysis the [10][Commissioner] 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 [11][or obtained] 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 [12][Commissioner] may determine, and shall specify the time when, place where, and the name of the officer before whom such person is required to appear.

[13][(*1A*) If such person fails to show to the satisfaction of the [14][Commissioner] that the said article corresponds with the description and limitations provided in section 59A, the [15][Commissioner] 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 article.]

1 Chapter IV-A was inserted by Bom. 26 of 1952, s. 27.
2 These words, figures and letter were substituted for the words "Medicinal and Toilet Preparation" by Bom. 36 of 1954, s. 7.
3 This section was inserted by Bom. 22 of 1960, s. 42.
4 This marginal note was substituted for the original by Bom. 36 of 1954, s. 8(*ii*).
5 These words were added by Bom. 22 of 1960, s. 43.
6 These words, figures and letter were substituted for the words, figures and letter "article to which section 24A applies" by Bom. 36 of 1954, s. 8(*i*).
7 This marginal note was substituted for the "original" by Bom. 36 of 1954, s. 9.
8 The original section 59B was re-numbered as sub-section (*1*) of that section by Bom. 20 of 1955, s. 5.
9 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
10 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
11 These words were inserted by Bom. 22 of 1960, s. 44(*1*).
12 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
13 Sub-section (*1A*) was inserted by Bom. 22 of 1960, s. 44(*2*).
14 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
15 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

[1][(*2*) Whenever the [2][Commissioner] causes an analysis of an article mentioned in section 24A to to be made under sub-section (*1*) [3][or gives notice thereunder], he may require the person who is the manufacture thereof or who is known or believed to have imported [4][or obtained] 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 [5][Commissioner], for any period not exceeding three months from the date of such requisition or till the result of the analysis is known and [6][communicated to him in writing by the [7][Commissioner] whichever is earlier, or as the case may be, till such manufacturer or other person satisfies the [8][Commissioner] that the article corresponds to the description and limitations provided in section 58A]; and thereupon such manufacturer or person shall comply with such requisition during the said period.]

[9][CHAPTER IV-B

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 preparations.— (*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 59C, 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.

1 Sub-section (*2*) was added by Bom. 20 of 1955, s. 5.

2 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 3 These words were inserted by Bom. 22 of 1960, s. 4(*1*).

4 These words were inserted by Bom. 22 of 1960, s. 44(*1*).

5 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 6 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 7 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 8 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 9 Chapter IV-B was inserted by Bom. 22 of 1960, s. 45.

(*2*) **Control and regulation of transport, sale, etc., of mhowra flowers.—**1[No person or head head of household on his behalf or on behalf of the members of his household shall in the aggregate] 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 2[by the Collector or an officer authorised] 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 3[State] Government may, by notification in the *Official Gazette*, notify, of any quantity of mhowra mhowra flowers which shall be the produce of that year 4[and of that area]:

Provided further that unless the 5[State] 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 sa arrive, as the case may be.

[6][* * *]

CHAPTER VI

CONTROL AND REGULATION OF MOLASSES

61. Control of export, etc., of molasses.— (*1*) Except as otherwise provided in sub-sections (*2*) and (*3*), no person shall export, import, transport, sell or have in his possession any quantity of molasses.

(*2*) The [7][State] Government may, by general or special order, authorise any Collector [8][or any other officer] to grant licences for the import, export, sale or possession of molasses.

(*3*) The [9][State] 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 [10][(both inclusive)] shall so far as may be applicable, apply to licences or permits granted under section 61.

[11]**[63. Provision of Act in relation to molasses to be in addition to and not in derogation of Bom. XXXVIII of 1956.—** 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 (Bom. XXXVIII of 1956), or of any rule or order made thereunder.]

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 Bom. 26 of 1952, s. 30.*

1 These words were substituted for the words "No person shall" by Bom. 26 of 1952, s. 28(*1*). 2 These words were inserted by Bom. 26 of 1952, s. 28(*2*).

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 4 These words were added by Bom. 26 of 1952, s. 28(*3*).

5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 6 The *Explanation* was deleted by Bom. 22 of 1960, s. 46.

7 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 8 These words were inserted by Bom. 26 of 1952, s. 29.

9 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 10 These brackets and words were inserted by Bom. 22 of 1960, s. 47.

11 This section was inserted by Bom. 22 of 1960, s. 48.

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 authorization granted thereunder—

(*a*) [1][imports or exports or transports any intoxicant] [2][(other than opium)] or hemp,

(*b*) manufactures any intoxicant [3][(other than opium)],

(*c*) constructs or works any distillery or brewery,

(*d*) bottles liquor,

(*e*) [4][sells or buys or possesses any intoxicant] [5][(other than opium)] 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 [6][(other than opium)].

[7][(*g*) cultivates or collects hemp,]

[8][shall, on conviction, be punished for each such offence [9][with imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both].

[10][* * *]]

66. Penalty for illegal cultivation and collection of hemp and other matters.—[11][(*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—

[12][* * *]

(*b*) [13][consumes or uses any intoxicant] [14][(other than opium)] or hemp,

(*c*) taps or permits to be tapped any toddy producing tree,

(*d*) draws or permits to be drawn toddy from any tree,

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 [15][ten thousand rupees]:

1 These words were substituted for the words "imports or exports any intoxicant" by Mah. 52 of 2005, s. 3(*a*).
2 These brackets and words were inserted by Bom. 22 of 1960, s. 49(*a*).
3 These brackets and words were substituted for the brackets and words "(other than toddy)" by Bom. 22 of 1960, s. 49(*b*).
4 These words were substituted for the words "sells or buys any intoxicant" by Mah. 52 of 2005, s. 3(*b*).
5 These brackets and words were inserted by Bom. 22 of 1960, s. 49(*a*).
6 These brackets and words were substituted for the brackets and words "(other than toddy)" by Bom. 22 of 1960, s. 49(*b*).
7 This clause was inserted by Bom. 22 of 1960, s. 49(*c*).
8 This portion was substituted for the portion beginning with the words "shall on conviction be punished" to the end of the section by Bom. 22 of 1960, s. 49(*d*).
9 These words were substituted for the words "with imprisonment for a term which may extend to three years and also with fine:" by Mah. 52 of 2005, s. 3(*c*).
10 This proviso was deleted by Mah. 52 of 2005, s. 3(*d*).
11 Section 66 was re-numbered as sub-section (*1*) by Bom. 12 of 1959, s. 9.
12 Clause (*a*) was deleted by Bom. 22 of 1960, s. 50(*a*)(*i*).
13 These words were substituted for the words "consumes, uses, possesses or transports any intoxicant" by Mah. 52 of 2005, s. 4(*a*).
14 These brackets and words were inserted by Bom. 22 of 1960, s. 50(*a*)(*ii*).
15 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 4(*b*)(*i*).

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than [1][five thousand rupees];

(*ii*) for second offence, with imprisonment for a term which may extend to two years and with fine which may extend to [2][twenty thousand rupees]:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and fine shall not be less than [3][ten 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 [4][twenty thousand rupees]:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than nine months and fine shall not be less than [5][ten thousand rupees].

[6][(*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, 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 [7][not less than 0.05 per cent. weight in volume] then the burden of proving that the liquor consumed was a medicinal or toilet preparation, 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 t 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 may be prescribed.]

[8]**[66A.Penalty for illegal import, etc., of opium.—** Whoever, in contravention of the provisions 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.]

1 These words were substituted for the words “five hundred rupees” by Mah. 52 of 2005, s. 4(*b*)(*ii*).

2 These words were substituted for the words “two thousand rupees” by Mah. 52 of 2005, s. 4(*c*)(*i*).

3 These words were substituted for the words “one thousand rupees” by Mah. 52 of 2005, s. 4(*c*)(*ii*).

4 These words were substituted for the words “two thousand rupees” by Mah. 52 of 2005, s. 4(*d*)(*i*).

5 These words were substituted for the words “one thousand rupees” by Mah. 52 of 2005, s. 4(*d*)(*ii*).

6 Sub-sections (*2*) and (*3*) were added by Bom. 12 of 1959, s. 9.

7 These words and figures were substituted and were deemed always to have been substituted for the words and figures “not less than 0.05 per cent” by Bom. 22 of 1960, s. 50(*b*). 8

This section was inserted by Bom. 22 of 1960, s. 51.

67. Penalty for alteration or attempting to alter denatured spirit.—[1][(*1*) Whoever in contravention of section 21 alters or attempts to alter any denatured spirit or has in his possession any spirit 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 [2][with imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.]

