

PUNJAB EXCISE ACT OF 1914

Whereas it is expedient to consolidate and amend the law in ¹[Punjab] relating to import, export, transport, manufacture, sale and possession of intoxicating liquor and of intoxicating drugs; it is hereby enacted as follows: --

CHAPTER-I PRELIMINARY AND DEFINITIONS

(1) **Short Title.**--- (1) This Act may be called The Punjab Excise Act, 1914; and

(2) **Extent.**-It extends to ²[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966.]

(3) **Commencement.**-It shall come into force on such ³[date] as the ⁴[State] Government may by notification direct.

2. **Repeal of enactments.**—The enactments mentioned in ..5 .. Schedule ⁵[1] are repealed to the extent specified in the fourth column thereof.

3. **Definitions.**--- In this Act, and the rules made under it, unless there is something repugnant in the subject or context;--

- (1) “beer” includes ale, porter, stout, and all other fermented liquors made from malt;
- (2) to “bottle” means to transfer liquor from a cask or other vessel to a bottle, jar, flask, or similar receptacle whether any process of manufacture be employed or not, and bottling includes re-bottling;
- (3) “Collector” includes any revenue officer in impendent charge of a district and any official appointed by the ⁴[State] Government to discharge throughout any specified local area, the functions of a Collector under this Act;
- (4) ⁶[Omitted]

¹ Substituted for ‘East Punjab’ which had been substituted for the “Punjab” by Indian Independence (Adaptations of Bengal and Punjab Acts) Order, 1948 by Adaptation of Laws (IIIrd Amendment) Order, 1951.

² Substituted by A.O. 1968 for the words “the whole of Punjab” the word “Punjab” was substituted for the words “East Punjab” by Adaptation of Laws Order, 1950.

³ The first February, 1915. – see Punjab Gazette 1914, Part I: page 60.

⁴ Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

⁵ The word “the” omitted and the figure “(1)” inserted by East Punjab Act No.1 of 1948, section 2.

⁶ Omitted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

(5) “denatured” means effectually and permanently rendered unfit for human consumption;

¹[(6) “excisable article” means---

(a) any alcoholic liquor for human consumption; or

(b) any intoxicating drug;]

²[(6)(a) “excise bottle” means a bottle of such type or description as may be or may have been at any time permitted for the bottling of liquor or beer by rules made under this Act.]

³(6)(b) “excise duty” and “countervailing duty” mean any such excise duty or countervailing duty, as the case may be, as is mentioned in ⁴[entry 51] of List-II in the Seventh Schedule to the ⁵[Constitution.]

(7) “Excise Commissioner” means the officer appointed by the ⁶[State] Government under section 9;

(8) “excise officer” means any officer or person appointed, or invested with powers, under this Act;

(9) “excise revenue” means revenue derived or derivable from any payment, duty, fee, tax, confiscation or fine, imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to liquor or intoxicating drugs, but does not include a fine imposed by a court of law;

⁷[(10) “export” means to take out of Punjab otherwise then across a custom frontier as defined by the Central Government.]

(11) “Financial Commissioner” shall, when there are more Financial Commissioners then one be construed as meaning one or of the Financial commissioners;

⁷[(12)“import” (except in the phrase “import into ⁸[omitted] India”) means to bring into ⁹[the territories specified by sub section (1) of section 5 of the Punjab Re-organization Act, 1966] otherwise then across a customs frontier as defined by the Central Government];

¹⁰[(12-a) “intoxicant” means any liquor or intoxicating drug];

¹ Substituted by the Adaptation of Laws (Third Amendment) Order, 1951. The original clause has been substituted by A.C. 1937.

² Added by Punjab Act I of 1940, section 2.

³ Re-lettered as (6-b) by Punjab Act 1 of 1940 section 2. This clause was inserted by the Govt. of India (Adaptation of Indian Laws) Order, 1937, as clause (6-a).

⁴ Substituted for the word and figure ‘item 40’ by Adaptation of Laws (3rd Amendment Order, 1951.

⁵ Substituted for the words and figure “Government of India Act, 1935” by the Adoption of Laws (3rd Amendment) Order, 1951.

⁶ Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

⁷ Substituted for the old clause by the Government of India (Adaptations of Indian Laws) Order, 1937.

⁸ The words “the Provinces of” omitted by the Adaptation of Laws (3rd Amendment) Order, 1951.

⁹ Substituted by A.O. 1968 for the word “Punjab” (Iird Amendment) Order] 1951.

¹⁰ Inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

- ¹[(13) “intoxicating drug” means—
- (i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis Sativa L.*) including forms known as bhang, saddhi or ganja;
 - (ii) 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;
 - (iii) any mixture, with or without neutral materials of any of the above forms of intoxicating drug or any drink prepared therefrom; and
 - (iv) any other intoxicating or narcotic substance which the ²[State] Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of ³[the Narcotic Drugs and Psychotropic Substances Act, 1985];
- (14) “Liquor” means intoxicating liquor and includes all liquids consisting of or containing alcohol; also any substance which the ²[State] Government may by notification declare to be liquor for the purposes of this Act;
- (15) ⁴{omitted}
- (16) “manufacture” includes every process, whether natural or artificial by which any ⁵[intoxicant] is produced or prepared, and also re-distillation, and every process for the rectification, reduction, flavouring, blending or colouring of liquor;
- (17) “place” includes a building, shop, tent, enclosure, booth, vehicle, vessel, boat and raft;
- (18) expressions referring to “sale” include any transfer otherwise than by way of gift;
- (19) “spirit” means any liquor containing alcohol obtained by distillation, whether denatured or not;
- (20) “tari” means fermented or unfermented juice drawn from any kind of palm tree;

¹ Substituted for the old clause by the Dangerous Drugs Act, 1930 (II of 1930), Schedule II. and further substituted vide Act No. 4 of 1990 published in RHP Extraordinary dated 8.2.1990.

² Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

³ Substituted for the words and figure “ the Dangerous Drugs Act, 1930” by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

⁴ Clause (15) omitted by the Punjab Separation of Judicial & Executive Functions Act, 1964 (Punjab Act, No. 25 of 1964).

⁵ Substituted for the words ‘excisable article’ by the Government of India (Adaptation of Indian Laws) Order, 1937.

(21) “transport” means to move from one place to another within¹[Punjab.]

4. **Country liquor and foreign liquor.**—The²[State] Government may³[omitted] by⁴[notification] declare what, for the purposes of this Act or any portion thereof, shall be deemed to be “country liquor” and “foreign liquor”.

⁵[omitted]

5. **Power of State Government to declare limit of sale by retail and by wholesale;—** The²[State] Government may by notification declare with respect either to the whole of⁶[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966] or to any local area comprised therein, and as regards purchasers generally or any specified class of purchasers and generally or any specified occasion, the maximum or minimum quantity or both of any⁷[intoxicant] which for the purpose of this Act may be sold by retail sale and whole sale.

6. **Power to limit application of notifications, permits etc., made under this Act.**—Where under this Act any notification is made, any power conferred, any appointment made or any license, pass or permit granted, it shall be lawful to direct;—

- (a) that it shall apply to the whole of⁸[the territories specified in sub-section (1) of section 5 of the Punjab Re-Organisation Act, 1966] or to any specified local area or areas;
- (a) that it shall apply to all or any specified⁷[intoxicant or intoxicants] or classes thereof;
- (b) that it shall apply to all or any class or classes of persons or officers;
- (c) that it shall be in force only for some special period or occasion.

¹ Substituted for “East Punjab” by Adaptation of Laws Order, 1950.

² Substituted for the Central Government (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

³ The words “with the previous sanction of the Governor General in Counsel were omitted by the Devaluation Act, 1920 (XXXVIII of 1920).

⁴ For notification, see Punjab Gazette 1915, Part I, page 219.

⁵ The proviso which was added by the Devolution Act, 1920 (XXXVIII of 1920) was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁶ Substituted for “East Punjab” by the Adaptation of Laws Order, 1950.

⁷ Substituted for the words “excisable article or articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁸ Substituted by A.O. 1968 for the word “Punjab” which has been substituted “East Punjab” by Adaptation of Laws Order, 1950.

7. Saving of enactments.-- Save as provided by the ¹[Schedule-I], nothing contained in this Act shall affect the provisions of the ²[the Customs Act, 1962, the Cantonment Act, 1924, or the Customs Tariff Act, 1975] or any rule or order made thereunder.

CHAPTER II ESTABLISHMENT AND CONTROL

8. Superintendence and control of the excise administration and excise officers.—(a) Subject to the control of the ³[State] Government and unless the ³[State] Government shall by notification otherwise direct, the general superintendence and administration of all matters relating to excise shall vest in the Financial Commissioner.

