



## The Andhra Pradesh Prohibition Act, 1995

Act 17 of 1995

**Keyword(s):**

**Buy or Buying, Foreign Liquor, Indian Liquor, Liquor, Local Body, Police Station, Sale or Selling, Spirit**

**Amendments appended: 35 of 1995, 10 of 1996, 5 of 1997, 17 of 2000**

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**THE ANDHRA PRADESH PROHIBITION ACT, 1995.**  
ACT NO. 17 OF 1995.

[20th Feb. 1995]

**AN ACT TO INTRODUCE PROHIBITION OF THE  
SALE AND CONSUMPTION OF INTOXICATING  
LIQUORS IN THE STATE OF ANDHRA PRADESH  
AND FOR MATTERS CONNECTED THEREWITH OR  
INCIDENTAL THERETO.**

WHEREAS article 47 of the Constitution of India enjoins that the State shall endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks which are injurious to health ;

AND WHEREAS there is urgent need in public interest to bring about the prohibition of the sale and consumption of intoxicating liquors, except for medicinal, scientific, industrial or such like purposes, in the State of Andhra Pradesh ;

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty - sixth Year of the Republic of India as follows :

**CHAPTER - I**

**PRELIMINARY**

1. (1) This Act may be called the Andhra Pradesh Prohibition Act, 1995.

(2) It extends to the whole of the State of Andhra Pradesh.

\* Received the assent of the President on the 17th February, 1995. For statement of Objects & Reasons, please see the *Andhra Pradesh Gazette*, Part IV-A, Extraordinary, dated 17th January, 1995 at Pages 19.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires—

(1) 'buy' or 'buying' includes any receipts including gift ;

(2) 'Collector' means the Collector of a district and includes the joint Collector or any person appointed by the Government to exercise the powers and perform the functions of a Collector under this Act ;

(3) 'Commissioner' means the Commissioner of Prohibition and Excise appointed under section 3 of the Andhra Pradesh Excise Act, 1968 ; Act 17 of 1968.

(4) 'foreign liquor' includes every liquor imported into India, other than Indian liquor ;

(5) 'Government' means the State Government ;

(6) 'Indian liquor' means liquor produced, manufactured or compounded in India after the manner of gin, brandy, whisky or rum imported from foreign countries and includes 'milk punch' and other liquors consisting of or containing any such spirits, but does not include foreign liquor ;

(7) 'liquor' includes,—

(a) spirits of wine, denatured spirits, methylated spirits, rectified spirits, wine, beer and every liquid consisting of or containing alcohol ; and

(b) any other intoxicating substance which the Government may, by notification, declare to be liquor for the purposes of this Act,

but does not include toddy ;

(8) 'local body' means any Municipal Corporation, Municipality, Notified Area, Gram Panchayat, Mandal Parishad, Zilla Parishad, Township or a Cantonment constituted under the relevant law for the time being in force ;

(9) 'notification' means a notification published in the Andhra Pradesh Gazette and the term 'notified' shall be construed accordingly ;

(10) 'place' includes an open place, a house, club, shed, enclosure, building, shop, tent, vessel, raft and vehicle.

(11) 'police station' includes any place which the Government may, by notification, declare to be a police station for the purpose of this Act ;

(12) 'prescribed' means prescribed by rules made under this Act ;

(13) 'Prohibition Officer' means the Commissioner, a Collector or any Officer or other person to whom the Commissioner or the Collector delegates his powers or functions under section 6 ;

(14) 'sale' or 'selling' includes any transfer including gift;

(15) 'spirit' means any liquor containing alcohol and obtained by distillation whether it is denatured or not ;

(16) words and expressions used in this Act but not defined shall have the meanings assigned to them in the Andhra Pradesh Excise Act, 1968.

## CHAPTER - II

### ESTABLISHMENT AND CONTROL

3. The Commissioner of Prohibition and Excise for the State appointed under section 3 of the Andhra Pradesh Excise Act, 1968 shall, subject to the general or special orders of the Government in this behalf, be the Chief controlling authority in all matters connected with the administration of this Act.

4. The Collector shall exercise the powers and perform the functions assigned by or under this Act subject to the general control of the Commissioner.

5. The officers and staff referred to in section 5 of the Andhra Pradesh Excise Act, 1968 shall be deemed to be officers and staff appointed also for the purpose of giving effect to this Act, and for this purpose it shall be competent for the Government to give such directions and to make such rules as they may deem fit with regard to their powers and functions.

Officers and staff.  
Act-17 of 1968.

6. For purposes of giving effect to this Act, the Commissioner, the Collector or the Prohibition and Excise Superintendent may, by order, delegate to any officer subordinate to him any of the powers conferred on or functions entrusted to the Commissioner, the Collector or the Prohibition and Excise Superintendent by or under this Act, subject to such restrictions and control as may be prescribed, and subject also to such limitations and conditions, if any, as may be specified in the order of delegation.

Delegation.

### CHAPTER - III

#### PROHIBITION AND PENALTIES

7. The selling, buying, being in possession and consumption of liquor, otherwise than in accordance with the provisions of this Act, or as the case may be, the Andhra Pradesh Excise Act, 1968 is hereby prohibited.

Prohibition of selling, buying and consumption of liquor.

Act 17 of 1968.

8) Whoever,--

imprisonment for buying, selling consumption of liquors.

(a) buys, or consumes any liquor except in accordance with the provisions of this Act, or the terms of any licence, notification order, licence or permit issued thereunder shall be punished with imprisonment for a term which may extend upto six months or with fine which may extend upto one thousand rupees or with both;

(b) possesses or sells any liquor without any licence or permit granted under the Andhra Pradesh Excise Act, 1968 shall be punished,--

Act 17 of 1968.