[3][* * *]

[4][(*2*) In prosecution under this section, it shall be presumed, until the contrary is proved, that the alteration or attempt to alter any denatured spirit was done, with the intention that such spirit may be used for human consumption as, an intoxicating liquor.]

[5]**[67-1A. Penalty for alteration or attempting to alter denatured spirituous preparation.— preparation.—**[6][(*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 [7][with imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.]

[8][* * *]

[9][(*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 it may be used for human consumption as an intoxicating liquor.]

[10]**[67-1B. Penalty for contravention of provision regarding prescriptions.—**Whoever—

(*a*) not being 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 prescription, 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 [11][ten thousand rupees] or with both.]

[12]**[67A. Penalty for manufacturing [13][articles mentioned in section 24A] in contravention of the provisions of section 59A.—** (*1*) Whoever in contravention of the [14][provisions of section 59AA or, as the case may be, of section 59A]—

1 Section 67 was re-numbered as sub-section (*1*) by Bom. 22 of 1960, s. 52.

2 These words were substituted for the words "with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees:" by Mah. 52 of 2005, s. 5(*a*).

3 This proviso was deleted by Mah. 52 of 2005, s. 5 (*b*).

4 This sub-section was added by Bom. 22 of 1960, s. 52.

5 Section 67-1A was inserted by Bom. 36 of 1954, s. 10.

6 Section 67-1A was re-numbered as sub-section (*1*) by Bom. 22 of 1960, s. 53.

7 These words were substituted for the words "with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees:" by Mah. 52 of 2005, s. 6(*a*).

8 This proviso was deleted by Bom. 52 of 2005, s. 6(*b*).

9 This sub-section was added by Bom. 22 of 1960, s. 53.

10 This section was inserted by Bom. 22 of 1960, s. 54.

11 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 7.

12 Sections 67A and 67B were inserted by Bom. 26 of 1952, s. 31.

13 These words, figures and letter were substituted for the words "medicinal or toilet preparations" by Bom. 36 of 1954, s. 11(*iii*).

14 These words, figures and letters were substituted for the words, figures and letters "provisions of section 59-A" by Bom. 22 of 1960, s. 55(*a*)(*i*).

[1][(*1a*) manufactures, imports or exports any article mentioned in section 24A, or]

(*a*) sells, uses or disposes of any liquor otherwise than as an ingredient of any [2][article mentioned in section 24A], or

(*b*) uses more alcohol in the [3][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 such [4][article], or

(*c*) knowingly sells [5][any such article] for being used as an intoxicating drink, or sells any such article under circumstances from which he might reasonably reduce 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 [6][which may extend to ten thousand rupees] 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 [7][by way of composition] for such offence shall be entitled to manufacture, import or to sell any [8][article mentioned in section 24A] for a period of one year from the date of such conviction or payment, and any person who imports, manufactures or sells any [9][such article] in

contravention of this sub-section shall be liable to the same punishment as is provided for an offence punishable under section 65.

67B. [10][Penalty for failure to satisfy the [11][Commissioner] under sub-section (*1*), or to comply with a requisition under sub-section (*2*) of section 59B].— [12][(*1*)] If the manufacturer of any of the articles mentioned in section 24A fails to show to the satisfaction of the [13][Commissioner] that

the article corresponds to the description and limitation provided in section 59A, his licence for the purchase, use or possession of liquor or alcohol for the manufacture of such article shall be revoked.

[14][(*2*) Any person who fails to comply with any requisition made by the [15][Commissioner] 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 [16][which may extend to ten thousand rupees] or with both.]]

[17][67C. Penalty for possessing etc., denatured spirituous preparations in contravention of provisions of sections 59C and 59D.— Whoever,—

(*a*) in contravention of the provisions of section 59C, possesses, without permit, any denatured spirituous preparation in excess of the quantity prescribed under that section, or

(*b*) in contravention of the provisions of section 59D, manufacturers, sells, bottles for sale or imports, exports or transports, any denatured spirituous preparation, or

1 Clause (*1a*) was inserted by Bom. 22 of 1960, s. 55(*a*)(*i*).

2 These words were substituted for the words "medicinal or toilet preparation" by Bom. 36 of 1954, s. 11(*i*)(*a*). 3 These words, figures and letter were substituted for the words "in the manufacture of such articles which may be used as intoxicating liquor" by Bom. 22 of 1960, s. 55(*a*)(*iii*).

4 This word was substituted for the word "preparation" by Bom. 36 of 1954, s. 11(*i*)(*b*).

5 These words were substituted for the words, figures and letter "any article to which section 24A applies" by Bom. 36 of 1954, s. 11(*i*)(*c*).

6 These words were inserted by Mah. 52 of 2005, s. 8.

7 These words were inserted by Bom. 22 of 1960, s. 55(*b*).

8 These words were substituted for the words, figures and letter "preparation to which section 24A applies" by Bom. 36 of 1954, s. 11(*ii*)(*a*).

9 These words were substituted for the words "such preparation" by Bom. 36 of 1954, s. 11(*ii*)(*b*). 10 This marginal note was substituted for the original by Bom. 20 of 1956, s. 6(*2*).

11 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

12 The original section 67B was re-numbered as sub-section (*1*) of that section by Bom. 20 of 1956, s. 6(*1*). 13 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

14 Sub-section (*2*) was added by Bom. 20 of 1956, s. 6(*1*).

15 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

16 These words were inserted by Mah. 52 of 2005, s. 9.

17 This section was inserted by Bom. 22 of 1960, s. 56.

(*c*) drinks any denatured spirituous preparation, [1][shall, on conviction, be punished with imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.]

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, [2][shall, on conviction, be punished with imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.]

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, [3][collects], transports, sells [, [4]buys] or has in his possession mhowra flowers [5][shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand

[6][Provided 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 have fallen from a tree.

70. Penalty for illegal import, etc., 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 [7][imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.]

71. [*Penalty for selling molasses at price exceeding fixed price.*] *Deleted by Bom. 26 of 1952, s. 33.*

[8]**[72. Penalty for removal of intoxicant, etc.—**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, godowns or other place of storage established or licensed under this Act, shall, on conviction, be punished with imprisonment for a term which [9][shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty 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—

1 This portion was substituted for the portion beginning with the words "shall, on conviction be punished" and ending with the words "nine months and fine shall not be less than one thousand rupees" by Mah. 52 of 2005, s. 10.

2 This portion was substituted for the portion beginning with the words "shall, on conviction" and ending with the words "one year and fine shall not be less than one thousand rupees" by Mah. 52 of 2005, s. 11.

3 This word was inserted by Bom. 26 of 1952, s. 32.

4 This word was inserted by Bom. 26 of 1952, s. 32.

5 This portion was substituted for the portion beginning with the words "shall, on conviction, be punished,—" and ending with the words "nine months and fine shall not be less than one thousand rupees" by Mah. 52 of 2005, s. 12(*a*).

6 These words were substituted for the words "Provided further that" by Mah. 52 of 2005, s. 12(*b*).

7 These words were substituted for the words "imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees" by Mah. 52 of 2005, s. 13.

8 This section was substituted for the original by Bom. 22 of 1960, s. 58.

9 These words were substituted for the words "may extend to one year or with fine which may extend to one thousand rupees" by Mah. 52 of 2005, s. 14.

(*a*) which [1][* * *] 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 [2][five thousand rupees] or with both.

74. Penalty for circulating etc., newspapers, 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 [3][State] which contains any advertisement or matter—

(*a*) which [4][* *] solicits the use of or offers any intoxicant or hemp, [5][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 licences, 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 [6][ten thousand rupees] or with both.

75. Penalty for inciting or encouraging certain acts [7][* * *].—Whoever in contravention of the provisions of this Act, or of any rule, regulation or order made thereunder,—

(*a*) [8][* * *] solicits the use of or offers any intoxicant or hemp, or

[9][* * *]

(*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 [10][ten thousand rupees] or with both.

[11][**75A. Penalty for contravention of provisions of section 43.**—Whoever in contravention of the provisions of section 43,—

(*a*) drinks in a public place [12][* * *]

(*b*) [13][* * *]

(*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 section 40, 41, 46A or 47 are present,

1 The word "commends" was deleted by Bom. 26 of 1952, s. 34.
2 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 15.
3 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.
4 The word "commends" was deleted by Bom. 26 of 1952, s. 35(*1*).
5 This word was added by Bom. 26 of 1952, s.35(*2*).
6 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 16.
7 The words "frustrating provisions of this Act" were deleted by Bom. 26 of 1952, s. 36(*3*).
8 The word "commends" was deleted by Bom. 26 of 1952, s. 36(*1*).
9 Clause (*b*) was deleted by Bom. 26 of 1952, s. 36(*2*).
10 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 17.
11 This section was inserted by Bom. 22 of 1960, s. 59.
12 These words were deleted by Mah. 52 of 2005, s. 18(*a*).
13 This clause was deleted by Mah. 52 of 2005, s. 18(*b*).

shall, on conviction, be punished for every such offence with imprisonment which may extend to six months or with fine which may extend to [1][ten 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 [2][or to have it it weighed measured or tested],

shall, on conviction, be punished for every such offence with fine which may extend to [3][two thousand 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

[4][* * * *]

shall, on conviction, be punished for each offence with imprisonment for a term which may extend to [5][six] months or with fine which may extend to [6][five thousand rupees] or with both.