(b) subject to the general superintendence and control of the Financial Commissioner and unless the ³[state] Government shall by notification otherwise direct, the ⁴[Collector] shall control all other Excise offices in his ⁴[district].

(c) ⁵[Omitted].

9. Excise Commissioner.- (a) The ³[State] Government may by notification appoint an Excise Commissioner, and, subject to such conditions and restrictions as it may deem fit, may invest him with all or any of the powers conferred on the Financial Commissioner by this Act.

10. Other classes of excise officers.- (a) There shall be such other classes of excise officers as the ³[State] Government may by notification declare, and the ³[State] Government may appoint as many persons as it deems fit to be excise officers of these classes.

(b) **Their Power.**- The ³[State] Government shall by notification declare what powers under this Act shall be exercised by excise officers of each class.

(c) **Mode of conferring powers.**—In conferring powers under this Act the ³[State] Government may empower persons by name or in

¹ Substituted for the words “the schedule” on account of the schedule having been numbered as Schedule I by East Punjab Act, IX of 1948, section 9.

² Substituted for the words and figures “the Sea Custom Act, 1878, the Cantonment Act, 1910, or the Indian Tarrif Act, 1894” by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

³ Substituted for the Central Government (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

⁴ Substituted for the words “Commissioner” and “division” respectively by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

⁵ Omitted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

virtue of their office or classes of officials generally by their official titles.

11. Power to invest persons with special powers under this Act.—The ¹[State] Government may by notification invest any person, not being an excise officer, with power to perform all or any of the functions of an excise officer under this Act, and such person shall in the exercise of these functions be deemed to be an excise officer.

12. Local limits of jurisdiction.—The jurisdiction of Financial Commissioner ²[shall extend to the territories specified in sub-section (1) of section (5) of the Punjab Re-organization Act, 1966] and the jurisdiction of Collectors and other Excise Officers shall unless the ¹[State] Government shall otherwise direct extent to the districts in which they are for the time being employed.

13. Delegation.—(a) The ¹[State] Government may by notification delegate to the Financial Commissioner ³[omitted] or any of its powers under this Act, except the powers conferred by sections 14, 21, 22, 31 56 and 58 of this Act.

(b) The ¹[State] Government may by notification permit the delegation by the Financial Commissioner ³[omitted] or Collector to any person or class of persons specified in such notification of any powers conferred by this Act or exercised in respect of excise revenue under any Act for the time being in force.

14. Appeal. —An appeal shall lie from an original or appellate order of an excise officer in such cases or classes of cases and to such authority as the ¹[State] Government shall by notification declare.

²**[15. Revision and review.** -- (a) The Financial Commissioner may at any time revise any order passed by any excise officer subordinate to him.

(b) A Collector may call for the record of any case pending before, or disposed of by, any excise officer subordinate to him and, if he is of opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial commissioner:

¹ Substituted for the Central Government (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

² Substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

³ The words “or commissioner” and “Commissioner” omitted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

Provided that the Financial Commissioner shall not under this section pass an order revising or modifying any proceeding or order of a subordinate excise officer and affecting any person without giving such person an opportunity of being heard.]

CHAPTER III. IMPORT, EXPORT AND TRANSPORT.

16. Import, export and transport of intoxicants. - No ¹[intoxicant] shall be imported, exported or transported except, ---

- (a) after payment of any ²[duty to which it may be liable under this Act] or execution of a bond for such payment, and
- (b) in compliance with such conditions as the [State] Government may impose.

17. Power of State Government to prohibit import, export and transport of intoxicant.—The Government may by notification.—

- (a) [omitted] prohibit [the import or export] of any [intoxicant] into or from [the territories specified in sub-section (1) of section 5 of the Punjab Re-organization Act, 1966], or any part thereof; or
- (b) [prohibit the transport] of any [intoxicant].

[Omitted]

18. Passes necessary for import, export and transport.- Except as otherwise provided by any rule made under this Act, no ²[intoxicant] exceeding such quantity as the [State] Government may prescribe by notification shall be imported, exported or transported except under a pass issued under the provisions of the next following section.—

Provided that in the case of duty-paid foreign liquor such passes shall be dispensed with, unless the ³[State] Government shall by notification otherwise direct.—

Provided, further that on such conditions as may be determined by the Financial commissioner, a pass granted under the excise law in force in another ¹[State] may be deemed to be a pass granted under this Act.

¹ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Substituted for the words “duty of customs or excise to which it may be liable” by the Government of India (Adaptation of Indian Laws) Order, 1937.

³ Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

19. Grant of passes for import, export and transport.—Passes for the import, export or transport of ¹[intoxicant] may be granted by the Collector.

Provided that passes for the import and export of such ¹[intoxicant] as the Financial Commissioner may from time to time determine shall be granted only by the Financial Commissioner.

CHAPTER IV

MANUFACTURE, POSSESSION AND SALE.

A.- Manufacture

20. Manufacture of intoxicants prohibited except under the provision of this Act.—(1) (a) No ¹[intoxicant] shall be manufactured or collected;

(b) no hemp plant [omitted] shall be cultivated.

(c) No tari-producing tree shall be tapped;

(d) No tari shall be drawn from any tree; and

(e) No person shall use, keep or have in his possession, any materials, still utensil, implement or apparatus whatsoever for the purpose of manufacturing any ¹[intoxicant] other than tari, except under the authority and subject to the terms and conditions of a license granted in that behalf by the Collector.

(2) No distillery or brewery shall be constructed or worked except under the authority and subject to the terms and conditions of a license granted in that behalf by the Financial Commissioner under section 21.

21. Establishment or licensing of distilleries and breweries. -The Financial Commissioner, subject to such restrictions or conditions as the ²[State] Government may impose, may—

(a) establish a distillery in which spirit may be manufactured under a license granted under section 20;

(b) discontinue any distillery so established;

(c) license the construction and working of a distillery or brewery;

(d) make rules regarding---

¹ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

- (1) the granting of licenses for distilleries, stills or breweries;
- (2) the security to be deposited by the licensee of a distillery or brewery;
- (3) the period for which the license shall be granted;
- (4) the inspection and examination of such distillery or brewery and the warehouses connected therewith and of the spirit or fermented liquor made and stored therein;
- (5) the management and working of the distillery or brewery;
- (6) the form of accounts to be maintained and the returns to be submitted by the licensee;
- (7) the upkeep of buildings and plant;
- (8) the size and description of stills, and other plant ;
- (9) the manufacture, storing and passing out of spirit, and the contents of passes;
- (10) the prices to be charged by the licensee;
- (11) any other matters connected with the working of distilleries or breweries.
 - (a) deposited and kept without payment of duty,
 - (b) discontinue any warehouse so established.

22. Establishment or licensing of warehouses.—The Financial Commissioner, subject to such restrictions or conditions as the ¹[State] Government may impose, may---

- (a) establish or license a warehouse wherein any ²[intoxicant] may be deposited and kept without payment of duty.
- (b) Discontinue any warehouse so established.

23. Removal of intoxicant from distillery, etc.-- No ²[intoxicant] shall be removed from any distillery, brewery, warehouse, or other place of storage established or licensed under this Act, unless the duty (if any) ³[payable under Chapter V] has been paid or a bond has been executed for the payment thereof.

¹ Substituted for "Central Government" (which was substituted for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was substituted for "Provincial" by Adaptation of Laws Order, 1950.

² Substituted for the words "excisable articles" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³ Substituted for the words "imposed under section 31" by the Government of India (Adaptation of Indian Laws) Order, 1937.

B – Possession

24. Possession of intoxicants.—(1) No person shall have in his possession any quantity of any ¹[intoxicant] in excess of such quantity as the ²[State] Government has, under section 5, declared to be the limit of retail sale, except under the authority and in accordance with the terms and conditions of---

- (a) a license for the manufacture, sale or supply of such article; or
- (b) in the case of intoxicating drugs, a license for the cultivation or collection of the plants from which such drugs were produced; or
- (c) a permit granted by the Collector in that behalf.

Exceptions.— ³[(2) Sub-section (1) shall not apply to any intoxicant in the possession of any excise officer, common carrier of warehouseman as such.] or

- (3) A licensed vendor shall not have in his possession at any place, other than that authorized by his license, any quantity of any ¹[intoxicant] in excess of such quantity as the ²[State] Government has under section 5 declared to be the limit of sale by retail, except under a permit granted by the Collector in that behalf.
- (4) **Prohibition and restriction of possession of intoxicants in certain cases.**-- Notwithstanding anything contained in the foregoing sub-sections, the ²[State] Government may by notification prohibit the possession of any ¹[intoxicant] or restrict such possession by such conditions as it may prescribe.