(i) where the liquor involved in the offence is less than the quantity as may be notified in this behalf with imprisonment

for a term which shall not be less than six months which may extend upto three years and with fine which shall not be less than rupees five thousand but which may extend upto rupees twenty thousand ;

(ii) where the liquor involved in the offence is not less than the quantity notified as aforesaid with imprisonment for a term which shall not be less than one year but which may extend upto five years and with fine which shall not be less than rupees ten thousand but which may extend upto rupees one lakh ;

Act 17 of 1968. (g) having obtained a licence or permit granted under The Andhra Pradesh Excise Act, 1968, sells any liquor otherwise than in accordance with the provisions of this Act or terms of any rule, notification, order, licence or permit issued thereunder shall be punished with imprisonment for a term which may extend upto six months or with fine which may extend upto rupees one thousand or with both ;

(d) allows consumption of liquor upon premises in his immediate possession shall be punished with imprisonment for a term which may extend upto six months or with fine which may extend upto one thousand rupees or with both.

Punishment for being found in a state of intoxication. 9. Whoever is found in a state of intoxication in a public place and whoever, not having been permitted to consume any liquor in pursuance of this Act, is found in a state of intoxication in any private place, shall be punishable with imprisonment which may extend upto six months, or with fine which may extend upto one thousand rupees, or with both.

Punishment for abetment of escape of persons arrested. 10. Any officer or person exercising powers under this Act, who,—

(a) unlawfully releases or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act, or

(b). acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken and any other officer of the Government or of a local body who abets the commission of any offence against this Act shall be punished with imprisonment which may extend upto six months, or with fine which may extend up to five hundred rupees, or with both.

11. whoever is guilty of any wilful act or intentional commission in contravention of any of the provisions of this Act or any rule, notification or order made thereunder and not otherwise provided for in this Act, shall be punishable with fine which may extend upto five hundred rupees. Punishments for offences not otherwise provided for.—

2. Without prejudice to the powers of the Excise Officers under section 46 of the Andhra Pradesh Excise Act, 1968, in any case in which an offence has been committed against this Act, the liquor by means of which the offence has been committed shall be liable to confiscation along with the receipts, pages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same. Things liable to confiscation—  
Act 17 of 1968.

3. (1) When the offender is convicted or when the person charged with an offence against this Act is acquitted, but the court decides that anything is liable to confiscation, such confiscation may be ordered by the Court. Confiscation—how ordered.

(2) When an offence against this Act has been committed and the offender is not known, or cannot be found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, a case shall be inquired into and determined by the Collector or the Prohibition Officer in charge of the district or by any other officer authorised by the State Government in that behalf may order such confiscation.

Provided that no such order shall be made until the expiration of fifteen days from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence, if any, which they produce in support of their claims.

Police to take charge of articles seized.

14. All officers in charge of police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of a Prohibition Officer. All articles seized under this Act which may be delivered to them ; and shall allow any Prohibition Officer who may accompany such articles to the Police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police station.

## CHAPTER - IV

### EXEMPTIONS

Exemptions. 15. (1) Subject to such rules as may be made in this behalf the prescribed authority may issue,—

Act XVI of 1939. (i) permits to persons who are foreigners under the Foreigners Act, 1939 and to persons who are non-resident Indians to consume liquor ;

(ii) licences to hotels and restaurants recognised as three star and above in accordance with such rules as may be made and to such categories of institutions as may be specified by notification subject to such criteria as may be prescribed to sell foreign liquor or Indian liquor to the holdres of permits granted under this Act;

(iii) permits to those who are medically certified by any notified medical authority as requiring to consume liquor on account of any diagnosed health condition or problems to consume liquor ;



(iv) permits to persons who are tourists from outside the State and to persons who are not ordinary residents of the State to consume liquor ;

(v) permits to members serving or retired belonging to the armed forces to consume liquor ;

(vi) permits to companies corporations, institutions, in industrialists, exporters, importers and similar such functionaries as may be notified, who normally entertain foreigners, non-resident Indians and guests coming from outside the in pursuance of their business activity or the activity connected with their institutions to buy and serve liquor ;

(vii) permits to consume liquor in cases of medical emergency ; and

(viii) permits for sacramental wine used in masses conducted in Churches.

(2) Permits for possession and consumption of liquor shall be given at the entry points subject to such rules as may be made in this behalf to, --

(i) foreign and non-resident Indian tourists who bring foreign liquor with them from abroad to the extent of eligibility under the Baggage Rules, 1978 made under Customs Act, 1962. for their own consumption subject to proof of entry into India from abroad ; Central Act  
52 of 1962.

(ii) Indians returning from abroad who are medically certified to be in need of consumption of liquor to the extent of their eligibility under the afore said baggage Rules. 1978 subject to proof of entry into India from abroad.

(3) Whoever is in possession of liquor at the Commencement of this Act of a quantity not exceeding one quart bottle and who are medically certified to be in need of periodic consumption of liquor may retain and use such liquor and the liquor in excess of the said quantity shall be surrendered for with to the notified authority

(4.) Who ever, at the commencement of this Act is in possession of any liquor, without any medical certification as to the need for the consumption of liquor in the case of an individual, and in other cases for any purpose, shall surrender such liquor, subject to such rules as may be made in this behalf.

(5) A permit or licence granted under this section shall be in such form and for such period and subject to such conditions including conditions relating to the fee payable and as to its non-transferability, suspension, cancellation and attachment for violations, as may be prescribed.

(6.) Without prejudice to the action to be taken under subsection (5.) any person who is guilty of any violation of the conditions of the licence or permit granted under this section shall be liable to fine which may extend upto one thousand rupees.

Exemption  
of bonafide  
travellers  
and lawful  
consign-  
ments.

(16) until the Government by notification otherwise direct and subject to such conditions as may be prescribed, the provisions of this Act shall not be deemed to apply,——

(a) to liquor in the possession of bonafide travellers for their own personal use while passing through any local area in which this Act is in force ; or

(b) to lawful consignments of liquor carried through or into any such local area.