78. Penalty for misconduct by licenced 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 rule 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 of 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, package 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

1 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 18(*c*). 2 These words were added by Bom. 22 of 1960, s. 60.

3 These words were substituted for the words "two hundred rupees" by Mah. 52 of 2005, s. 19. 4 Clause (*c*) was deleted by Bom. 22 of 1960, s. 61(*a*).

5 This word was substituted for the word "three" by Bom. 22 of 1960, s. 61(*b*).

6 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 20.

(*d*) sells any intoxicant which is not of the nature, substance and quality 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 [1][one year and with fine which may extend to ten thousand rupees].

79. Liability of licensee for acts of servants.—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:

[2][* * *]

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 r possession is, on his account, the

intoxicant, hemp, mhowra flowers or molasses, as the case may be, shall, for the of 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 attempt 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 authorization 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 authorization such holder shall, in addition to the cancellation or suspension of the licence, permit, pass or authorization 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 [3][five thousand rupees] or with both, unless it is proved that all due and reasonable precautions were exercised by him to prevent any such breach.

(*2*) 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 authorization 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*) [4][* * *] to commit a breach or a condition of a licence, permit, pass or authorization,

1 These words were substituted for the words "six months and with fine which may extend to one thousand rupees" by Mah. 52 of 2005, s. 21.

2 This proviso was deleted by Mah. 52 of 2005, s. 22.

3 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 23.

4 The words "to defeat or frustrate the provisions of this Act, rule, regulation or order, or" were deleted by Bom. 26 of 1952, s. 37.

each of such persons shall, on conviction, be punished with [1][imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty 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 [2][five thousand 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.—[3][(*1*) Whoever in any street or thoroughfare or public place or in any place to which the public have or are permitted to have access, behaves in a disorderly manner under the influence of drink shall, on conviction, be punished,—

(*a*) for a first offence, with rigorous imprisonment for a term which may extend to six months and with fine which may extend to [4][ten thousand rupees]:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than three months and fine shall not be less than [5][five thousand rupees]; and

(*b*) for a subsequent offence, with rigorous imprisonment for a term which may extend to one year and also with a fine of [6][ten thousand rupees]:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and fine shall not be less than [7][seven thousand five hundred rupees].

[8][(*2*) In prosecution for an offence under sub-section (*1*), it shall be presumed until the contrary is 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.]

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 [9][ten thousand rupees] or with both;

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, the imprisonment shall not be less than three months and fine shall not be less than [10][five thousand rupees].

[11][(*2*) Any owner who has leased out his premises to be used by other person under any agreement shall not be held responsible for an offence under sub-section (*1*) committed by the tenant in the premises in his possession, unless it is proved that the owner is actively involved in the commission of such offence.]

1 These words were substituted for the words "imprisonment for a period which may extend to two years or with fine which may extend to one thousand rupees" by Mah. 52 of 2005, s. 24.

2 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 25. 3 Sub-section (*1*) was substituted by Mah. 33 of 1972, s. 2.

4 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 26(*a*)(*i*). 5 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 26(*a*)(*ii*). 6 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 26(*b*)(*i*). 7 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 26(*b*)(*ii*). 8 Sub-section (*2*) was added by Bom. 26 of 1952, s. 38.

9 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 27(*a*)(*i*). 10 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 27(*a*)(*ii*). 11 Sub-section (*2*) was substituted by Mah. 52 of 2005, s. 27(*b*).

87. Penalty for chemist, druggist or apothecary for allowing his premises to be used for purpose of consumption of liquor.— A chemist, druggist, apothecary or keeper of a dispensary who allows any liquor, which has not been *bona fide* medicated for medicinal purposes according to the prescription of a [1][registered medical practitioner] 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 [2][ten thousand rupees] or with both.

88. Penalty for issuing false prescriptions.— If a [3][registered medical practitioner] 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 authorization 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 [4][ten 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 [5][ten 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 authorization 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 [6][five thousand rupees] or with both.

91. Demand for security for abstaining from commission 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 e 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 the [7]Code of Criminal Procedure, 1898 (V of 1898), 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. [*Release of offenders on bond.*] *Deleted by Bom. 67 of 1953, s. 2.*

93. Demand of security for good behaviour.— (*1*) Whenever a [8][Presidency Magistrate specially empowered by the State Government in this behalf in [9]Greater Bombay and elsewhere, 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 any 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.

1 These words were substituted for the words "medical practitioner" by Bom. 12 of 1959, s. 10. 2 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 28. 3 These words were substituted for the words "medical practitioner" by Bom. 12 of 1959, s. 10. 4 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 29. 5 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 30. 6 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 31. 7 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

8 These words were substituted for the original by Bom. 21 of 1954, s. 3, Second Schedule. 9 The name of this City is restored as "Brihan Mumbai" *vide* Mah. 25 of 1996, s. 3.

(*2*) The provisions of the [1]Code of Criminal Procedure, 1898 (V of 1898), shall in so far as 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 [2][sections 91 and 93] is a minor, the bond shall be executed by his guardian.

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 [3][ten thousand rupees] or with both.

[4]**[96. Punishment for vexatious delay.—** Any officer or person exercising powers under this Act Act who vexatiously 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 [5][ten thousand rupees] or with both.]

97. Punishment for abetment for escape of persons 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 [6][Government] or of a local authority who abets the commission of any offence against this Act,

[7][shall, on conviction, be punished,—

(*i*) if such act is done intentionally, with imprisonment for a term which may extend to thirty months or with fine which may extend to twenty-five thousand rupees or with both; or

(*ii*) if such act is done negligently, with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.]

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

1 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

2 These words were substituted for the words "the last three preceding sections" by Bom. 67 of 1953, s. 3.

3 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 32.

4 This section was substituted for the original by Bom. 22 of 1960, s. 62.

5 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 33.

6 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

7 This portion was substituted for the portion beginning with the words "shall, on conviction" and ending with the words "or with both" by Mah. 52 of 2005, s. 34.

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 a licence, permit, pass or authorization, 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 like-wise be liable to confiscation by the order of the Court.

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 [1][Commissioner], Collector or any other officer authorised by the [2][State] 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 [3][the person, if any, claiming any right thereto] 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 [4][Commissioner], Collector, [5][Court] or the officer authorized by the [6][State] Government in this behalf is of opinion that the sale would be for the benefit of the owner, the [7][Commissioner], Collector, [8][Court] 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:

[9][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.]

1 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 These words were substituted for the words "any person who can claim any right thereto" by Bom. 22 of 1960, s. 63. 4 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

5 This word was substituted for the word "Magistrate" by Bom. 21 of 1954, s. 3, Second Schedule.

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

8 This word was substituted for the word "Magistrate" by Bom. 21 of 1954, s. 3, Second Schedule.

9 This proviso was substituted for the original by Bom. 22 of 1960, s. 64.

102. Forfeiture of any publication containing advertisement or matter [1][soliciting] use of intoxicants.— (*1*) Where any newspaper, news-sheet, book, leaflet, booklet or other publication wherever printed or published appears to the [2][State] Government to contain any advertisement or matter [3][* *] soliciting the use of, or offering any intoxicant or hemp, the [4][State] Government may, by 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 [5][State] or outside to be forfeited to [6][the State Government], and thereupon any Police Officer may seize the same wherever found in the [7][State]. 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 [8]Code of Criminal Procedure, 1898 (V of 1898).

(*2*) The declaration of the [9][State] 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 [10][* * * *]

[11][or any materials which have undergone any process towards the manufacture of any intoxicant or from which an intoxicant has been manufactured,] for the possession of which he is unable to account satisfactorily.