⁴[24-A. **Possession of unused and printed labels, corks, etc. by certain person to be punishable.**— No person shall have in his possession any unused and printed label, cork, capsule or seal duly approved by any authority under this Act or under any rule or order made there under for use by a person licensed to establish or work a distillery or brewery or to

¹ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

³ Substituted by Act No. 3 of 1990 published in RHP Extraordinary dated 8.2.1990.

⁴ Substituted by the Punjab Act 31 of 1963, section 2.

bottle liquor, or any other label, cork, capsule, or seal which is an imitation of such unused and printed label, cork, capsule, or seal, as the case may be.—

Provided that nothing herein shall apply to.---

- (a) a person licensed to establish of work a distillery or brewery or to bottle liquor, or
- (b) a person who, in execution of an order received from a person specified in clause (a), manufactures or prints any such label, cork, capsule or seal.]

25. Prohibition of Possession of intoxicant unlawfully manufactured, imported, etc.--- No person shall have in his possession any quantity of any ¹[intoxicant] knowing the same to have been unlawfully imported, transported, manufactured, cultivated or collected, or knowing the prescribed duty not to have been paid thereon.

C – Sale

26. Sale of intoxicants.--- No liquor shall be bottled for sale and no ¹[intoxicant] shall be sold, except under the authority and subject to the terms and conditions of a license granted in that behalf, provided that—

- (1) a person licensed under section 20 to cultivate the hemp ²[Omitted] plant may sell without a license those portions of the plant from which intoxicating drugs can be manufactured to any person licensed under this Act to deal in the same or to any officer whom the Financial Commissioner may appoint in this behalf;
- (2) a person having the right to the tari drawn from any tree may sell the same without a license to a person licensed to manufacture or sell tari under this Act;
- (3) on such conditions as the Financial Commissioner may determine, a license for sale under the excise law for the time being in force in other parts of ³[the whole of India] ⁴[omitted] may be deemed to be a license granted in that behalf under this Act;
- (4) nothing in this section applies to the sale of any foreign liquor lawfully procured by any person for his private use

¹ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937

² The words “or Coca” were omitted by Schedule Ii of Government of India Act II of 1930.

³ Substituted for the words British India by the India adaptation of Existing Indian Laws) Order of 1947, as further amended by the Adaptation of Laws Order, 1950.

⁴ The words “except part B States” omitted vide Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

and sold by him or on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease.

¹**[26-A. Prohibition of sale etc. of adulterate liquor.**--- No licensed vendor and no person in the employ of such vendor or acting on his behalf shall adulterate any liquor, which the vendor is licensed to sell, in such a manner as to change the strength fixed and quality or such liquor and no such vendor or person shall possess, store, sell or expose for sale, any such adulterated liquor.]

27. Grant of lease of manufacture etc. (1) The ²[State] Government may lease to ³[any man not below the age of twenty five years] on such conditions and for such period as it may deem fit, the right---

- (i) of manufacturing or of supplying by wholesale, or of both, or
- (ii) of selling by wholesale or by retail, or
- (iii) of manufacturing or of supplying by wholesale, or of both, and of selling by retail.

any country liquor or intoxicating drug within any specified local area.

(2) The Collector shall grant a lessee under sub-section (1) A license in the term of his lease; and when there is no condition in the lease which prohibits subletting, may, on the application of the lessee, grant a license to any sub-lessee approved by the Collector.

28. Manufacture and sale of liquor in Military Cantonments.--- Within the limits of any military cantonment, and within such distance from those limits as the ⁴[Central Government] in any case may prescribe, no license for the manufacture or sale of liquor and no lease of the retail vend of liquor, such as is described in section 27, shall be granted unless with the consent of the Commanding Officer.

29. Prohibition of sale to person under the age of twenty five years and of women.— No licensed vendor and no person in the employ of such vendor or acting on his behalf shall sell or deliver any liquor or intoxicating drug to any person apparently under the age of ⁵[twenty five] years whether for consumption by such person or by another person and whether for consumption on or off the premises of such vendor.

¹ Inserted by Act No. 8 of 1995 published in RHP Extraordinary dated 23.6.1995.

² Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

³ Substituted for the words “any person” by East Punjab Act XII of 1949, section 3.

⁴ Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵ Substituted for the word “eighteen” by the East Punjab Act XII of 1949, section 4.

[¹30. ²**Prohibition of employment of children and of men under the age of twenty five years and of women**].—No person who is licensed to sell any liquor or intoxicating drug for consumption on his premises shall during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration, ³[any man under the age of twenty one years or any women or any, child] in any part of such premises in which such liquor or intoxicating drug is consumed by the public.]

CHAPTER V DUTIES AND FEES

31. **Duty on excisable articles.**⁴[An excise duty, or a countervailing duty, as the case may be] at such rate or rates as the ⁵[State] Government shall direct, may be imposed, either generally or for any specified local area, on any excisable article—

- (a) imported, exported or transported in accordance with the provisions of section 16; or
- (b) manufactured or cultivated under any license granted under section 20; or
- (c) manufactured in any distillery established, or any distillery or brewery licensed under section 21.—

³[Provided that the duty shall not be so imposed on any article, which has been imported into India and was liable on importation to duty under the Customs Tariff Act, 1975 or the Customs Act, 1962.]

Explanation.—Duty may be imposed under this section at different rates according to the places to which any excisable article is to be removed for consumption, or according to the varying strength and quality of such article.

32. Manner in which duty be levied.—Subject to such rules regulating the time, place and manner as the Financial Commissioner may prescribe, such duty shall be levied ratably, on the quantity of excisable article imported, exported, transported or manufactured in, or issued from, a distillery, brewery or warehouse.—

¹ Substituted by Government of India (Adaptation of Indian Laws) Order, 1937.

² The heading substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

³ Substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

⁴ Substituted for the words 'a duty' by the Govt. of India (Adaptations of Indian Laws) Order, 1937.

⁵ Substituted for "Central Government" (which was substituted for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was substituted for "Provincial" by Adaptation of Laws Order, 1950.

Provided that duty may be levied---

- (a) on intoxicating drugs by an acreage rate levied on the cultivation of the hemp ¹[omitted] plant, or by a rate charged on the quantity collected;
- (b) on spirit or beer manufactured in any distillery established, or any distillery or brewery licensed, under this Act in accordance with such scale of equivalents calculated on the quantity of materials used, or by the degree of attenuation of the wash or wort, as the case may be, as the ²[State] Government may prescribe;
- (c) on tari, by a tax on each tree from which the tari is drawn.—

Provided further that, where payable is made upon issue of an excisable article for sale from a warehouse established or licensed under section 22(a). it shall be made---

- (a) if the ²[State] Government by notification so directs, at the rate of duty which was in force at the date of import of that article, or
- (b) in the absence of such direction by the ²[State] Government, at the rate of duty which is in force on that article on the date when it is issued from the warehouse.

33. Payment for grant of leases.—Instead of or in addition to any duty leviable under this chapter the ²[State] Government may accept payment of a sum in consideration of the lease of any right under section 27.

³[33-A. Saving for duties being levied at Commencement of the consumption.—(1) until provision to the contrary is made by ⁴[Parliament] the ²[State] Government may continue to levy and duty ⁵[Omitted] which it was lawfully levying immediately before the commencement of the ⁶[Constitution], under this Chapter as then in force.

(2) The duties to which this section applies are.—

¹ The words “or Coca” were omitted by Schedule II of Indian Act II of 1930

² Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950

³ 33-A inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴ Substituted for the words “The Central Legislature” by the Adaptation of Laws (IIRD Amendment) Order 1951.

⁵ The words “to which this section applies” omitted by the Adaptation of Laws Order, 1951.

⁶ Substituted for the words “Government of India Act, 1935” by the Adaptation of Laws (IIRD Amendment) Order, 1951.

- (a) any duty on intoxicants which are not excisable articles within the meaning of this Act; and
- (b) any duty on an excisable article produced outside India and imported into ¹[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966], whether across a customs frontier as defined by the Central Government or not.
- (3) Nothing in this section shall authorize the levy by the ²[State] Government of any duty which as between goods manufactured or produced in the ²[State] and similar goods not so manufactured or produced, discriminates in favour of the former, or which in the case of goods manufactured or produced outside the ²[State] discriminates between goods manufactured or produced in one locality and similar goods manufactured or produced in another locality.]

CHAPTER VI LICENSES, PERMITS AND PASSES.