## CHAPTER - V

### DETECTION, INVESTIGATION AND TRIAL OF OFFENCES

Issue of  
Search  
Warrants

17. (1) If any Collector, Prohibition Officer or Magistrate upon information obtained after such inquiry as he thinks necessary, has reason to believe that an offence under section 8 has been committed, he may issue a warrant for a search for any liquor, materials, still, utensil, implement or apparatus in respect

of which the alleged offence has been committed. Any person has been entrusted with the execution of such a warrant may detain and search, and if he thinks proper, arrest any person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Act and also seize and detain any excisable or other articles which he has reason to believe to be liable to confiscation under this Act :

Provided that every person arrested under this section shall be admitted to bail by the person arresting, if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer, as the case may be.

(2) Before issuing such warrant, the Collector, Prohibition Officer or Magistrate shall examine the informant on oath and the examination shall be reduced into writing in a summary manner and be signed by the informant, and also by the Collector, Prohibition Officer or Magistrate.

18. Whenever, a Collector, any Prohibition Officer or any Police Officer, not below the rank of Inspector, any officer in charge of a Police Station, has reason to believe that an offence under section 8 has been committed and that the delay occasioned by obtaining search warrant under section 17 will prevent the execution thereof, he may, after recording this reasons and the grounds of his belief, at any time by day or night enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act ; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act and also seize and detain any excisable or other articles which he has reason to believe to be liable to confiscation under this Act :

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer, as the case may be.

Power of entry and inspection.

19. The Collector, any Prohibition Officer or any Police Officer, not below the rank of an Inspector may enter and inspect at any time by day or by night, any place in which it is reasonably suspected,——

- (a) that any liquor is kept for sale or stored ; or
- (b) that an offence under section 8 is being committed ;

and may examine, test, measure or weigh any material, still, utensil, implement, apparatus or liquor found in such place.

Power to use force in case of resistance to entry.—

20. If any officer empowered to make an entry under sections 17, 18 and 19 cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place.

Arrest of offenders and seizure of contraband liquor or articles without warrant.

21. Any Prohibition Officer or any Police Officer, not below the rank of an Inspector,——

(a) may arrest without warrant any person found committing an offence punishable under section 8 or section 9 ;

(b) may seize and detain any liquor or other article which he has reason to believe to be liable to confiscation under this Act ; and

(c) may search any person's vessel, vehicle, animal, package, receptacle or covering, upon whom or in which, he may have reasonable cause to suspect any such liquor or other article to be concealed.

Arrest of persons refusing to give name or giving false name

(22) Any person, who may be accused or reasonably suspected of committing an offence under this Act, and who on demand made by any Prohibition Officer or any Police Officer not below the rank of an Inspector refuses to give his name and residence or who gives a name or residence which such officer has reason to believe to be false, may be arrested by such Officer in order that his name and residence may be ascertained.

23. Any person arrested under this Act, shall be informed, as soon as may be of the grounds for such arrest and save as otherwise expressly provided in this Act, the provisions of the Code of Criminal Procedure, 1973, relating to arrests, detention in custody, searches, summons, warrants of arrests, search warrants, the production of persons arrested and the disposal of things seized shall apply, as far as may be, to all actions taken in these respects under this Act.

Arrest  
search etc.,  
how to be  
made.  
Central Act  
II of 1974.

24. (1) Any Prohibition and Excise Officer not below the rank of an Inspector may, as regards offences under this Act, exercise within such area as may be notified in this behalf, powers conferred on an Officer in charge of a police station by the provision of Code of Criminal Procedure, 1973 :

Power to  
Prohibition  
and Excise  
Officer in  
matters of  
investigation  
Act II of  
1974.

Provided that any such power shall be subject to such restrictions and modifications, as may be prescribed.

(2) For the purposes of section 156 of the said Code the area in regard to which a Prohibition and Excise Officer is empowered under sub section (1) shall be deemed to be a police station and such officer shall be deemed to be the officer-in-charge of such station.

25. Notwithstanding anything Contained in the code of Criminal procedure 1973, all offences under this Act, shall be cognizable and provisions of the said code with respect to cognizable offences shall apply to them.

Offences  
under the  
Act to be  
cognizable.  
Act II of  
1974.

26. Any officer or person exercising powers under this Act who,—

Punishment  
for vexatious  
search of  
arrest.

(a) without reasonable ground of suspicion enters or searches or causes to be searched any closed place ; or

(b) veratiously 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) maliciously and falsely lays information leading to a search, seizure, detention or arrest ; or

(e) in any other way maliciously exceeds his lawful powers.

shall be punished with imprisonment which may extend upto six months, or with fine which may extend upto five hundred rupees or with both.

## CHAPTER - VI

### MISCELLANEOUS

**Prohibition Committees.** 27. There shall be constituted Prohibition Committees by the Collector at the Mandal level and by the Government at the District and State levels (The composition and powers and functions of such Committees shall be such as may be prescribed.

**Duty of officials of all Departments and local bodies to assist.** 28. Officers of all departments of the Government and of all local bodies shall be legally bound to assist any Prohibition or Police Officer in carrying out the provisions of this Act

**Offences to be reported, etc.,** 29. Every Official employed by the Government or by any local body other than a Police or any Prohibition Officer shall be bound to give immediate information at the nearest police station or to a Prohibition Officer of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officials shall be bound to take all reasonable measures in their power to prevent the commission of any Such breaches which they may know or have reason to believe are about or likely to be committed.

**Protection of action taken under this Act.** 30. No suit or other legal proceedings shall lie against the Government or any officer or any other person empowered to exercise powers or to perform the functions under this Act for anything in good faith done or intended to be done under this Act.

(31) Save as otherwise provided the provisions of this Act shall have effect, not with stand in any thing inconsistent therewith contained in the provisions of the Andhra Pradesh Excise Act, 1968 and the rules made thereunder for the time being in force Overriding effect. Act 17 of 1968.