[12][* * * *]

103A. [*Report of certain registered medical officers as evidence*]. *Deleted by Bom. 12 of 1959, s. 12.*

104. Compounding of offences.— (*1*) The [13][State] Government may sanction the acceptance

from any person whose licence, permit, pass or authorization is liable to be cancelled or suspended under the [14][provisions of sections 54 and 56] or who is reasonably suspected of having committed an offence under sections [15][[16][67A, 67B, 69, 73, 74, 76], 77, 82 or] 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 has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by the [17][State] Government or such officer as the [18][State] Government may authorize in this behalf:

1 This word was substituted for the word "commending" by Bom. 26 of 1952, s. 39.
2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
3 The word "commending" was deleted by Bom. 26 of 1952, s. 39.
4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
5 This word was substituted for the words "pre Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.
6 These words were substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.
7 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
8 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).
9 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
10 The words "as are ordinarily used in the manufacture of such intoxicant" were deleted by Bom. 22 of 1960, s. 65(*a*). 11 These words were inserted by Bom. 20 of 1955, s. 8.
12 Sub-section (*2*) was deleted by Bom. 22 of 1960, s. 65(*b*).
13 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
14 These words and figures were substituted for the words "provisions of this Act" by Mah. 52 of 2005, s. 35(*a*). 15 These figures and word were inserted by Bom. 26 of 1952, s. 40.
16 These figures and letter were substituted for the figures "69, 70" by Mah. 52 of 2005, s. 35(*b*).
17 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
18 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Provided that where a person who is reasonably suspected of having committed an offence under sections [1][69, 70 or] 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 not exceed five hundred rupees:

[2][Provided further that, in the case of a person who is reasonably suspected of having committed an offence under section 108 for not more than three occasions, the sum of money which shall be accepted from him by way of composition for the offence, shall,—

(*a*) for the first offence, be an amount equal to three times the duty or fee evaded by him;

(*b*) for the second offence, be an amount equal to four times the duty or fee evaded by him; and

(*c*) for the third offence, be an amount equal to five times the duty or fee evaded by him;

Provided also that, sum money which may be accepted by way of composition for the offence under the second proviso shall be in addition to the duty or fee to be paid by him under this Act.]

(*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.

[3]**[104A. Bombay Probation of Offenders Act, 1938, and section 562 of Code of Criminal Procedure, 1898, not to apply to persons convicted of offence under this Act.—** Nothing in the Bombay Probation of Offenders Act, 1938 (Bom. XIX of 1938), or [4][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] section 562 of the [5]Code of Criminal Procedure, 1898 (V of 1898), shall apply to any person convicted of any offence under this Act.]

EXCISE DUTIES

105. Excise duties.—[6][(*1*)] An excise duty or countervailing duty, as the case may be, at such rate or rates as the [7][State] 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 [8][or hemp]:

[9][(*c*) opium,]

(*d*) any other excisable article,

when imported, exported, transported, possessed, manufactured or sold [10][in or from the [11][State], as the case may be]:

1 These figures and word were inserted by Bom. 26 of 1952, s. 40.
2 This proviso was substituted by Mah. 52 of 2005, s. 35(*c*).
3 Section 104A was inserted by Bom. 67 of 1953, s. 4.
4 These words and figures were inserted by Bom. 12 of 1959, s. 13.
5 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).
6 Section 105 was renumbered as sub-section (*1*) by the Adaptation of Laws Order, 1950.
7 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
8 These words were added by Bom. 22 of 1960, s. 67(*a*).
9 This clause was substituted for the original by Bom. 22 of 1960, s. 67(*b*).
10 These words were substituted for the words and figures "in accordance with the provisions contained in Chapter IV of this Act" by Bom. 16 of 1952, s. 41.
11 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.

Provided that duty shall not be so imposed on any article which has been imported into [1][the territory of India] and was liable on such importation to duty under the Indian Tariff Act, 1934 (XXXII of 1934), or the [2]Sea Customs Act, 1878 (VIII of 1878) [3][or on any medicinal or toilet preparation containing alcohol, opium, hemp or other narcotic drugs or narcotics.]

[4][*Explanation*.— Duty may be imposed under this section at different rates,—

(*i*) according to the places to which an excisable article is to be removed for consumption; or

(*ii*) according to the varying strength or quality of such article; or

(*iii*) according to the manufacturing cost of the excisable article, declared in writing, by the manufacturer or the exporter to the State, to the prescribed authority and authenticated by that authority.]

[5][* * * * *]

106. Manner of levying excise duties.— Subject to any regulations to regulate the time, place and manner of payment made by the [6][Commissioner] 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 [7][State] at the time of its import or in the [8][State] 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 [9][State] at the time of its export, or in the [10][State] or territory of import;

(*c*) in the case of excisable articles transported—

(*i*) by payment in the di nsported, 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 rate charged in accordance with such, [11][scale of equivalents] 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 [12][State] Government may prescribe;

1 These words were substituted for the words "the Dominion of India" by the Adaptation of Laws Order, 1950.
2 *See* now the Customs Act, 1962 (52 of 1962).
3 These words were added by Bom. 22 of 1960, s. 67(*c*).
4 *Explanation* was substituted by Mah. 9 of 1997, s. 2.
5 Sub-section (*2*) was deleted by Bom. 12 of 1959, s. 14.
6 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
7 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 15.
8 This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.
9 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 15.
10 This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.
11 These words were substituted for the words "sale of equivalents" by Bom. 22 of 1960, s. 68.
12 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(*e*) in the case of intoxicating drugs manufactured [1][in the [2][State]] 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. [*Power to exempt, remit or refund excise duty*]. *Deleted by Bom. 22 of 1960, s. 69.*

[3]**[107A. Declaration of stock of articles mentioned in section 24A; maintenance of accounts and submission of returns.—** 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 article 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 or 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 such place where he knows or has reason to believe that any excisable article in respect of which such duty or 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 [4][furnishes false information or produces false accounts or documents, or]

(*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.]

[5][**108. Penalty for import, export, etc., of intoxicant etc., without payment of duty.—** Whoever, Whoever, holding a licence, permit, pass or authorization under this Act, imports, exports, transports,

1 These words were substituted for the words "in pursuance of a licence granted under this Act" by Bom. 26 of 1959, s. 42. 2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 Sections 107A and 107B were inserted by Bom. 26 of 1952, s. 44.

4 These words were added by Bom. 22 of 1960, s. 70.

5 Section 108 was substituted by Mah. 52 of 2005, s. 36.

possesses, sells or manufactures any intoxicant without payment of duty or fee provided for under this Act shall, on conviction, in addition to the duty or fee required to be paid by him under this Act, be punished,—

(*a*) for the first offence, with imprisonment for a term which may extend to one year and with fine which shall not be less than three times of the amount of the duty or fee evaded by him;

(*b*) for the second offence, with imprisonment for a term which may extend to eighteen months and with fine which shall not be less than four times of the amount of the duty or fee evaded by him;

(*c*) for the third or subsequent offence, with imprisonment for a term which may extend to two years and with fine which shall not be less than five times of the amount of the duty or fee evaded by him].

109. Duty on tapping of toddy trees.— (*1*) For every toddy producing tree [1][which is tapped or licensed to be tapped or in respect of which a licence for drawing toddy therefrom is granted] there shall, if the [2][State] Government so directs, be levied for any period during which such tree is tapped or licensed to be tapped, such duty as the [3][State] Government may from time to time direct.

(*2*) Every licence [4][for the tapping of, and drawing toddy from, toddy producing trees] 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 [5][to tap them and to draw toddy therefrom] 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 [6][State] Government may be disposed of [7][* *] *] by auction or otherwise on such terms as the Collector deems fit.

113. [*Rules for levy of duty on opium, etc.*] *Deleted by Bom. 22 of 1960, s. 74.*

[8][**114. Recovery of duties, etc.—** (*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 authorization granted under it and the cost of the supervising staff appointed under section 58A [9][if not paid within the due date or the prescribed period, shall be recovered from any person liable to pay the same or from his surety, if any, with simple interest at the rate of 2 per cent. per month, from the date it has become due, as if they were arrears of land revenue].

1 These words substituted for the words "from which toddy is drawn" by Bom. 22 of 1960, s. 71(*a*).

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4 These words were substituted for the words "for drawing toddy" by Bom. 22 of 1960, s. 71(*b*).

5 These words were substituted for the words "to draw toddy" by Bom. 22 of 1960, s. 72.

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 The word "annually" was deleted by Bom. 22 of 1960, s. 73.

8 This section was substituted for the original by Bom. 22 of 1960, s. 75.

9 This portion was substituted for the portion beginning with the words "may be recovered from any person" and ending with the words "arrears of land revenue" by Mah. 18 of 1998, s. 2.

(*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

POWERS AND DUTIES OF OFFICERS AND PROCEDURE

[1][**115. Magistrate's power to impose enhanced penalties.—** Notwithstanding anything contained in section 32 of the [2]Code of Criminal Procedure, 1898 (V of 1898), it shall be lawful for any any Presidency Magistrate or any Magistrate of the First Class to pass any sentence authorized by this Act in exercise of his powers under section 32 of the said Code, provided that the fine shall not exceed three thousand rupees.]