34. Fees for, terms, conditions and form of, and duration of, licenses, permits and passes.--- (1) Every license, permit or pass granted under this Act shall be granted---

- (a) on payment of such fees, if any,
- (b) subject so such restrictions and on such conditions,
- (c) in such form and containing such particulars,
- (d) for such periods, as the Financial Commissioner may direct.

(2) Security.--- Any authority granting a license under this Act may require the licensee to give such security for the observance of the terms of his license, or to make such deposit in lieu of security, as such authority may think fit.

35. (1) Grant of licenses for sale.--- Subject to the rules made by the Financial Commissioner under the powers conferred by this Act, the Collector may grant licenses for the sale of any ³[intoxicant] within his district.

(2) Ascertainment of public opinion.--- Before any license is granted in any year for the retail sale of liquor for consumption on any premises

¹ Substituted by A.O. 1968 for the word 'Punjab' which was substituted or "East Punjab" by Adaptation of Laws Order, 1950.

² Substituted for "Central Government" (which was substituted for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was substituted for "Provincial" by Adaptation of Laws Order, 1950.

³ Substituted for the words "excisable articles" by the Government of India (Adaptation of Indian Laws) Order, 1937.

which have not been so licensed in the preceding year, the Collector shall take such measures, in accordance with rules to be made by the ¹[State] Government in this behalf, as may best enable him to ascertain local public opinion in regard to the licensing of such premises.

(3) A license for sale in more than one district of ²[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966] shall be granted by the Financial Commissioner only.

36. Power to cancel or suspend licenses, etc.—Subject to such restrictions as the ¹[State] Government may prescribe, the authority granting any license, permit or pass under this Act may cancel or suspend it---

- (a) if it is transferred or sublet by the holder thereof without the permission of the said authority; or
- (b) if any duty or fee payable by the holder thereof be not duly paid; or
- (c) in the event of any breach by the holder of such license, permit or pass or by his servants, or by any one acting on his behalf with his express or implied permission, of any of the terms or conditions of such license, permit or pass; or
- (d) if the holder thereof is convicted of any offence punishable under this Act or any other law for the time being in force relating to revenue, or of any cognizable and non-bailable offence, or any offence punishable under ³[The Narcotic Drugs and Psychotropic Substances Act, 1985, or under the Trade and Merchandise Marks Act, 1958] or of any offence punishable under sections 482 to 489 (both inclusive) of Indian Penal Code; or
- (e) if the holder thereof is punished for any offence referred to in ⁴[section 135 of the Customs Act, 1962], or
- (f) Where a license, permit or pass has been granted on the application of the grantee of a lease under this Act, on the requisition in writing of such grantee; or
- (g) At will, if the conditions of the license or permit provide for such cancellation or suspension.

37. Power to cancel any other licenses.--- When a license, permit or pass held by any person is cancelled under clause (a), (b), (c), (d) or (e) of section 36, the authority aforesaid may cancel any other license, permit or pass granted to such person by or ⁵[by the authority of the ¹[State] Government], within the same district under this Act or under any other law for the time being in force relating

¹ Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

² Substituted by A.O. 1968 for the word ‘Punjab’ which was substituted or “East Punjab” by Adaptation of Laws Order, 1950.

³ Inserted by Schedule II of Central Act, of 1930 and further substituted by Act No.3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

⁴ Substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

⁵ Inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

to excise revenue or under ¹[the Narcotic Drugs and Psychotropic Substances Act, 1985], and the Financial Commissioner may cancel any such license, permit or pass granted to such person in any district to which this Act applies.

38. Power to recover fee.—In the case of cancellation or suspension of a license under clause (a), (b), (c) (d) or (e) of section 36, the fee payable for the balance of the period for which any license would have been current but for such cancellation or suspension, may be recovered from the ex-licensee as excise revenue.

39. Power of Collector to take grants under management or to resell.—If any holder of a license granted under this Act, or any person to whom a lease has been granted under section 27, makes default in complying with any condition imposed upon him by such license or lease, the Collector may take the grant under management at the risk of the person who has so defaulted or may resell it and recover in the manner laid down in section 60 of this Act any deficiency in price and all expenses of such resale.

40. No compensation or refund claimable for cancellation or suspension of license, etc. under this section.—When a license, permit or pass is cancelled or suspended under clause (a), (b), (c) (d) or (e) of section 36 or under section 37, the holder shall not be entitled to any compensation for its cancellation or suspension not to the refund of any fee paid or deposit made in respect thereof.

41. (1) Power to withdraw licenses.—Whenever the authority which granted a license, permit or pass under this Act considers that such license, permit or pass should be withdrawn for any cause other than those specified in section 36, it may, on remitting a sum equal to the amount of fees payable in respect thereof for fifteen days, withdraw the license either—

- (a) on the expiration of fifteen days' notice in writing of its intension to do so, or
- (b) forthwith without notice.

(2) Compensation in the case of withdrawal.--- If any license, permit or pass be withdrawn under clause (b) of sub-section (1), in addition to the sum remitted as aforesaid, there shall be paid to the licensee such further sum (if any) by way of compensation as the Financial Commissioner may direct.

(3) Refund of fee or deposit.--- When a license, permit or pass is withdrawn under this section, any fee paid in advance or deposit made by the licensee in respect thereof shall be refunded to him, after deducting the amount (if any) due to the ²[State] Government.

¹ Substituted for the word "opium Act, 1878" by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

² Substituted for "Central Government" (which was substituted for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was substituted for "Provincial" by Adaptation of Laws Order, 1950

42. (1) Technical irregularities in license etc.—No license, permit or pass granted under this Act shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the license or in any proceedings taken prior to the grant thereof.

(2) The decision of the Financial Commissioner as to what is a technical defect, irregularity or omission shall be final.

43. No claim consequence of refusal to renew a license, etc.— No person to whom a license, permit or pass may have been granted shall be entitled to claim any renewal thereof and no claim shall lie for damages or otherwise in consequence of any refusal to renew a license, permit or pass on the expiry of the period for which it remains in force.

44. (1) Surrender of license. —No holder of a license, granted under this Act to sell an ¹[intoxicant] shall surrender his license except on the expiration of one month's notice in writing given by him to the Collector of his intention to surrender the same and on payment of the fee payable for the license for the whole period for which it would have been current but for he surrender;-

Provided that, if the Collector is satisfied that there is sufficient reason for surrendering the license, he may remit to the holder thereof the sum so payable on surrender or any portion thereof.

(2) Sub-section (1), shall not apply in the case of any license granted under section 27(2).

Explanation:- The words “holder of a license” as used in this section include a person whose tender or bid for a license has been accepted, although he may not actually have received the license.

CHAPTER VII. POWERS AND DUTIES OF OFFICERS, ETC.

45. Power to enter and inspect places of manufacture and sale.—Any excise officer not below such rank as the ²[State] Government may prescribe may-

¹ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950

- (a) enter and inspect at any time by day or by night, any place in which any licensed manufacture carries on the manufacture of or stores any ¹[intoxicant];
- (b) enter and inspect, at any time within the hours during which sale is permitted, and any other time which the same may be open, any place in which any ¹[intoxicant] is kept for sale by any person holding a license under this Act;
- (c) examine accounts and registers, test, measure or weigh any materials, still, utensils, implements, apparatus or ¹[intoxicant] founding that place;
- (d) seize any accounts, registers, measures, weights or testing instruments which he has reason to believe to be false.

46 (1) Powers of excise officers to investigate offences punishable under this Act.—The ²[State] Government may by notification invest a excise officer, not below the rank of sub-inspector, with power to investigate any offence punishable under this Act, committed within the limits of the area in which the officer exercises jurisdiction.

(2) Every officer so empowered may within those limits exercise the same powers in respect of such investigation as an officer in charge of a police station may exercise in a cognizable case under the provisions of Chapter ³[XII of the Code of Criminal Procedure, 1973.]

47. Powers of arrest, seizure and detention.- Any officer of the excise, police, salt or land revenue department, not below such rank and subject to such restriction as the ²[State] Government may prescribe, and any other person duly empowered by notification by the ²[State] Government in this behalf, may arrest without warrant any person found committing an offence punishable under section 61, or section 63 and may seize and detain any ¹[intoxicant] or other article which he has reason to believe to be liable to confiscation under this Act or other law for the time being in force relating to excise revenue; and may detain and search any person upon whom, and any vessel, raft, vehicle, animal, package, receptacle or covering in or upon which he may have reasonable cause to suspect any such article to be.