(32) Nothing in this Act shall be deemed to preclude. Savings.

(a) the Andhra Pradesh Beverages Corporation Limited to carry on trade in liquor in accordance with rules made in this behalf ;

(b) the buying and selling of liquor carried on by the military canteens in the state under any licence granted in accordance with the provisions of the Andhra Pradesh... Excise Act 1968 and the rules made thereunder ; and Act 17 of 1968.,

(c) the consumption of medicines containing alcohol)

33 (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. Power to make Rules.

(2) Every rule made under this Act shall, immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agree in making any modification in the rule or in the annu'ment of the rule, the rule shall from the date on which the modification or annu'ment is notified have effect on'y in such modified form or shall stand annu'ed as the case may be so, however, that any such modification or annu'ment shall be without prejudice to the validity of anything previously done under that rule.

34. In the Andhra Pradesh Excise Act, 1968,

Amendment  
of Act 17 of  
1968.

(1)—In section 1, for sub-section (2), the following shall be substituted, namely :

“(2) It extends to the whole of the State of Andhra Pradesh :

Provided that on and from the date of commencement of the Andhra Pradesh Prohibition Act, 1995 the provisions of this Act shall, in so far as they are inconsistent with the provisions of the said Act cease to operate.” ;

(2) In section 5, for sub-section (1), the following shall be substituted, namely :—

“(1) The Government may appoint such number of Additional Commissioners, Joint Commissioners, Deputy-Commissioners and Assistant Commissioners of Prohibition and Excise and District Prohibition and Excise Officers and such other officers as they think fit for the purpose of performing the functions respectively conferred on them by or under this Act” . ;

(3) Throughout the Act for the words “ Excise Officer ” Commissioner of Excise”, “Additional Commissioners of Excise”, “Deputy Commissioner of Excise ”, “Assistant Commissioner of Excise”, “Excise Superintendent”, Assistant Excise Superintendent” and “Excise Department”, the words, “Prohibition and Excise Officer”, “Commissioner of Prohibition and Excise Additional Commissioner of Prohibition and Excise, Deputy Commissioner of Prohibition and Excise”, Assistant Commissioner of Prohibition and Excise”, “Prohibition and Excise Superintendent ” “Assistant Prohibition and Excise Superintendent and Prohibition and Excise Department ” shall respectively be substituted.

Repeal Act  
X of 1973  
and  
Ordinance  
19 of 1994.

35. Andhra Pradesh ( Andhra Area ) Prohibition Act, 1937 and the Andhra Pradesh Prohibition Ordinance, 1994 are hereby repeated.



ACT NO. 35 OF 1995

[12 th October, 1995].

**AN ACT TO AMEND THE ANDHRA PRADESH PROHIBITION ACT, 1995.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-sixth Year of the Republic of India as follows :—

Short title  
and Commencement:—

1. (1) This Act may be called the Andhra Pradesh Prohibition (Amendment) Act, 1995.

(2) (i) section 2, 3 and 6 shall be deemed to have come into force on the 16th January, 1995;

(ii) section 4, sub-clause (iv) of section 7, section 13, section 14 section(ii) and section 16 (ii) shall be deemed to have come into force on the 18th July, 1995. and section 22 shall be deemed to have come into force on the 9th September, 1995, and

(iii) the remaining provisions shall come into force at once.

Amendment  
of long title.

2. In the Andhra Pradesh Prohibition Act, 1995 (hereinafter referred to as the principal Act), in the long title, for the words "Prohibition of Sale", the words "Prohibition of the Manufacture, Sale", shall be substituted.

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\*Received the assent of the President on the 12th October, 1995. for Statement of objects & Reasons, please See the Andhra Pradesh Gazette Part IV--A, Extraordinary, dated 13-9-1995 at pages 14 & 15

3. In the preamble of the principal Act, in paragraph 2, — Amendment of preamble.  
for the words "prohibition of the sale", the words "prohibition of the manufacture, sale" shall be substituted.

4. In section 2 of the principal Act, — Amendment of Section 2.

(i) for clause (7), the following shall be substituted, —  
namely, —

"(7) 'liquor' includes, —

(a) spirits of wine, wine, beer and every liquid consisting of or containing alcohol including Indian Liquor and Foreign Liquor ;

(b) any other intoxicating substance which the Government may by notification, declare to be liquor for the purposes of this Act;

but does not include toddy denatured spirits, methylated spirits and rectified spirits;

(ii) clause (15) shall be omitted.

5. In section 6 of the principal Act, for the words "the Collector" in the two places where they occur the words "the Collector, the Assistant Commissioner of Prohibition and Excise" shall be substituted. Amendment of Section 6

6. After section 7 of the principal Act the following section shall be inserted namely:— Insertion of new section 7A.

7-A. Manufacturing of liquor is hereby prohibited".  
"Prohibition of manufacturing of liquor:—

7. In section 8 of the principal Act, — Amendment of Section 8.

(i) in clause (a) the words "buys, or" shall be omitted;

(ii) in clause (b), —

(a) for the words "possesses or sells", the words "possesses, collects, buys, sells or transports", shall be substituted;

(b) after sub-clause (ii), the following shall be inserted namely:—

"(iii) where the commission of any offence either under sub-clause (i) or sub-clause (ii) is abetted, the abettor shall be liable for punishment with imprisonment and with fine of either description as provided therein;"

(iii) In clause (d) for the words "six months or with fine which may extend upto one thousand rupees", the words "three years or with fine which may extend upto ten thousand rupees", shall be substituted;

(iv) after clause (d), the following clause shall be added, namely:—

"(e) contravenes the provisions of section 7A shall on conviction be punished with imprisonment for a term which shall not be less than one year but which may extend upto five years and with fine which shall not be less than rupees ten thousand but which may extend upto rupees one lakh."