116. Procedure to be followed by Magistrates.— In all trials for offences under this Act, the Magistrate shall follow the procedure prescribed in the [3]Code of Criminal Procedure,1898 (V of 1898) for the trial of summary cases in which an appeal lies.

[4][**116A. Tender of pardon to accomplice.—** (*1*) Whenever two or more persons are prosecuted for an offence under this Act, a Presidency Magistrate or 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 relating 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 cognisance of the offence, and, in the subsequent trial, if any.

(*4*) The provisions of sections 339 and 339A of the [5]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 section 338 of that Code.

Explanation.— For the purposes of sub-section (*4*), the reference to the Public Prosecutor, in section 339 of the said Code shall include a reference to any officer conducting a prosecution under this Act.]

117. Investigations, arrests, searches, etc., how to be made.—Save as otherwise expressly provided in this Act, all investigations, arrest, detentions in custody and searches shall be made in accordance with provisions of the [6]Code of Criminal Procedure, 1898 (V of 1898):

Provided that [7][* * * *] 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.

1 This section was substituted for the original by Bom. 22 of 1960, s. 76.

2 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

3 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

4 This section was inserted by Bom. 22 of 1960, s. 77.

5 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

6 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

7 The portion beginning with the words "in any local area" and ending with the words "State Government" was deleted by Bom. 26 of 1952, s. 46.

[1]**[118. Procedure of Code of Criminal Procedure relating to cognizable offences to apply.—**In the absence of any provision to the contrary in this Act, the provisions of the [2]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 [3][sections 65, 67, 67-1A, 67C, 68, 70, 72 and 83] shall be non-bailable].

[4]**[120. Power of entry and inspection.—**The [5][Commissioner], 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, godowns, 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 obstacles 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; and

(*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.]

121. Power to open packages, etc.— (*1*) Any Prohibition Officer duly empowered in this behalf by the [6][State] Government or any Police Officer may open any package and examine any goods and may [7][stop and search] for any intoxicant, hemp, mhowra flowers, or molasses any vessel, vessel, vehicle or other means of conveyance [8][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 found while making such search.]

(*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 [9][are necessary for searches made] under this section and the removing of goods to and placing of them in the place appointed under sub-section (*3*) [10][for examination or deposit] shall be performed by or at the expenses of the owner of such goods.

(*3*) The owner of goods or the persons incharge of the goods shall, if so required by any officer conducting the search, take the goods [11][to a place appointed in [12]Greater Bombay by the Commissioner of Police, Bombay and elsewhere, by the District Magistrate] for the purpose of examination or deposit.

1 Sections 118 and 119 were substituted for the original by Bom. 22 of 1960, s. 78.

2 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

3 These figures, letters and word were substituted for the words, figure and letter "sections 65, 67, 67A and 68" by Mah. 52 of 2005, s. 37.

4 This section was substituted for the original by Bom. 22 of 1960, s. 79.

5 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 These words were substituted for the words "stop search" by Bom. 22 of 1960, s. 80(*a*).

8 These words were added by Bom. 26 of 1952, s. 47.

9 These words were substituted for words "are necessary to be made" by Bom. 22 of 1960, s. 80(*b*)(*i*).

10 These words were substituted for the words "for deposit" by Bom. 22 of 1960,s. 80(*b*)(*ii*).

11 These words were substituted for the words "to a place appointed by the District Magistrate, or the Commissioner of Police, Bombay," by Bom. 22 of 1960,s. 80(*c*).

12 The name of this City has been restored as "Brihan Mumbai" by Mah. 25 of 1996, s. 3, Schedule.

[1][(*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.]

[2]**[122. Power to require production of licences.—** (*1*) The [3][Commissioner] 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 with his express or implied permission on his behalf to produce the licence, permit, pass or authorization 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 thereform;

(*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 weight 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 authorization 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 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 [4][State] 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 [5][and seize any document or other article which he has reason to believe may furnish evidence of commission of any offence under this Act].

(*2*) Any Prohibition Officer authorized by the [6][State] 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 [7][Commissioner] or Collector or any Prohibition Officer specially empowered in this behalf by the [8][State] 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

1 This sub-section was substituted for the original by Bom. 22 of 1960,s. 80(*d*).

2 This section was substituted for the original by Bom. 22 of 1960, s. 81.

3 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 5 These words were added by Bom. 22 of 1960, s. 82.

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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 [1][Commissioner] or 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 [2][confiscation or forfeiture] under under this Act or any other law for the time being in force relating to excise revenue [3][and any document or other article which he has reason to believe may furnish evidence of the commission of any offence under this Act];

(*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 [4][other thing] in his possession, arrest him.

126. Arrest without warrant.— The [5][Commissioner] or Collector or any Prohibition Officer duly empowered in this behalf by the [6][State] 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 name.— (*1*) When any person who in the presence of the [7][Commissioner], Collector or any Prohibition Officer not below such rank as the [8][State] 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 [9][a Magistrate having jurisdiction] when so required:

Provided that if such person is not resident in [10][India], the bond shall be secured, by a surety or sureties residing in [11][India]

(*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 [12][Commissioner], Collector or any Prohibition Officer duly empowered in this behalf [13][or in [14]Greater Bombay, a Deputy Commissioner of Police or [15][an Assistant Commissioner of Police] in charge of a Division], or a Magistrate or [16][a Superintendent of

1 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

2 These words were substituted for the word "confiscation" by Bom. 22 of 1960, s. 83(*a*).

3 These words were added by Bom. 22 of 1960, s. 83(*a*).

4 These words were substituted for the words "any other thing" by Bom. 22 of 1960, s. 83(*b*).

5 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

9 These words were substituted for the words "a Magistrate" by Bom. 21 of 1954, s. 3, Second Schedule.

10 This word was substituted for the words "the Dominion of India" by the Adaptation of Laws Order, 1950.

11 This word was substituted for the words "the Dominion of India" by the Adaptation of Laws Order, 1950. 12 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

13 These words were inserted by Bom. 26 of 1952, s. 48(*1*).

14 The name of this City has been restored as "Brihan Mumbai" *vide* Mah. 25 of 1996, s. 3.

15 These words were substituted for the words "a Superintendent of Police" by Mah. 46 of 1962, s. 3, Schedule. 16 These words were substituted for the words "a District Superintendent of Police" by Mah. 46 of 1962, s. 3, Schedule.

Police] or an Assistant or Deputy Superintendent of Police specially empowered by the [1][State] 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, [2][* *] 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 [3][mhowra flowers, molasses] 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 [4][and for the seizure of such intoxicant, hemp, [5][* *] 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 [6]Code of Criminal Procedure, 1898 (V of 1898), by a Police Officer or a Prohibition Officer duly duly empowered in this behalf or if the officer issuing warrant deems fit, by any other person.

[7]**[128A. Certain provisions to apply to denatured spirituous preparations.—** 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 as they apply to any intoxicant under this Act.]

129. Prohibition Officers may be empowered to investigate offences.— (*1*) The [8][State] 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 [9]Code of Criminal Procedure, 1898 (V of 1898); 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 powers 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 offence.

(*4*) If the Prohibition Officer conducting the investigation is of opinion that there is not 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

(*5*) The powers of any officer empowered under this section shall be subject to such other modifications or restrictions as the [10][State] Government may deem fit.

[11]**[129A. Power to require persons to submit to medical examination, etc.—** (*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

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 2 The word "opium," was deleted by Bom. 22 of 1960, s. 84.

3 These words were substituted for the words "or opium" by Bom. 22 of 1960, s. 85.

4 These words were inserted by Bom. 26 of 1952, s. 48 (*2*).

5 The word "opium," was deleted by Bom. 22 of 1960, s. 84.

6 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

7 Section 128A was substituted for the original by Bom. 22 of 1960, s. 85.

8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 9 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 11 Sections 129A and 129B were inserted by Bom. 12 of 1959, s. 16.

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 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 1860).

(*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 extent 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 [1][or to any other officer duly empowered under section 129 if the [2][Commissioner] in any particular case has directed such officer to conduct the investigation of the offence].

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 [3]Code of Criminal Procedure, 1898 (V of 1898), 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 [4]Code of Criminal Procedure, 1898 (V o

132. Articles seized.—[5][When anything has been seized under the provisions of this Act by a Prohibition Officer exercising powers under section 129 or by on officer-in-charge of a Police Station], 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 [6][officers of Government] and local authorities to assist.— Every officer of the [7][Government] and every officer or servant of local authority, shall be [8][legally bound to assist any Prohibition Officer or] police officer or person authorised in this behalf in carrying out the provisions of this Act.