48. Power of magistrate to issue warrant for search or arrest.- A magistrate having reason to believe that an offence under section 61 or 63 has been, is being, or is likely to be, committed, may-

- (a) issue a warrant for the search of any place in which he has reason to believe that any ¹[intoxicant], still, utensil, implement, apparatus or

¹ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950

³ Substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

materials, in respect of which such offence has been, is being, or is likely to be committed, are kept or concealed; and

- (b) issue a warrant for the arrest of any person whom he has reason to believe to have been, to be, or to be likely to be, engaged in the commission of any such offence.

49. (1) Power of excise officer to search without warrant.—Whenever any excise officer not below such rank as the ¹[State] Government may by notification prescribe, as reason to believe that an offence punishable under section 61 and 62, section 63, or section 64, has been is being, or is likely to be, committed in any place, and that a search warrant cannot be obtained without affording the offender an opportunity of escape or of concealing evidence of the offence, he may, at any time, by day or night enter and search such place.

(2) Further powers of seizure, detention, search and arrest.--- Every excise officer as aforesaid may seize anything found in such place which he has reason to believe to be liable to confiscation under this Act, and may detain an search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of such offence as aforesaid.

²[49-A **(1) Power of excise officers to obtain information.**- Any excise officer, not below such rank as the ¹[State] Government may by notification prescribe, may by order require any person to furnish to any specified authority or person any such information in his possession concerning any unlawful import, transport, manufacture or possession of any intoxicant, or any materials, still, utensils, implement, or apparatus whatsoever, for the purpose of manufacturing any intoxicant, or any unlawful cultivation of any plants from which an intoxicating drug can be produced as may be specified in the order.

(2) Any person upon whom an order is served under sub-section (1) shall be bound, in the absence of reasonable excuse, to furnish correct information.]

50. Procedure relating to arrests, searches, etc.--- Save as in this Act otherwise expressly provided, the provisions of the [Code of Criminal Procedure, ³[1973], relating to arrests, detentions in custody, searches, summons, warrants of arrest, search warrants, production of persons arrested and investigation of offences shall be held to be applicable to all action taken in these respects under this Act.—

Provided that—

¹ Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. Adaptation of Laws Order, 1950, substituted the word “State” for “Provincial”.

² Added by East Punjab Act IX of 1948 section 3.

³ Substituted for “1898” by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

- (1) any offence under this Act may be investigated by an officer empowered under section 46 without the order of a magistrate.
- (2) Whenever an excise officer below the rank of Collector makes any arrest, seizure or search, he shall within twenty four hours thereafter make a full report of all the particulars of the arrest, seizure or search to his immediate official superior, and shall, unless bail be accepted under section 73, take or send the person arrested, or the article seized, with all convenient dispatch to a ¹[Judicial Magistrate] for trial or adjudication.

51. Police to aid excise officers.—All police officers are required to aid the excise officers in the due execution of this Act, upon request made by such excise officers.

52 (a) Duty of land-holders and other to give information.—Every owner or occupier of land ²[or any building] and the agent of any owner or occupier of land ²[or any building] on which---

(b) Every lambardar, village headman, village accountant, village watchman, village policeman and every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards in whose village---

There shall be any manufacture or illegal import or collection of any ³[intoxicant] not licensed under this Act, or any unlawful cultivation of any plants from which an intoxicating drug can be produced,

shall be bound, in the absence of reasonable excuse, to give notice of the same to a magistrate or to an officer of the excise, police or land revenue department as soon as the fact comes to his knowledge.

53. Duty of officer in charge of Police Station to take charge of article seized.—

Every officer Incharge of a police station shall take charge of, and keep in safe ¹custody, pending the orders of a magistrate or of the Collector or of an officer empowered under section 46(1) to investigate the case, all articles seized under this Act which may be delivered to him, and shall allow any excise officer who may accompany such articles to the police station, or may be deputed for the purpose by his superior officer to affix his seal to the articles and take samples

¹ Substituted for the word "Magistrate" by the Punjab Separation of Judicial and Executive Functions Act, 1964 (Punjab Act No. 25 of 1964).

² Inserted by the East Punjab Act IX of 1948, section 4.

³ Substituted for the words "excisable articles" by the Government of India (Adaptation of Indian Laws) Order, 1937.

of and from them. All samples so taken shall also be sealed with the seal of the officer Incharge of the police station.

54 (1). Power to close shop for the sake of public peace. – The District Magistrate or a Sub-Divisional Magistrate by notification in writing to the licensee may require that any shop in which any ¹[intoxicant] is sold shall be closed at such times or for such periods as he may think necessary for the preservation of the public peace.

(2) If a riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop ²[an Executive Magistrate] of any class may require such shop to be kept closed for such period as he may think necessary;

Provided that where any such riot or unlawful assembly occurs the licensee shall, in the absence of a magistrate, close his shop without any order.

(3) When any Sub-Divisional Magistrate makes a direction under sub-section (1) or ²[any Executive Magistrate] make a direction under sub-section (2), he shall forthwith inform the Collector of his action and his reasons therefore.

CHAPTER VIII GENERAL PROVISIONS

55. Measures, weights and testing instruments.—Every person who manufactures or sells any ¹[intoxicant] under a license granted under this Act shall be bound—

- (a) to supply himself with such measures, weights and instruments as the Financial Commissioner may prescribe, and to keep the same in good condition; and
- (b) on the requisition of any excise officer, duly empowered by the Collector in that behalf, at any time to measure, weigh or test any ¹[intoxicant] in his possession in such manner as the said excise officer may require.

56. Powers of State Government to exempt intoxicants from the provisions of the Act.— The ³[State] Government may by notification, either wholly or partially and subject to such conditions as it may think fit to prescribe, exempt any ¹[intoxicant] from all or any of the provisions of this Act.

¹ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Substituted for the words “a magistrate” by the Punjab Separation of Judicial and Executive Functions Act, 1964 (Punjab Act 25 of 1964).

³ Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950

¹[57. **Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the State Government for any Officer of the State Government or any other person exercising any power or discharging any functions or performing any duties under this Act, for any thing in good faith done or ordered to be done or intended to be done under this Act or any rule or order made there under or under any other law for the time being in force relating to the excise revenue.]

58. Power of State Government to make rules. (1) The ²[State] Government may, by notification, 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 revenue.

(2) In particular, and without prejudice to the generality of the foregoing provision, the ²[State] Government may make rules.---

- (a) prescribing the duties of excise officers;
- (b) Regulating the delegation of any powers by the Financial Commissioner, Commissioner or Collector, under section 13, clause (b);
- (c) prescribing the time and manner of presenting, and the procedure for dealing with, appeals from orders of excise officers;
- (d) regulating the import, export, transport or possession of any ³[intoxicant] ⁴[or excise bottle and the transfer, price or use of any type or description of such bottle];
- (e) regulating the periods and localities for which, and the persons, or classes of persons, to whom, licenses, permits and passes for the vend by wholesale or by retail of any ³[intoxicant] may be granted and regulating the number of such licenses which may be granted in any local area;
- (f) prescribing the procedure to be followed and the matters to be ascertained before any license is granted for the retail vend of liquor for consumption on the premises;
- (g) for the prohibition of the sale of an ³[intoxicant] to any person or class of persons;
- (h) regulating the power of excise officer to summon witnesses from a distance;
- (i) regulating the grant of expenses to witnesses and compensation to persons charged with offences under this Act and subsequently released, discharge or acquitted;
- (j) for the prohibition of the employment by a persons to assist in his business in any capacity whatsoever;

¹ Substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

² Substituted for "Central Government" (which was substituted for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was substituted for "Provincial" by Adaptation of Laws Order, 1950.

³ Substituted for the words "excisable articles" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴ Inserted by the Punjab Excise (Amendment) Act, 1940 (1 of 1940).

- (k) for the prevention of drunkenness, gambling and disorderly conduct in or near any licensed premises, and the meeting or remaining of persons of bad character in such premises;
- ¹[(l) prohibiting the printing, publishing or otherwise displaying or distributing any advertisement or other matter commending or soliciting the use of, or offering any intoxicant 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 there under, or the conditions of any license, permit or pass obtained there under;
- (m) prohibiting within the ²[State] the circulation, distribution or sale of any newspaper, book, leaflet, booklet, or other publication printed and published outside the ²[State] which contains any advertisement or matter of the nature described in clause (1);
- (n) declaring any newspaper, book, leaflet, booklet, or other publication, wherever printed or published, containing any advertisement or matter ³[of the nature described in clause (1) to be forfeited to the ²[State] Government; and
- (o) implementing generally the policy of prohibition.]

(3) Previous publication of rules.- The power conferred by this section of making rules is subject to the condition that the rules be made after previous publication;-

“Provided that any such rules may be made without previous publication of the ²[State] Government consider that they should be brought into force at once.