AN ACT  
OF

Be it  
enacted  
by the  
Andhra P  
as follows

Short title  
and Commencement:—

1. (i) This Act shall be known as the

(2) This Act shall come into force

(ii) This Act shall come into force as deemed to

(iii) This Act shall come into force

Amendment  
of long title.

2. In section 14 after the words "Prohibition of Manufacture of

\*Received the assent of the President of India on the 10th day of Part IV—A,

Amendment  
of Section 9.

8. In section 9 of the principal Act;—

(i) for the words "punishable with imprisonment which may extend upto six months or with fine which may extend upto one thousand rupees," the words "punishable with imprisonment which shall not be less than two months but which may extend upto one year and with fine which may extend upto two thousand rupees" shall be substituted;

(ii) to section 9 as so amended, the following explanation shall be added; namely;—

*Explanation:—*For the purposes of this section "intoxication" means a state of mind and behaviour in which a person is incapable of knowing the nature of his actions or incapable of judging the consequences thereof by reason of intoxication;"

Amendment  
of Section 10.

9. In section 10 of the principal Act,—

(i) in clause (a) the words "abetts the commission of any offence against this Act, or" shall be omitted;

(ii) in clause (b) the words "and any other officer of the Government or of a local body who abets the commission of any offence against this Act" shall be omitted.

10. After section 11 of the principal Act the following section shall be inserted namely:—

Insertion of new section 11A

Central Act II of 1974.

11-A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 no court shall grant any bail to any person accused of an offence under sub-clause (i) or sub-clause (ii) or sub-clause (iii) of clause (b) or under clause (e) of section 8 unless the prosecuting officer is given an opportunity to oppose the application and the Court shall record reasons while granting the bail."

11. For section 13 of the principal Act, the following sections shall be substituted; namely;—

Substitution of Section 13.

13. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force where, anything liable for confiscation under section 12 is seized and detained under the provisions of this Act, the officer seizing and detaining such property shall without any unreasonable delay, produce the said seized property before the Deputy Commissioner of Prohibition and Excise who has jurisdiction over the area.

Confiscation of things by prohibition and excise Officers in certain cases.

(2) On production of the said seized property under sub-section (1), the Deputy Commissioner of Prohibition and Excise if satisfied that an offence under this Act has been committed may whether or not a prosecution is instituted for the commission of such an offence, order confiscation of such property.

(3) While making an order of confiscation under sub-section (2), the Deputy Commissioner of Prohibition and Excise may also order that such of the properties to which the order of confiscation relates which in his opinion need not be preserved; or are not fit for human consumption be destroyed.

(4) Where the Deputy Commissioner of Prohibition and Excise after passing an order of confiscation under sub-section (2) is of the opinion that it is expedient in public interest so to do,

he may order the confiscated property or any part thereof to be sold by public auction or dispose of departmentally.

(5) The Deputy Commissioner of Prohibition and Excise shall submit a full report of all particulars of confiscation to the Commissioner of Prohibition and Excise within twenty four hours of such confiscation.

(6) The Deputy Commissioner of Prohibition and Excise shall, for the purposes of this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when making enquiries under this section in respect of the following matters, namely :—

Central Act  
5 of 1908.

- (a) receiving evidence on affidavits ;
- (b) summoning and enforcing the attendance of any person and examining him on oath ; and
- (c) compelling the production of documents.

Issue of show-cause notice:— 13A. No order of confiscation of any property shall be made under section 13 unless the person from whom the said property is seized,—

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate such property ; and

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice.

Order of confiscation in the absence of offender 13B. When an offence under this Act has been committed but the offender is not known or cannot be found, or when any thing liable to confiscation under this Act, and not in the possession of any person cannot be satisfactorily accounted for, the Assistant Commissioner of Prohibition and Excise or the Prohibition and Excise Superintendent may by order confiscate such property :

Provided that no such order shall be made until the expiration of one month, from the date of seizing the goods intended to be confiscated.

Appeal— 13C. Any person aggrieved by an order passed by the Deputy Commissioner of Prohibition and Excise under section 13 may, within sixty days from the date of passing such order, appeal to the Commissioner of Prohibition and Excise, who may after giving reasonable opportunity to the appellant pass such orders as he deems fit.

Order of confiscation not to interfere with other punishments:— 13D. The order of confiscation under sub-section (2) of section 13 or section 13B shall not prevent from initiation of criminal proceedings against the accused under this Act. The result of criminal proceedings either acquittal or conviction or otherwise under the provisions of this Act, will have no bearing on the order of confiscation passed under this Act.

Bar of Jurisdiction:— 13E. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 when the Deputy Commissioner of Prohibition and Excise or the appellate authority is seized with the matter under this Act, no court shall entertain any application in respect of liquor, any receptacle, package, covering, any animal, cart, vehicle or other conveyance used in carrying such liquor as far as its release, or confiscation is concerned and the jurisdiction of the Deputy Commissioner of Prohibition and Excise or the appellate authority with regard to the disposal of the same shall be exclusive. Central Act II of 1974.

\*Property confiscated when to vest in Government:— 13F. When an order for confiscation of any property has been passed under section 13 or section 13B and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, as the case may be, shall vest in Government free from all encumbrances."

12. For section 14 of the principal Act, the following section shall be substituted, namely:— Substitution of Section

"Police to take charge of article seized:—

14. All officers in charge of police stations shall take charge of and keep in safe custody under seal all articles seized under this Act along with samples which shall also be sealed with the seal of the officer in charge of the police station. The seized property including vehicles involved shall be produced before the Deputy Commissioner of Prohibition and Excise having jurisdiction, to take action in accordance with the procedure specified in section 13."

Amendment of Section 15.

13. In section 15 of the Principal Act, in sub-section (1), clause (iii) shall be omitted.

Amendment of Section 17.