[9][**134. Offences to be reported.—** 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 [10]Bombay Village Panchayats Act, 1958 (Bom. 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 know or have reason to believe is about or likely to be committed.

[11][**134A. Establishment of *Gram Rakshak Dal*.—** (*1*) The Village *Panchayat* constituted under the Maharashtra Village *Panchayats* Act (III of 1959) may, by resolution, or an application signed by not less than 25 per cent. of the Women voters of the *Gram Sabha*, may request the Sub-Divisional

1 This portion was added by Bom. 22 of 1960, s. 86.

2 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

3 For this now *see* Code of Criminal Procedure, 1973 (2 of 1974).

4 For this now *see* Code of Criminal Procedure, 1973 (2 of 1974).

5 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 Bom. 22 of 1960, s. 87.

6 These words were substituted for the words "officials of all departments" by Bom. 22 of 1960, s. 88.

7 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

8 These words were substituted for the words "legally bound to assist any" by Bom. 22 of 1960, s. 88(*a*).

9 Sections 134 and 135 were substituted for the original by Bom. 22 of 1960, s. 89.

10 Short title of this Act has been amended as "the Maharashtra Village Panchayats Act" by Mah. 24 of 2012, s. 2, Schedule., Entry 74 with effect from the 1st May 1960.

11 Section 134A was inserted by Mah. 19 of 2017, s. 3.

Magistrate of the area for convening a special *Gram Sabha*, for the purpose of establishment of *Gram Rakshak Dal*.

(*2*) (*a*) The Sub-Divisional Magistrate of the area on receipt of request under sub-section (*1*), shall call such special meeting of *Gram Sabha*.

(*b*) The form of application, the mode of submitting the application and manner of verification of authenticity of the applicants, under sub-section (*1*) shall be such as may be prescribed.

(*c*) The meeting of such *Gram Sabha* shall be conducted in the presence of the [1][Tahsildar or any officer not below the rank of Group-B officer of the State Government authorised by the Tahasildar of the area].

(*d*) The *Gram Sabha* may recommend the persons to be appointed as members of *Gram Rakshak Dal*.

(*e*) The Sub-Divisional Magistrate shall on recommendation of *Gram Sabha* establish a *Gram Rakshak Dal*.

(*f*) The term of the members of such *Gram Rakshak Dal* shall be of two years.

(*3*) The *Gram Rakshak Dal* shall consist of as many members as there are members in a Village *Panchayat* but it shall not be more than eleven.

(*4*) The eligibility for the appointment as a member of the *Gram Rakshak Dal* shall be such as may be prescribed.

(*5*) The *Gram Rakshak Dal* shall have adequate representation of Women and persons belonging to Scheduled Castes and Scheduled Tribes.

(*6*) Every member of the *Gram Rakshak Dal* shall be bound to give immediate information at the nearest Police Station or to any other 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 his knowledge.

(*7*) The duties and responsibilities of the members of *Gram Rakshak Dal* shall be such as may be prescribed.]

135. Landlords and others to give information.— Every person who owns or occupies any land or building, or who is 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 Bom. 26 of 1962, s. 50.*

CHAPTER X

APPEALS AND REVISION

137. Appeals.— (*1*) All orders passed by any Prohibition Officer other than the Collector or [2][Commissioner] 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 [3][Commissioner] shall be appealable to the [4][Commissioner] and the [5][State] Government respectively at any time within ninety days from the date date of the order complained of:

1 This portion was substituted for the words "Tahsildar of the area" by Mah. 49 of 2017, s. 2.

2 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

3 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.

4 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Provided that no appeal shall lie against an order passed by the [1][Commissioner] on appeal.

(*3*) Subject to the foregoing provisions the rules which the [2][State] Government may make in this behalf shall apply to appeals under this section.

[3]**[138. Revision.—** 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 or authorization 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 [4][State] Government in respect of licences, etc.— [5][(*1*)] Notwithstanding anything contained in this Act or the rules made thereunder, the [6][State] Government may, by general or special order,—

(*a*) prohibit the grant of any kind of licences, permits, passes or authorizations throughout the [7][State] 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 authorization throughout the [8][State] or within the limits of any local area subject to such conditions [9][as it may impose].

[10][(*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 authorization granted thereunder, subject to such conditions as it may impose;

(*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 authorization 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 authorizations 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, [11][denatured spirituous preparation,] 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

1 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
3 This section was substituted for the original by Bom. 22 of 1960, s. 90.
4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
5 Section 139 was renumbered as sub-section (*1*) by Bom. 22 of 1960, s. 91(*1*).
6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
7 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
8 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.
9 These words were substituted for the words "and for such periods as it deems fit" by Bom. 22 of 1960, s. 91(*1*)(*a*).
10 Clauses (*c*), (*d*) and (*d1*) were substituted for the original clauses (*c*) and (*d*) by Bom. 22 of 1960, s. 91(*1*)(*b*). 11 These words were inserted by Bom. 22 of 1960, s. 91(*1*)(*c*)(*i*).

not be kept open, the number of such places in respect of which licences for sale may be granted and the number of such places which may be [1][managed by the State Government departmentally];

(*g*) direct that no licence, permit, pass or authorization of the kind specified in such order shall be granted without the previous approval of the [2][State] Government or also direct any

additions or alterations to be made to or in the conditions subject to which under any other provisions of this Act, such licence, permit, pass or authorization can be granted;

(*h*) prescribe the maximum quantity of any intoxicant, [3][denatured spirituous preparation], hemp, mhowra flowers or molasses which may be sold in any area or at any place;

[4][(*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;]

[5][(*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;]

(*k*) direct that before granting licences, auctions may be held, tenders called for or offers received and that licences shall be granted [6][subject to such conditions as may be prescribed] to persons whose bids, tenders or offers are accepted by the Collector;

(*l*) specify the persons or class of persons [7][to whom licences may or may not be granted] 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 authorizations under this Act, as the [8][State] Government may deem proper.

[9][(*2*) An order made under sub-section (*1*) shall, if it is of a general nature of affecting a class of

140. Power of [10][State] Government to prohibit, regulate or control consumption or use of intoxicants, etc., in public place.— The [11][State] 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 [12][State] Government is satisfied that the inhabitants of any area are concerned in the commission or abetment of any of the offences punishable under sections [13][65, 66, 66A, 67, 67A, 67C, 68, 69 and 70] the [14][State] Government may, by notification in the *Official Gazette*, direct the employment of additional police [15][in that area] for such period as it thinks fit.

1 These words were substituted for the words "managed by the Excise Department" by Bom. 22 of 1960, s. 91(*1*)(*c*)(*ii*). 2 This word-was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 These words were inserted by Bom. 22 of 1960, s. 91(*1*)(*d*).

4 This clause was substituted for the original by Bom. 22 of 1960, s. 91(*1*)(*e*).

5 This clause was substituted for the original by Bom. 22 of 1960, s. 91(*1*)(*f*).

6 These words were inserted by Bom. 22 of 1960, s. 91(*1*)(*g*).

7 These words were substituted for the words "to whom licences may not be granted" by Bom. 22 of 1960, s. 91(*1*)(*h*). 8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

9 This sub-section was added by Bom. 22 of 1960, s. 91(*2*).

10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

11 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

12 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

13 These figures, letters and word were substituted for the figures and word "65 to 69" by Bom. 22 of 1960, s. 92(*a*). 14 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

15 These words were inserted by Bom. 22 of 1960, s. 92(*b*).

(*2*) The cost of such additional police shall, if the [1][State] Government so directs, be either in whole or in part defrayed by a tax imposed on the persons herein below 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 [2][State] 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 [3][State] 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][(*4*) The provisions of sub-sections (*4*) to (*7*) of section 50 of the [5]Bombay Police Act, 1951 (Bom. XXII of 1951) shall apply *mutatis mutandis* to the recovery of such tax or rate.]

[6][142.Power of Collector to close places where intoxicant or hemp is sold in certain cases.— cases.— (*1*) If the Collector is of 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 persons 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 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 [7][State] Government to make rules.— (*1*) The [8][State] 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 [9][State] Government may make rules,—

(*a*) regulating the delegation of any powers by the [10][Commissioner], by Collector or by any other Prohibition Officer;

(*b*) regulating the import, export, transport, [11][collection], sale, purchase, [12][bottling], consumption, use or possession of any intoxicant, [1][denatured spirituous preparation] or hemp, mhowra flowers or molasses;

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4 This sub-section was substituted for sub-sections (*4*) and (*5*) by Bom. 64 of 1954, s. 3.