59. **Powers of Financial Commissioner to make rules.**—The Financial Commissioner may, by notification, make rules—

- (a) regulating the manufacture, supply, storage or sale of any ⁴[intoxicant] including—
 - (i) the character, erection, alteration, repair, inspection, supervision, management and control of any place for the manufacture, supply, storage or sale of such article and the fittings, implements, apparatus and registers to be maintained therein;
 - (ii) the cultivation of the hemp plant ⁵[omitted] and the collection of spontaneous growth of such plant and the preparation of any intoxicating drug;

¹ Clauses (l), (m), (n) and (o) inserted by the East Punjab Act IX of 1948 section 5.

² Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

³ Substituted for the words “commending or soliciting the use of or, offering any intoxicant”, by Punjab Act 18 of 1955, section 2.

⁴ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵ The words ‘or Coca’ were omitted by Schedule II, Act 2 of 1930.

- (iii) the tapping or drawing of tari from any tari-producing tree;
- (b) regulating the bottling of liquor for purposes of sale;
- (c) regulating the deposit of any ¹[intoxicant] in a warehouse and the removal of any ¹[intoxicant] from any warehouse or from any distillery or brewery;
- (d) prescribing the scale of fees or the manner of fixing the fees payable in respect of any license, permit or pass, or in respect of the storing of any ¹[intoxicant];
- (e) regulating the time, place and manner of payment of any duty or fee;
- (f) prescribing the authority by, the restrictions under the conditions on which, any license, permit or pass may be granted including the provision for the following matters:--
 - (i) the prohibition of the admixture with any ¹[intoxicant] of any substance deemed to be noxious or objectionable;
 - (ii) the regulation or prohibition of the reduction of liquor by a licensed manufacture or licensed vendor from a higher to a lower strength;
 - (iii) the fixing of the strength, or price below which any ¹[intoxicant] shall not be sold, supplied or possessed;
 - ²[(iii-a) the price above which any intoxicant shall not be sold or supplied.]
 - (iv) the prohibition of sale of any ¹[intoxicant] except for cash;
 - (v) the fixing of the days and hours during which any licensed premises may or may not be kept open, and the closure of such premises on special occasions;
 - (vi) the specification of the nature of the premises in which any ¹[intoxicant] may be sold, and the notices to be exposed at such premises;
 - (vii) the form of the accounts to be maintained and the returns to be submitted by license holders; and
 - (viii) the prohibition or regulation of the transfer of licenses.—
- (g) (i) declaring the process by which spirit shall be denatured;
- (ii) for causing spirit to be denatured through the agency or under the supervision of its own officers;
- (iii) for ascertaining whether such spirit has been denatured;
- (h) providing for the destruction or other disposal of any ¹[intoxicant] deemed to be unfit for use;
- (i) regulating the disposal of confiscated articles;
- (j) prescribing the amount of security to be deposited by holders of leases, licenses, permits or passes for the performance of the conditions of the same.

60. Recovery of dues.— (1) The following moneys, namely,--

- (a) all excise revenue,

¹ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Inserted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

(b) any loss that may accrue, when in consequence of default a grant has been taken under management by the Collector or has been resold by him under section 39, and

(c) all amounts due to the ¹[Government] by any person on account of any contract relating to the excise revenue.

may be recovered from the person primarily liable to pay the same, or from his surety (if any), by distress and sale of his moveable property, or by any other process for the recovery of arrears of land revenue due from land-holders or from farmers of land or their sureties.

(2) When a grant has been taken under management by the Collector or has been resold by him under section 39, the Collector may recover, in any manner authorized by sub-section (1), any money due to the defaulter by any lessee or assignee.

(3) In the event of default by any person licensed or holding a lease under this Act all his distillery, brewery, warehouse or shop, premises, fittings or apparatus and all stocks of ²[intoxicants] or materials for manufacture of the same held in or upon any distillery, brewery, warehouse or shop premises shall be liable to be attached in satisfaction of any claim, for excise revenue or in respect of losses incurred by the ³[State Government] through such default and to be sold to satisfy such claim, which shall be a first charge upon the sale-proceeds.

CHAPTER IX OFFENCES AND PENALTIES

61 (1) **Penalty for unlawful import, export, transport, manufacture, possession, etc.-** whoever, in contravention of any section of this Act or of any rule, notification issued or given thereunder or order made, or of any license, permit or pass granted under this Act, -

(a) imports, exports, transports, manufactures, collects or possesses any ²[intoxicants] or

(b) constructs or works any distillery or brewery; or

(c) uses, keeps or has in his possession any materials, still, utensils, implement or apparatus whatsoever, for the purpose of manufacturing any ²[intoxicant] other than tari;

shall be punishable for every such offence with imprisonment for a term which may extend to ⁴[three] years and with fine which may extend to ⁴[two lakh of rupees]

¹ Substituted for the word "Crown" by the Adaptation of Laws Order, 1950, which had been substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Substituted for the words "excisable articles" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³ Substituted for "Central Government" (which was substituted for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was substituted for "Provincial" by Adaptation of Laws Order, 1950

⁴ Substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990 and further substituted by Act. No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995.

¹[Provided that in the case of an offence relating to the possession of—

- (i) a working still for the manufacture of any intoxicant, such imprisonment shall not be less than ²[three years] and such fine shall not be less than ²[one lakh] rupees;
- (ii) lahan such imprisonment shall not be less than ²[one year] and such fine shall not be less than ²[fifty thousand] rupees.
- (iii) country liquor manufactured otherwise than in a licensed distillery in Himachal Pradesh, in a quantity not exceeding ten bottles, each containing 750 millilitres, such imprisonment shall not be less than ²[six months] and such fine shall not be less than ²[five thousand] rupees; and aforesaid capacity such imprisonment shall not be less than ²[one year] and such fine shall not be less than ²[ten thousand] rupees;
- (iv) Foreign liquor other than,-

- (a) manufactured in a licensed distillery/brewery in India; or
- (b) imported into India on which custom duty is leviable under the Customs Tariff Act, 1975 or the Custom Act, 1962.

such imprisonment shall not be less than ²[one year] and such fine shall not be less than ²[twenty thousand] rupees.]

³[omitted]

(2) Penalty for unlawful import, export, transport, manufacture, possession, sale, etc.—Whosoever, in contravention of any section other than sections 29 and 30 of this Act or of any rule, notification issued or given thereunder or order made, or of any license, permit or pass granted under this Act—

- (a) sells any ⁴[intoxicant]; or
- (b) cultivates the hemp ⁵[omitted] plant; or
- (c) removes any ⁴[intoxicant] from any distillery, brewery or warehouse established or licensed under this Act; or
- (d) bottles any liquor for the purposes of sale; or
- (e) taps or draws tari from any tari-producing tree;

shall be punishable—

⁶[(i) Where such contravention relates to an offence specified in clauses (a), (c), (d) and (e) with imprisonment for a term which shall not be less than six

¹ Amended by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

² Substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990 and further substituted by Act No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995.

³ Omitted by the Punjab Excise (Amendment) Act, 1925 (II of 1925), section 2 (2)

⁴ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵ The words ‘or Coca’ were omitted by the Dangerous Drugs Act, 1930. (II of 1930), Schedule II.

⁶ Inserted by Act No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995.

months but which may extend to two years and shall not be liable to fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees; and

(ii) Where such contravention relates to an offence specified in clause (b), with imprisonment for a term which may extend to five years and shall also be liable to fine which may extend to fifty thousand rupees.]

¹[(3) Notwithstanding anything contained in sub-section (1), where any contravention relates to intoxicating drugs, such contravention shall be punishable under section 20 or section 27 of the Narcotics Drugs & Psychotropic Substances Act, 1985, as the case may be.]

² **[61-A. Composition of certain offences. —(1)** Notwithstanding anything contained in sub-section (1) of section 61, any offence, whether committed before or after the commencement of the Punjab Excise (Himachal Pradesh) Amendment Act, 2001, relating to the imports, exports, transportation or possession upto 60 litres of lagan or upto 18 bulk litres of liquor, may either before or after the institution of prosecution, be compounded by the Judicial Magistrate of the Ist Class, for an amount which shall not be less than one thousand rupees but shall not exceeds twenty five thousand rupees.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence:

Provided that if a person commits an offence specified in sub-section (1), for more than three times, the same shall not be compounded.

(3) When a case has been compounded under sub-section (1), the Judicial Magistrate of the Ist Class may make such order as he thinks fit for the disposal of the case property.]