14. For section 17 of the principal Act, the following shall be substituted, namely:—

"Issue of search warrants:—

17. If any Collector, Prohibition Officer or Magistrate upon information obtained after such inquiry as he thinks necessary, has reason to believe that an offence under section 7, section 7A or section 8 has been committed he may issue a warrant for a search for any liquor, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed. Any person who has been entrusted with the execution of such a warrant may detain and search, and if he thinks proper, arrest any person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Act and also seize and detain any excisable or other articles which he has reason to believe to be liable to confiscation under this Act."

Amendment of Section 18

15. In section 18 of the principal Act—

(i) for the words "not below the rank of Inspector", the words "not below the rank of a Sub-Inspector" shall be substituted ;

(ii) for the expression "section 8", the expression "section 7, section 7A or section 8", shall be substituted ; and

(iii) the proviso shall be omitted.

16. In section 19 of the principal Act,

Amendment  
of Section 19

(i) in the opening portion for the words "not below the rank of Inspector" the words "not below the rank of a Sub-Inspector", shall be substituted ; and

(ii) in clause (b) for the expression "section 2", the expression "section 1, section 7A or section 8", shall be Substituted.

17. In section 21 of the principal Act,

Amendment  
of Section 21

(i) in the opening portion for the words "not below the rank of an Inspector", the words "not below the rank of Sub-Inspector", shall be substituted ; and

(ii) in clause (a) for the expression "section 8 or section 9", the expression "section 7, section 7A, section 8 or section 9" shall be substituted. <sup>Amendment of Section 22.</sup>

18. In section 22 of the principal Act, for the words "not below the rank of an Inspector", the words "not below the rank of a Sub-Inspector", shall be substituted.

19. In section 24 of the principal Act, for the words "not below the rank of an Inspector", the words "not below the rank of a Sub-Inspector", shall be substituted. <sup>Amendment of Section 24.</sup>

20. After section 31 of the principal Act, the following section shall be inserted, namely : <sup>Insertion of new Section 31A.</sup>

31A. "Power to remove difficulties. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may make such orders not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the purpose of removing the difficulty ;

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.



(2) Every order made under this section shall, as soon as may be after it is made, be laid down before the Legislative Assembly of the State".

Amendment  
of Section  
32.

21. In section 32 of the principal Act, for clause (c), the following shall be substituted, namely:—

“(C) the consumption and utilisation of medicines, toilet preparations and other food material containing alcohol.”

22. After Section 32 of the Principal Act, the following section shall be added, namely :—

Insertion of  
new section  
32A.  
Act 17 of  
1995.

Central Act  
IX of 1872.

32A. (1) Notwithstanding anything contained in the Andhra Pradesh Prohibition Act, 1995, In insertion of New section 32A. Act 17 of 1995. the Andhra Pradesh Liquor (Issue of Permit and Licence) Rules, 1995, the Indian Contract Act, 1872 or the terms and conditions of any agreement entered into with the licensing authority under this Act or on under the said rules, for the grant of all such permits and licences health grounds on the recommendation of the notified medical authorities specified under the said rules shall stand cancelled in public interest ; and accordingly no suit or other proceeding shall be entertained or continued in and court against such permitting or licensing authority or any person or authority whatsoever for the enforcement of any terms and conditions of such permit or licence so terminated or for any damages or compensation on the ground that any loss is sustained by the termination thereof before its expiry.

(2) within a period of seven days from the date of commencement of this Act, every licensee shall surrender to the permitting or licensing authority, the entire stock of liquor on the date of such commencement, is in the possession of any holder of any permit or licence which stood terminated under sub-section (1) on such terms and conditions, as may be prescribed.

(3) All applications made for grant of permit or licence pending before the permitting or licensing authority on the appointed date and every action taken, or enquiry made in respect of such application, shall abate and all fees paid in connection therewith (including the application fee and licence fee, if any) already paid shall be refunded.

23. The Andhra Pradesh Prohibition (Amendment) Ordinance, 1995 is hereby repealed.

Repeal of  
Ordinance 12  
of 1995.

THE ANDHRA PRADESH PROHIBITION (AMENDMENT)  
ACT, 1996.

ACT No. 10 OF 1996.

[26th August, 1996.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH  
PROHIBITION ACT, 1995.

BE it enacted by the Legislative Assembly  
of the State of Andhra Pradesh in the  
Forty-seventh Year of the Republic of  
India as follows:-

1. (1) This Act may be called the Short title  
Andhra Pradesh Prohibition (Amendment) and commencement.  
Act, 1996.

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Received the assent of the Governor on the 24th  
August, 1996. For Statement of objects and Reasons,  
Please see Andhra Pradesh Gazette, Part IV-A, Extra-  
ordinary, dated the 21st May, 1996 at Page 5.

(2) It shall be deemed to have come into force on the 7th February, 1996.

**Amendment of section 8, Act 17 of 1995.** 2. In the Andhra Pradesh Prohibition Act, 1995 (hereinafter referred to as the principal Act), in section 8, in clause (b),-

(a) in item (i) for the words "with fine which shall not be less than rupees five thousand but which may extend upto rupees twenty thousands;", the words "with fine which shall not be less than rupees ten thousand or shall not be less than thrice the value of the liquor involved in the offence whichever is higher but which may extend upto six times the value of such liquor, such value being arrived at in the manner prescribed;", shall be substituted;

(b) in item (ii) for the words "with fine which shall not be less than rupees ten thousand but which may extend upto rupees one lakh;", the words "with fine which shall not be less than rupees twenty thousand or shall not be less than thrice the value of the liquor involved in the offence whichever is higher but which may extend upto six times the value of such liquor, such value being arrived at in the manner prescribed;", shall be substituted;

(c) after item (ii), the following proviso shall be added, namely:-

"Provided that any person in possession of any liquor of a quantity of or less than 375ml. and who is a first offender under this Act shall be punished with imprisonment for a term

which may extend upto three months and with fine which may extend upto five thousand rupees;";

(d) in item (iii), for the words "with imprisonment and with fine of either description as provided therein", the words "with imprisonment of either description and with fine as provided therein", shall be substituted.