5 The short title of this Act has been amended as "the Maharashtra Police Act" by Mah. 24 of 2012, s. 2, Sch., Entry 45, *w.e.f.* 1-5-1960.

6 This section was substituted for the original by Bom. 22 of 1960, s. 93.

7 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 9 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

10 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 11 This word was inserted by Bom. 26 of 1952, s. 51(*1*).

12 This word was inserted by Bom. 22 of 1960, s. 94(*1*)(*a*).

(*c*) regulating the manufacture of any intoxicant [2][or denatured spirituous preparation];

(*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 authorizations for the import, export, transport, [3][collection, sale, purchase], possession, manufacture, [4][bottling], consumption, use or cultivation of any of the above articles mentioned in [5][clause (*b*) 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 clause (*b*);

(*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 authorization for the vend, consumption or use of any of the above articles mentioned in clause (*b*) is granted to any person or in any locality;

[6][(*h1*) prescribing the restrictions under which and the conditions on which any licence, permit, pass or authorization may be granted including—

(*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 or hemp 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 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 or any article the sale or purchase 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;]

1 These words were inserted by Bom. 22 of 1960, s. 94(*1*)(*a*).

2 These words were added by Bom. 22 of 1960, s. 94(*1*)(*b*).

3 These words were inserted by Bom. 26 of 1952, s. 51(*2*)(*a*).

4 This word was inserted by Bom. 22 of 1960, s. 94(*1*)(*c*).

5 These words, brackets and letters were substituted for the words, brackets and letters "clauses (*b*) and (*e*)" by Bom. 26 of 1952, s. 51(*2*)(*b*).

6 Clauses (*h1*) and (*h2*) were inserted by Bom. 22 of 1960, s. 94(*1*)(*d*).

(*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, barb, date or any kind of palm trees is to be treated for the purpose of preventing fermentation;

[1][(*k*) prescribing the persons or classes of persons to whom any intoxicant, denatured spirituous preparation, hemp, mhowra flowers or molasses 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;

[2][(*l1*) 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;

(*l2*) prescribing the amount of security to be deposited by the holder of any licence, permit, pass or authorization for the performance of the conditions for the same;

(*l3*) providing for the maintenance by the holders of licences, permits, passes or authorizations of the registers of sales, purchases, possession, consumption or use and the particulars to be entered in the register;]

[3][(*m*) regulating the grant of rewards or expenses to officers, informants, 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;]

(*n*) regulating the printing, publishing or otherwise displaying or distributing any advertisement or other matter [4]*soliciting the use of, or offering any intoxicant [5][or] hemp 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 authorization issued thereunder;

(*o*) regulating within the [6][State] the circulation, distribution or sale of newspaper, news sheet, book, leaflet, booklet or other publication [7][printed and published] outside the State containing any advertisement or matter which [8][* * *] solicits the use of, or offers any intoxicant, or hemp [9][* * * *];

[10][(*p*) imposing restrictions and conditions on buyers of intoxicant, denatured spirituous preparation, hemp, mhowra flowers or molasses 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];

[11][* * * *]

(*r*) regulating the taking of samples of molasses;

[12][(*r1*) prescribing the constitution of Committees, Boards and Medical Boards or panels thereof and the procedure regarding their work];

1 This clause was substituted for the original by Bom. 22 of 1960, s. 94(*1*)(*e*).

2 Clauses (*l1*), (*l2*) and (*l3*) were inserted, by Bom. 22 of 1960, s. 94(*1*)(*f*).

3 This clause was substituted for the original by Bom. 22 of 1960, s. 94(*1*)(*g*).

4 The word "commending," was deleted by Bom. 26 of 1952, s. 51(*3*)(*a*).

5 This word was inserted by Bom. 26 of 1952, s. 51(*3*)(*b*).

6 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.

7 These words were substituted for the words "whether printed or published" by Bom. 26 of 1952, s. 51(*4*)(*a*).

8 The words "is prescribed or which commends" were deleted by Bom. 26 of 1952, s. 51(*4*)(*b*).

9 The words "to be forfeited to the State Government" were deleted by Bom. 26 of 1952, s. 51(*4*)(*c*).

10 This clause was substituted for the original by Bom. 22 of 1960, s. 94(*1*)(*h*).

11 Clause (*q*) was deleted by Bom. 22 of 1960, s. 94(*1*)(*i*).

12 This clause was inserted by Bom. 22 of 1960, s. 94(*1*)(*j*).

(*s*) prescribing the powers, functions and duties of Prohibition Officers, [1][boards, Committees] and [2][Medical Boards or panels thereof] and the fees and allowances payable to the members of the [3][boards, Committees] and [4][Medical Boards or panels thereof];

[5][(*t*) prescribing the procedure regarding the work of the Board of Experts;

[6][(*t1*) prescribing conditions of through transport under section 29];

(*u*) prescribing the fees [7][including rent or consideration] payable in respect of any privilege, privilege, licence, permit, pass or authorization granted or issued under this Act;

[8][(*uu*) prescribing the other persons, other institutions or the circumstances under clause (*b*) of sub-section (*3*) of section 66];

form in which a declaration under section 107A shall be submitted and the account shall be maintained];

9[(*w*) prescribing the manner of collecting and forwarding blood and prescribing the form of of certificates, and the other particulars required to be stated therein under sub-section (*2*) of section 129A].

10[(*x*) prescribing the form of application, the mode of submitting the application and manner of verification of authenticity of the applicants under clause (*b*) of sub-section (*2*) of section 134A;

(*y*) prescribing the eligibility for the appointment as a member of the *Gram Rakshak Dal* under sub-section (*4*) of section 134A;

(*z*) prescribing the duties and responsibilities of the members of *Gram Rakshak Dal* under sub-section (*7*) of section 134A.]

(*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 11[State] Government considers that they should be brought into force at once.

12[(*4*) All rules made under this Act shall be laid for not less than thirty days before each House of 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. 13[Commissioner's] powers to make regulations.— (*1*) The 14[Commissioner] may make regulations not inconsistent with the provisions of this Act or rules—

(*a*) regulating as the case may be the 15[* *] supply or storage of any intoxicant 16[denatured spirituous preparation] or hemp, mhowra flowers or molasses including—

1 These words were substituted for the words "Committees" by Bom. 22 of 1960, s. 94(*1*)(*k*). 2 These words were substituted for the words "Medical Boards" by Bom. 22 of 1960, s. 94(*1*)(*k*).
3 These words were substituted for the words "Committees" by Bom. 22 of 1960, s. 94(*1*)(*k*). 4 These words were substituted for the words "Medical Boards" by Bom. 22 of 1960, s. 94(*1*)(*k*).
5 Clauses (*t*) to (*v*) were substituted for the original clause (*t*) by Bom. 26 of 1952, s. 51(*5*). 6 This clause was inserted by Bom. 22 of 1960, s. 94(*1*)(*l*).
7 These words were inserted by Mah. 70 of 1981, s. 3.
8 This clause was inserted by Bom. 12 of 1959, s. 17(*a*).
9 This clause was added by Bom. 12 of 1959, s. 17(*b*).
10 These clauses were inserted by Mah. 19 of 2017, s. 4.
11 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 12 This sub-section was inserted by Bom. 22 of 1960, s. 94(*2*).
13 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule.
14 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Schedule. 15 The word "manufacture," was deleted by Bom. 22 of 1960, s. 95(*a*)(*i*).
16 These words were inserted by Bom. 22 of 1960, s. 95(*a*)(*ii*).

(*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;

1[* * * * * * *]

(*b*) regulating the deposit of any intoxicant, hemp, 2*mhowra flowers or molasses in a warehouse and the removal of such articles from any such warehouse or from any distillery or brewery;

3[* * * * * * *]

(*d*) prescribing the scale of fees 4[including rent or consideration] or the manner of fixing the fees payable in respect 5* * * of any storage of any intoxicant, hemp, 6* mhowra flowers or molasses;

(*e*) regulating the time, place and manner of payment of any duty or fees;

[7][* * * * * * *]

(*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;

[8][* * * * * * *]

(*m*) regarding any other matter which the [9][State] Government may, by notification in the *Official Gazette*, direct him to prescribe for the purposes of carrying out the provisions of this Act.

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 [10][Government] 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.