³ [omitted]

62. ⁴**[Penalty for contravention of section 29 and 30. etc].--** If any licensed vendor, or any person in his employ or acting on his behalf—

- (a) in contravention of section 29 sells or delivers any liquor or intoxicating drug to any person apparently under the age of ⁵[twenty five] years; or
- (b) in contravention of section 30 employs or permits to be employed on any part of his licensed premises referred to in that

¹ Inserted by Act No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995.

² Inserted by Act No.13 of 2001 published in RHP Extra ordinary dated 22.5.2001

³ Omitted by the Punjab Excise (Amendment) Act, 1925 (II of 1925), section 2 (2).

⁴ Omitted by the Punjab Excise (Amendment) Act, 1925 (II of 1925), section 2 (2).

⁵ Substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

⁶ The words “eighteen” and “any child under the age of sixteen years or women” substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

- section ³[any man under the age of twenty one years or any women or any child]; or
- (c) sells any ¹[intoxicant] to a person who is drunk or intoxicated; or
 - (d) permits drunkenness, intoxication, disorderly conduct or gaming on the license premises of such licensed vendor; or
 - (e) permits any person whom he knows or has reason to believe to have been convicted of any non-bailable offence or any reputed prostitute to frequent his licensed premises, whether for the purposes of crime or prostitution or not;

he shall in addition to any other penalty to which he may be liable to be punishable with a fine which may extend to²[two thousand] rupees.

When any licensed vendor or any person in his employ or acting on his behalf is charged with permitting drunkenness or intoxication on the licensed premises of such vendor, and it is proved that any person was drunk or intoxicated on such premises, it shall lie on the person charged to prove that the licensed vendor or the person employed by him or acting on his behalf took all reasonable steps for preventing drunkenness or intoxication on such premises.

³**[63. Penalty for rendering or attempting to render denatured spirits fit for human consumption.**—Whoever renders or attempts to render fit for human consumption any spirit, whether manufactured in India or not, which has been denatured, or has in possession any spirit rendered fit for human consumption in respect of which he knows or has reasons to believe that any such attempt has been made, shall be punishable with imprisonment for a term which may extend to ⁴[five years] ²[and with fine which may extend to ⁵[one lakh] rupees].

⁶**[63-A. Penalty for possession of unused and printed labels, corks, etc. in contravention of section 24-A.--** Whoever in contravention of the provisions of section 24-A has in his possession any unused and printed label, cork, capsule or seal, or an imitation thereof, shall be punishable with imprisonment for a term which may extend to six months and with fine.]

64. Penalty for fraud by licensed manufacturer or vendor or his servant.--If any licensed manufacturer or licensed vendor or any person in his employ or acting on his behalf--

¹ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Substituted for the words “five thousand” by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

³ Substituted for the old section by East Punjab Act IX of 1948, section 6.

⁴ Substituted for the words “or with fine which may extend to one thousand rupees or with both by Punjab Act, 35 of 1956, section 3 and further amended by Act No.3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

⁵ Substituted for “one thousand” by “five thousand” by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990 and further substituted by Act No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995.

⁶ Inserted by Punjab Act 31 of 1963, section 3.

- (a) sells, or keeps, or exposes for sale as foreign liquor any liquor which he knows or has reason to believe to have been manufactured from rectified spirit or country liquor; or
 - (b) marks any bottle, case, package or other receptacle containing liquor so manufactured from rectified spirit or country liquor, or other receptacle containing such liquor with the intention of causing it to be believed that such bottle, case, package, or other receptacle contains foreign liquor,
- he shall be punishable with imprisonment for a term which may extend to ¹[one year] ²[and with fine which may extend to ⁵[two thousand] rupees.]

65. Penalty for certain acts by licensee or his servant.—Whoever, being the holder of a license, permit or pass granted under this Act, or being in the employ of such holder or acting on his behalf---

- (a) fails willfully to produce such license, permit or pass on the demand of any excise officer or of any other officer duly empowered to make such demand; or
- (b) in any case not provided for in section 61 wilfully contravenes any rule made under section 58 or section 59; or
- (c) Willfully does or omits to do anything in breach of any of the conditions of the license, permit or pass not otherwise provided for in this Act;

shall be punishable ³[with fine which may extend to twenty five thousand rupees but shall not be less than five thousand rupees.]

⁴[**65-A. Penalty for sale etc. of adulterated liquor by licensee or his servants.**—Notwithstanding anything contained in section 65 of this

¹ Substituted for “one year” and “five thousand” by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

² Substituted for the words “or with fine which may extend to five hundred rupees or both”, by Punjab Act 35 of 1956 section 4.

3. Substituted by Act No.13 of 2001 published in RHP(E.O)dated 22.5.2001

4. Inserted by Act No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995.

Act, if any licensed vendor, or any person in his employ or acting on his behalf, possesses, stores, sells, or exposes for sale any adulterated liquor in contravention of section 26-A of this Act, he shall be punishable with a fine which shall not be less than ¹[five thousand] rupees but which may extend to one lakh rupees.]

66 (1). Penalty for consumption in chemist's shops. etc. -- If any chemist, druggist, apothecary or keeper of a dispensary allows any ²[intoxicant] which has not been bonafide medicated for medicinal purposes to be consumed on his business premises by any person not employed in his business he shall be punishable with imprisonment for a term which may extend to ³[one year and with fine which shall not be less than two thousand rupees.]

(2) If any person not employed as aforesaid consumes any such ³[intoxicant] on such premises, he shall be punishable with a fine, which may extend to ⁴[two thousand rupees.]

67 (1) Manufacture, sale or possession by one person on account of another.—when any ⁵[intoxicant] has been manufactured or sold or is possessed by any person on account of any other person and such other person

(2) Nothing in sub section (1) shall absolve any person who manufactures, sells or has possession of any ¹[intoxicant] on account of another person from liability to any punishment under this Act for the unlawful manufacture, sale or possession of such article.

68. Penalty for offences not otherwise provided for.-- Whoever is guilty of any act or intentional omission in contravention of any of the

¹ Substituted for "twenty five thousand" by Act No. 9 of 1999 published in RHP (Extraordinary dated 4.5.1999.

² Substituted for the words "excisable articles" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³ Substituted for the words "or with fine which may extend to one thousand rupees or with both" by Punjab Act, of 1956, section 5 and further amended by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

⁴ Substituted for the words "two hundred" by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

⁵ Substituted for the words "excisable articles" by the Government of India (Adaptation of Indian Laws) Order, 1937.

provisions of this Act, or of any rule, notification or order made, issued or given thereunder and not otherwise provided for in this Act, shall be punishable for every such act or omission with a fine which may extend to ¹[one thousand rupees.]

²[68-A **Enhanced punishment for certain offences after previous conviction.**—Whosoever having being convicted, of an offence under sub-section (1) of section 61 of this Act, shall be guilty of a similar offence, shall be subject for every such subsequent offence to twice the sentence of imprisonment and fine awarded on previous conviction.

Provided that the enhanced punishment does not exceed the imprisonment of ³[five years and a fine of ⁴[two lakh] rupees];

⁵[Provided further that the enhanced punishment shall not in any way affect the minimum sentences prescribed for the offences specified in the proviso to sub-section (1) of section 61;

Provided further that where any contravention relates to intoxicating drugs, such contravention shall be punishable under section 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985.]

69. **Attempt to commit offences punishable under the Act.**—Whoever attempts to commit or abets any offence punishable under this Act shall be liable to the punishment provided for the offence.

⁶[69-A.(1) **Security for abstaining from commission of certain offences.**- Whenever any person is convicted of an offence punishable under section 61, 63 or 69 and the Court convicting him is of the opinion that it is necessary to require such person to execute a bond for abstaining from the commission of offences punishable under these sections, the Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offences during such period, not exceeding three years, as it thinks fit to fix.

(2) The bond shall be in the form contained in Schedule II and the provisions of the Code of Criminal Procedure, ⁷[1973] shall in so far as they are applicable apply to all matters connected with such bond as

¹ Substituted for the words “two thousand” by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

² Substituted by Punjab Act 22 of 1963, section 2, which was previously inserted by Punjab Act 35 of 1956 section 6.

³ Substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990

⁴ Substituted by Act No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995.

⁵ Proviso second and third substituted by Act No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995

⁶ Added by the Esat Punjab Act IX of 1948, section 7.

⁷ Substituted for the figure “1898” by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

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 on appeal or in revision, the bond so executed shall become void.
- (4) An order under this section may also be made by an appellant court, or by the High Court, when exercising its powers of revision.]