3. In section 25 of the principal Act,- Amendment of section 25.

(a) in the marginal heading, for the words "Offences under the Act to be cognizable", the words "Cognizance and trial of offences", shall be substituted; and

(b) the following proviso shall be added, namely:-

"Provided that the offences under clause (a) and proviso to clause (b) of section 8 and sections 10 and 11 shall be tried in accordance with the procedure prescribed by Chapter XXI of the Code of Criminal Procedure, 1973."

4. After section 25 of the principal Act, the following shall be inserted, Insertion of new section 25A.  
namely:-

"Enhanced Punishment after previous conviction.

25A. If any person after having been previously convicted of an offence punishable under this Act, subsequently commits and is convicted of an offence

punishable under this Act, he shall be liable upto twice the punishment which might be imposed on the first conviction under this Act."

Repeal of 5. The Andhra Pradesh Prohibition Ordinance (Second Amendment) Ordinance, 1996 is 15 of 1996. hereby repealed.

G. BHAVANI PRASAD,  
Secretary to Government,  
Legislative Affairs & Justice,  
Law Department.

**THE ANDHRA PRADESH PROHIBITIONS (AMENDMENT) ACT, 1997.**

**ACT No. 5 OF 1997.\***

**[28th March, 1997.]**

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PROHIBITION ACT, 1995.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Prohibition (Amendment) Act, 1997.

Short title  
and  
commencement

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\* Received the assent of the Governor on 28th March 1997. For Statement of the Objects and Reasons, please see the A.P. Gazette Part IV-A Extraordinary dated 26th March, 1997 at P-7.

(2) It shall come into force on such date as the Government may, by notification, appoint.

Amendment of Long title. Act 17 of 1995. 2. In the Andhra Pradesh Prohibition Act, 1995 (hereinafter referred to as the principal Act), for the long title, the following shall be substituted, namely:-

"An Act to introduce Prohibition of the manufacture, sale and consumption of arrack and regulation of the manufacture, sale and consumption of other intoxicating liquors in the State of Andhra Pradesh and for matters connected therewith or incidental thereto".

Amendment of the Preamble. 3. In the Preamble to the principal Act, for para 2, the following shall be substituted, namely:-

"AND WHEREAS, there is urgent need in public interest to bring about the prohibition of the manufacture, sale and consumption of arrack and regulation of the manufacture, sale and consumption of other intoxicating liquors in the State of Andhra Pradesh."

Amendment of section 2. 4. In section 2 of the principal Act,--

(i) before the existing clause (1), the following shall be inserted,--

"(1) 'arrack' means country liquor including arrack brewed, coloured, flavoured or spiced.";

(ii) the existing clause (1) shall be renumbered as clause "(1A)".;



(iii) for clause (7), the following shall be substituted, namely:-

"(7) 'liquor' includes,--

(a) spirits of wine, denatured spirits, methylated spirits, rectified spirits, wine, beer, toddy and every liquid consisting of or containing alcohol; and

(b) any other intoxicating substance which the Government may, by notification, declare to be liquor for the purposes of this Act,".

5. For section 7A of the principal Substitution Act, the following section shall be of section 7A substituted, namely:-

"Prohibition of production etc., of arrack...	7A. The production, manufacture, storage, possession, collection, purchase, sale and transport of arrack is hereby prohibited."
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6. In section 8 of the principal Act,-- Amendment of section 8.

(i) in clause (a), for the words "in accordance with the provisions of this Act," the words "in accordance with the provisions of this Act or the Andhra Pradesh Excise Act, 1968," shall be substituted; Act 17 of 1968.

(ii) in clause (b),-

(a) in the opening portion, for the words "sells or transports any liquor without any licence or permit granted under the Andhra Pradesh Excise Act, 1968", the words "sells, transports, produces or manufactures any liquor other than arrack except in accordance with the provisions of the Andhra Pradesh Excise Act, 1968, or the terms of any rule, notification, order, licence or permit issued thereunder" shall be substituted;

(b) in the proviso to item (ii), for the words "of any liquor of a quantity of", the words "of any liquor other than arrack of a quantity of" shall be substituted;

(iii) in clause (c), for the words "sells any liquor", the words "sells any liquor other than arrack" shall be substituted;

(iv) in clause (d), for the word 'liquor', the word "arrack" shall be substituted.

Amendment of section 9.

7. In section 9 of the principal Act, for the words "and whoever, not having been permitted to consume any liquor in pursuance of this Act, is found in a state of intoxication at any private place," the words "otherwise than as permitted under any law" shall be substituted.

Substitution of new Chapter for Chapter IV.

8. For Chapter IV of the principal Act, the following Chapter shall be substituted, namely:-

## "CHAPTER IV

Regulation of manufacture, trade etc. of liquor.

Regulation of liquor other than arrack.

15. The production, manufacture, storage, possession, collection, purchase, sale and transport of liquor other than arrack

and all other matters connected therewith shall be regulated in accordance with the provisions of the Andhra Pradesh Excise Act, 1968 or the Andhra Pradesh (Regulation of Wholesale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) Act, 1993, as the case may be and the rules and notifications and orders issued thereunder." Act 17 of 1968 Act 15 of 1993

9. In Section 19 of the principal Act, in clause (a) after the words "for sale or stored", the following words shall be added, namely:- Amendment of section 19.

"otherwise than in accordance with the provisions of the Andhra Pradesh Excise Act, 1968, and the rules made thereunder". Act 17 of 1968.

10. In section 25 of the principal Act, for the proviso, the following shall be substituted, namely:- Amendment of section 25.