[11][**146A. Limitation of prosecutions or suits against officers.—** (*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

1 Sub-clauses (*ii*) to (*v*) were deleted by Bom. 22 of 1960, s. 95(*a*)(*iii*).
2 The word "opium," was deleted by Bom. 22 of 1960, s. 95(*b*).
3 Clauses (*c*), (*f*), (*g*), (*j*), (*k*) and (*l*) were deleted by Bom. 22 of 1960, s. 95(*c*).
4 These words were inserted by Mah. 70 of 1981, s. 4.
5 The words beginning with the words "of any privilege" and ending with the words "authorization or" were deleted by Bom. 26 of 1952, s. 52(*1*).
6 The word "opium," was deleted by Bom. 22 of 1960, s. 95(*b*).
7 Clauses (*c*), (*f*), (*g*), (*j*), (*k*) and (*l*) were deleted by Bom. 22 of 1960, s. 95(*c*).
8 Clauses (*c*), (*f*), (*g*), (*j*), (*k*) and (*l*) were deleted by Bom. 22 of 1960, s. 95(*c*).
9 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
10 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
11 Sections 146A and 146B were inserted by Bom. 22 of 1960, s. 96.

(*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 [1]Code of Criminal Procedure, 1898 (V of 1898) 1898) 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 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 [2][* * * *].

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 (Bom. 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 authorized 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, authorization 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.

[3][**149.Further repeals and savings consequent on commencement of Bom. XXV of 1949 in other areas of State.—**[4][* *] 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 (Bom. 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

1 For this now *see* Code of Criminal Procedure, 1973 (2 of 1974).

2 The words "as defined by the Dominion Government" were deleted by Bom. 26 of 1952, s. 53. 3 This section was inserted by Bom. 12 of 1959, s. 18.

4 The brackets and figure "(*1*)" were deleted by Bom. 22 of 1960, s. 97.

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, authorization 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 any provisions of section 27A of the Central Provinces and Berar Excise Act, 1915 (C. P. and Bear II of 1915), or

(*ii*) under section 112A of the [1]Bombay Prohibition Act, 1949 (Bom. 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, notification, 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.]

1 The short title of this Act was amended as "the Maharashtra Prohibition Act" by Mah. 24 of 2012, s. 2, Sch., Entry 37, *w. e. f.*, 1-5-1960.

1[SCHEDULE I-A

[*See* section 1(*3*).]

Outstill area of the Chanda District.

(*1*) The whole of the Sironcha Tahsil;

(*2*) The following villages of the Gadchiroli Tahsil, namely :—

(*a*) (*1*) Chargaon, (*2*) Gonjali, (*3*) Palasgaon, (*4*) Chimgaon (*5*) Mendha, (*6*) Wadegaon, (*7*) Singapur, (*8*) Kodalwahi, (*9*) Chatgaon, (*10*) Pander, (*11*) Mohandala, (*12*) Palakheda, (*13*) Suna Katizari, (*14*) Khutgaon, (*15*) Gatepalli, (*16*) Mendha, (*17*) Harikata, (*18*) Tohakapur, (*19*) Haldi, (*20*) Gadewahi, (*21*) Sakora, (*22*) Talodhi, (*23*) Karwafa, (*24*) Nawegaon, (*25*) Gotevihir, (*26*) Ranbhumi, (*27*) Jambli, (*28*) Ranmul, (*29*) Darasani, (*30*) Kusumghat, (*31*) Gattaguda, (*32*) Maroda, (*33*) Bandhona, (*34*) Nawargaon, (*35*) Gilgaon, (*36*) Bhandikanhar, (*37*) Gajanguda, (*38*) Sakhera, (*39*) Kanhargaon, (*40*) Karkapalli, (*41*) Raven-Jhola, (*42*) Saimara, (*43*) Pekinkasa, (*44*) Saterli, (*45*) Sowita, (*46*) Benoti, (*47*) Filekanar, (*48*) Fatri, (*49*) Ditantola, (*50*) Dewapur, (*51*) Dewada, (*52*) Gawama, (*53*) Rampur, (*54*) Potehaon, (*55*) Surgadevi, (*56*) Rajoli, (*57*) Tohagaon, (*58*) Ramada, (*59*) Kotegaon, (*60*) Tulsi, (*61*) Tumarikasa, (*62*) Nagoli, (*63*) Karkusi, (*64*) Maler, (*65*) Kudegaon, (*66*) Rawanpalli, (*67*) Murmari, (*68*) Jogna, (*69*) Bhagbhir, (*70*) Jamar, (*71*) Pawlisan, (*72*) Pendri, (*73*) Budapur, (*74*) Ahapur, (*75*) Muranda, (*76*) Dhehni, (*77*) Chichali, (*78*) Banarcha, (*79*) Lengada, (*80*) Jamgaon, (*81*) Judegaon, (*82*) Tadgela and (*83*) Kodsi;

(*b*) all the villages of the Purada Police Station area except the following 24 villages, namely :—

(*1*) Chawada, (*2*) Ramtola, (*3*) Dhuldongri, (*4*) Naicharpalli (*5*) Nawejhari (*6*) Sattitola, (*7*) Khambada, (*8*) Sajena, (*9*) Kannichak, (*10*) Talegaon, (*11*) Muska, (*12*) Angara, (*13*) Palasgaon, (*14*) Saotola, (*15*) Khodki, (*16*) Solan, (*17*) Salebhatti, (*18*) Nimgaon, (*19*) Mendha, (*20*) Bhausi, (*21*) Bhakrundi, (*22*) Kulkuli, (*23*) Nawegaon and (*24*) Tultuli;

(*c*) all the villages of the Ahiri Police Station area, except the following 33 villages, namely :—

(*1*) Laggam, (*2*) Laggam-Chak, (*3*) Rampur, (*4*) Bori, (*5*) Kultha, (*6*) Rajur-Chak, (*7*) Tikepalli, (*8*) Chatuguntapatch, (*9*) Tumargunda, (*10*) Dampur, (*11*) Baudukpalli, (*12*) Kothari, (*13*) Marpalli, (*14*) Morarli, (*15*) Chichela, (*16*) Gomhi, (*17*) Albatpalli, (*18*) Fuski, (*19*) Mukdi, (*20*) Fuski-Chak, (*21*) Dhanur, (*22*) Yella, (*23*) Machhligatta, (*24*) Nagalwahi, (*25*) Singanpalli, (*26*) Chaudampalli, (*27*) Champrala, (*28*) Laggam Hatti, (*29*) Koperalli, (*30*) Singanpeth, (*31*) Machli, (*32*) Gommni-Chak and (*33*) Kondegaon.]

SCHEDULE I

[*See* section 148.]

Year No.	Short Title	Extent of repeal
(1)	(2)	(3) (4)
[2]*	* * *	
1878 V	The Bombay Abkari Act, 1878.	All the provisions except section 29-A.
1947 XXX	The Bombay Molasses Act, 1947.	The whole.

1 Schedule I-A was inserted by Bom. 12 of 1959, s. 19(*1*).

2 This item was deleted by Bom. 12 of 1959, s. 19(*2*).

SCHEDULE II

[*See* section 148.]

Year	No.	Short Title	Extent of repeal
(1) (2)	(3)	(4)	
1890	IV	The Bombay District Police Act, 1890.	1. In section 46— (*a*) in sub-section (*4*), for clauses (*i*) and (*iii*), the following clause shall be substituted, namely:— "(*ii*) section 65 or 68 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949)"; (*b*) in sub-section (*6*), for the word and figures "under the Bombay Abkari Act, 1878, or the Opium Act, 1878," the words and figure "under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949)" shall be substituted. 2. Section 61AA 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 (Bom. V of 1878), or the Opium Act, 1878 (I of 1878)", the words and figure "under the Bombay Prohibition Act, 1949 (Bom. 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*) section 65 or 68 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949)". 2. Section 122A shall be deleted.
[1][1951	XXII	The [2]Bombay Police Act, 1951.	1. In section 27— (*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 (Bom. XXV of 1949)" shall be substituted].

1 This entry was added by Bom. 22 of 1960, s. 98.

2 The short title of this Act has been amended as "the Maharashtra Police Act" *vide* Mah. 24 of 2012, s. 2, Sch., Entry 45, *w.e.f.*, 1-5-1960.

[1][SCHEDULE III

[*See* section 149.]

Year	No.	Short Title	Extent of repeal
(1)	(2)	(3)	(4)
1878	I	The Opium Act, 1878, in its application to the State of Bombay.	The whole.
1915	II	The Central Provinces and Berar Excise	All the provisions

		Act, 1915.	except section 27A.
1938	VII	The Central Provinces and Berar Prohibition Act, 1938.	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 112A.
1949	XXV	The Bombay Prohibition Act, 1949, as in force in the Kutch Area of the State of Bombay.	The whole.]

1 Schedule III was added by Bom. 12 of 1959, s. 19(*3*).