70. Penalty for excise officer making vexatious search, etc.—If an excise officer---

- (a) vexatiously and unnecessarily enters or searches, or causes to be entered or searched, any place under colour of exercising any power conferred by this Act; or
- (b) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act; or
- (c) vexatiously and unnecessarily searches, arrests or detains any person; or
- (d) without lawful excuse ceases or refuses to perform or withdraws himself from the duties of his office unless expressly allowed to do so in writing by the Collector or unless he shall have given to his immediate superior officer two months notice in writing of his intention to do so;

he shall be liable to imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

71. Report by investigating officer for institution of proceedings.—If on an investigation by an excise officer, empowered under section 46, sub-section (1), it appears that there is sufficient evidence to justify the prosecution of the accused, the investigating officer, unless he submits the case for the orders of the Collector under section 80, shall submit a report (which shall for the purposes of section 190 of the Code of Criminal Procedure, ¹[1973] be deemed to be a police report) to a magistrate having jurisdiction to enquire into or try the case and empowered to take cognizance of offences on police reports.

72. Offences to be bailable.- All offences punishable under this Act shall be bailable within the meaning of the Code of Criminal Procedure, ¹[1973].

²[Provided that the offences punishable under clause (1) of the proviso to sub-section (1) of section 61 and of possession of country liquor and foreign liquor in a quantity exceeding ten bottles of 750 millilitres capacity each, punishable under clauses (iii) and (iv) of the

¹ Substituted for the figure "189 8" by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

² Proviso added by Punjab Act, 35 of 1956 section 7 which was further substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

proviso to sub-section (1) of section 61 ¹[and the offences punishable under section 63] shall be non bail able.]

73 **(1) Security for appearance in case of arrest without warrant.-** The ²[State] Government may empower any excise officer to grant bail, notwithstanding that such officer is not empowered under section 46.

(2) When a person is arrested under this Act, otherwise than on warrant, by a person or officer who is not empowered to grant bail, he shall be produced before or forwarded to---

(3) Whenever any person arrested under this Act, otherwise than on a warrant, is prepared to give bail, and is arrested by, or produced in accordance with sub-section (2) before an officer empowered to grant bail, he shall be released upon bail, or, at the discretion of the officer releasing him, on his own bond.

(4) The provision of ³[Chapter XXXIII of the Code of Criminal Procedure, 1973] shall apply, so far as may be; in every case in which bail is accepted or a bond taken under this section.

74. ⁴[Repealed]

75 (1) Cognizance of offences.- No [Judicial Magistrate] shall take cognizance of an offence punishable---

(a) under section 61 or section 66, except on his own knowledge or suspicion or on the complaint or report of an excise officer, or

(b) under section 62, section 63, section 64, section 65, section 68 or section 70, except on the complaint or report of the Collector or an excise officer authorized by him in that behalf.

(2) Except with the special sanction of the ⁵[State] Government, no ⁶[Judicial Magistrate] shall take cognizance of any offence punishable under this Act, unless the prosecution is instituted within a year after the date on which the offence is alleged to have been committed.

76. Presumption as to commission of offence in certain cases.- Whenever any person is found in possession of –

¹ Substituted by Act No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995.

² Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950

³ Substituted by Act No. 3 of 1990 published in RHP (Extraordinary) dated 8.2.1990.

⁴ Section 74 relating to enhanced punishment after previous conviction ‘repealed by the Punjab Act II of 1925, section 3.

⁵ Substituted for “Central Government” (which was substituted for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was substituted for “Provincial” by Adaptation of Laws Order, 1950.

⁶ Substituted for the word “magistrate” by the Punjab Separation of Judicial and Executive Functions Act, 1964 (25 of 1964).

- (a) any still, utensil, implement or apparatus whatsoever or any part or parts thereof, such as are ordinarily used for the manufacture of any ¹[intoxicant] other than tari,
- (b) any materials which have undergone any process towards the manufacture of an ³[intoxicant] or from which an ³[intoxicant] has been manufactured, It shall be presumed, until the contrary is proved, that his possession was in contravention of the provisions of this Act.

²**[76-A Presumption as to commission of offence in prosecution under section 63 of the Act.-** In prosecutions under section 63, it shall be presumed without further evidence, until the contrary is proved, that the accused person has committed an offence under that section in respect of any denatured spirit which has been or attempted to be rendered fit for human consumption.]

77. Liability of employer for offence committed by the employee or agent.—The holder of a license, permit or pass under this Act as well as the actual offender, shall be liable to punishment for any offence punishable under section 61, section 62, section 63, section 64 or section 65, committed by any person in his employ or acting on his behalf as if he had himself committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

78. (1) Confiscation of article in respect of which offence committed.—Whenever an offence punishable under this Act has been committed.—(a) every ³[intoxicant] or ³[excise bottle] in respect of which such offence has been committed, ⁵[together with the contents of such bottle, if any];

- (b) every still, utensils, implement or apparatus and all materials in respect of or by means of which such offence has been committed;
- (c) every ⁴[intoxicant] ⁵[or excise bottle] lawfully imported, transported, manufactured had in possession or sold along with or in addition to, any ¹[intoxicant] ²[or excise bottle] liable to confiscation under clause (a);
- (d) every receptacle, package and covering in which any ¹[intoxicant] ²[or excise bottle], materials, still, utensil, implement or apparatus as aforesaid is or are found together with the other contents (if any) of such receptacle or package; and
- (e) every animal, cart, vessel, raft or other conveyance used in carrying such receptacle package covering or articles as aforesaid;

shall be liable to confiscation:

¹ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

² Added by East Punjab Act IX of 1948, section 8.

³ Inserted by Punjab Act I of 1940, section 4.

⁴ Substituted for the words “excisable articles” by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵ Inserted by Punjab Act I of 1940, section 4.

Provided that when it is proved that the receptacles, animals, or other articles specified in clauses (d) and (e) are not the property of offender, they shall not be liable to confiscation if the owner thereof establishes that he had no reason to believe that such offence was being or was likely to be committed.

(2) **When confiscation may be ordered.**- When in the trial of any offence punishable under this Act the magistrate decides that anything is liable to confiscation under sub-section (1), he may order confiscation:

Provided that in lieu of ordering confiscation he may give the owner of the thing liable to be confiscated an option to pay such fine as the magistrate thinks fit.

79. **Further provisions or confiscation.**-When there is reason to believe that an offence under this Act has been committed, but the offender is not known or cannot be found and when any thing or animal liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Collector, who may order confiscation;

Provided that no such order shall be made until the expiration of one month from the date of seizing the thing or animal in question or without hearing the person (if any) which he produces in support of the claim:

Provided further, that if the thing in question is liable to speedy and natural decay, or if the Collector is of opinion that the sale of the thing or animal in question would be for the benefit of its owner, the Collector may at any time direct it to be sold; and the provisions of this section shall, so far as may be, apply to the net proceeds of such sale.

80 (1) **Power of excise officers to compound offences.**-The Collector may accept from any person who is reasonably suspected of having committed an offence punishable under section 62, Section 65 or ¹[section 65-A] of this Act, a sum of money by way of composition for such offence; and on the payment of such sum of money to the Collector the accused person if in custody shall be discharged and no further proceedings shall be taken against him in respect of such offence.

²[Provided that in respect of the offence punishable under section 65-A, the Collector shall not accept from the accused person a sum of money by way of composition, which is less than ³[five thousand] rupees.]

(2) The cancellation or suspension of any license, permit or pass under section 36(a), (b) or (c) of this Act may be foregone or revoked by and at the sole discretion of the authority having power to cancel or suspend it on payment by the holder of such license, permit or pass of such penalty as such authority may fix.

¹ Inserted by Act No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995.

² Proviso added by Act No. 8 of 1995 published in RHP (Extraordinary) dated 23.6.1995.

³ Substituted for "five thousand" by Act No. 9 of 1999 published in RHP (Extraordinary) dated 4.5.1999.

- (3) Where any ¹[intoxicant] has been seized under the provisions of this Act, the Collector may, in his discretion, at any time, before a magistrate has passed an order under section 78, sub-section (2), release it on receiving payment of the value thereof.

SCHEDULE I²

(See Section 2)

ENACTMENTS REPEALED

<u>Year</u>	<u>Number</u>	<u>Short title</u>	<u>Extent of repeal</u>
ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.			
1863	XVI	The Excise (Spirits) Act, 1863	The whole
1894	VII	The Indian Tariff Act, 1894	Section 6
1896	XII	The Excise Act, 1896	The whole
1906	VII	The Excise (Amendment) Act, 1906	The whole

¹ Substituted for the words "excisable article" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² The existing Schedule renumbered as Schedule I by the East Punjab Act IX of 1948, section 9.