"Provided that the offences punishable with imprisonment for a term not exceeding two years under this Act shall be tried in accordance with the procedure prescribed in Chapter XXI of the Code of Criminal Procedure, 1973." Act 2 of 1974.

Omission of 11. Section 27 of the principal Act  
section 27. shall be omitted.

Amendment of 12. In section 32 of the principal  
section 32. Act, after clause (c), the following  
explanation shall be added, namely:-

"Explanation:- 'Liquor for the  
purposes of this section does not  
include arrack.'"

G. BHAVANI PRASAD,  
Secretary to Government,  
Legislative Affairs & Justice,  
Law Department.



(2) It shall come into force on such date as the State Government may, by notification, appoint.

**Amendment of section 8.** 2. In the Andhra Pradesh Prohibition Act, 1995 (hereinafter referred to as the principal Act) in section 8, in clause(b),-

(a) in sub-clause(i) for the words "three years and with fine", the words "three years or with fine" and for the words "in the manner prescribed", the words "in the manner prescribed, or with both", shall be substituted; and

(b) the proviso to sub-clause(ii) shall be omitted.

**Amendment of Section 9.** 3. In section 9 of the principal Act, for the words "one year and with fine", the words "one year or with fine" shall be substituted.

**Insertion of new section 11B.** 4. In the Principal Act, after section 11 A, the following section shall be inserted, namely:-

"Compounding of Offences: 11. B(1) The Collector or any Prohibition and Excise Officer specially empowered in that behalf may accept from any person who is reasonably suspected of having committed an offence falling under clause(a) or sub-clause(i) of clause(b) or the proviso to sub-clause(ii) of clause(b) as it was in force, of section 8 or section 9, a sum of money as may be prescribed but not exceeding the maximum fine which can be imposed for the offence

under the provisions of the Act, by way of compensation for the offence which may have been committed and in all cases in which any property has been seized as liable for confiscation under this Act, may release the same on payment of the value thereof as estimated by such officer:

Provided that where the property so seized is a liquor produced or manufactured in contravention of this Act, such liquor shall not be released but shall be disposed of in such manner as may be prescribed:

Provided further that such sum of money shall not be accepted from any person who is reasonably suspected of having committed an offence under sub-clause(i) of clause(b) of section 8 without the prior approval of the Commissioner of Prohibition and Excise.

(2) On the payment by the person the sum of money or the value or both, as the case may be, such person, if in custody shall be set at liberty, and all the property seized may be released and no proceedings shall be instituted or continued against such person in any Criminal Court. The acceptance of compensation shall be deemed to amount to an acquittal and in no case any further proceedings be taken against such person or property with reference to the same Act."

5. In the principal Act, to sub-section (2) of section 13, the following proviso shall be added, namely:-

Amendment  
of section  
13.

Provided that the Deputy Commissioner of Prohibition and Excise specially empowered in that behalf may accept such sum of money as may be prescribed in lieu of confiscation and release the animals or vessels or carts or other vehicles reasonably suspected of involvement in any offence falling under sub-clause (i) of clause (b) of section 8 of this Act.

G. BHAVANI PRASAD,

Secretary to Government,

Legislative Affairs & Justice.

to the Secretary to Government, Legislative Affairs & Justice, Government of Madhya Pradesh, Bhopal.

Noting that the Deputy Commissioner of Prohibition and Excise, Jabalpur, has submitted a report regarding the seizure of certain vehicles and animals suspected of involvement in an offence under section 8 of the Prohibition of Gambling and Betting Act, 1946, and that the Deputy Commissioner has accepted a sum of money in lieu of confiscation and release of the same, and that the Deputy Commissioner has also submitted a copy of the report to the Deputy Commissioner of Prohibition and Excise, Bhopal, for his information.

It is noted that the Deputy Commissioner of Prohibition and Excise, Jabalpur, has accepted a sum of money in lieu of confiscation and release of the vehicles and animals, and that the Deputy Commissioner has also submitted a copy of the report to the Deputy Commissioner of Prohibition and Excise, Bhopal, for his information.



STATEMENT OF OBJECTS AND REASONS

During the period of total prohibition in the State a large number of cases were booked against the offenders who violated the provisions of A.P. Prohibition Act, 1995. In fact as many as 3,04,331 cases were booked during the period from 16-1-1995 to 31-3-1997 for various offences. Out of the above 70,500 cases are pending trial under sections 8 & 9 of the Act. These cases were registered against persons who committed offences of consumption of liquor, possession of liquor in very small quantities or being found in intoxicated condition etc, Such offences are categorised as minor offences as per section 8(b)(i) and proviso to sub-clause(ii) and section 9 of the A.P. Prohibition Act, 1995. Similarly large number of vehicles were also seized during the above period. Cases against many of those vehicles were booked for carrying very small quantities of liquor. Now it is proposed to reduce the pendency of cases by compounding minor offences so that the dual purpose of reducing the pendency and collecting revenues to State can be achieved and more attention could be paid for curbing the manufacture/sale of ID liquor and flow of non-duty paid liquor from across the borders. The courts can concentrate on the quick disposal of less number of cases which involve major offences.

To achieve the above objects, the offences under section 8(a) or (b) (i) or the proviso b(ii) and section 9 of Andhra Pradesh Prohibition Act, 1995 are proposed to be made compoundable. Similarly a new provision under section 11 B and amendments to sections 8, 9 and 13(2) are proposed to be made in respect of minor offences and for the release of those vehicles which were involved in minor offences by collecting suitable fine.

Whereas the Andhra Pradesh Prohibition (Amendment) Bill, 1998 has been introduced in the Legislative Assembly of the State on 26th November, 1998 as L.A.Bill No.37 of 1998 the same has lapsed due to dissolution of the Tenth Legislative Assembly.

The Bill seeks to give effect to the above decisions.

**TUMMALA NAGESWARA RAO,**  
Minister for Prohibition & Excise.