



The Punjab Excise Act, 1913

Act 1 of 1914

Keyword(s):

Collector, Excisable Article, Excise Duty, Excise, Excise Revenue, Export, Import, Manufacture, Transport

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THE PUNJAB EXCISE ACT, 1914
(1 of 1914)

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SCHEDULE II

THE PUNJAB EXCISE ACT, 1914
(as extended to the Union Territory of Delhi)

1.	2.	3.	4.	5.
No.	Year	Short title	Whether repealed or otherwise effected by legislation in Punjab	When extended to Delhi
1.	1914	The Punjab Excise Act, 1914	<p>Repealed in part and Amended, Act XXXVIII of 1920.</p> <p>Amended by the Punjab Act, II of 1925.</p> <p>Amended by the Dangerous Drugs Act 1930.</p> <p>Amended by the Govt. of India (Adaptation of Laws) Order 1937</p>	<p>Originally extended to Delhi Vide Govt. of India notification No.3246-39 dated the 2nd May, 1914.</p> <p>The Punjab Excise Act as on 30th May, 1939, was re-extended to the Union Territory of Delhi vide Govt. of India, late Home Deptt., notification No.189/38 dated the 30th May, 1939.</p> <p>Amended by the Punjab Act, 1 of 1940</p> <p>The Punjab Act (I of 1940) was extended to Delhi vide Govt. of India, late Home Deptt. notification No.194/39 dated the 11th September 1940.</p> <p>Amended by the East Punjab Act, IX of 1948.</p>

The East Punjab Act IX of 1948 was extended to Delhi with modifications vide Govt. of India, Ministry of Home Affairs notification No.8/11/49-Judl. dated the 20th June, 1949.

The Govt. of India, late Home Deptt., notification No.189/38 dated the 30th May, 1939 in its application to Delhi was amended by the Govt. of India, Ministry of Home Affairs notification No.20/2/52-Judl. dated the 9th June, 1952.

Amended by the East Punjab Act, XII of 1949.

The East Punjab Act, XII of 1949 was partially adopted by the Punjab Excise (Delhi Amendment) Act, 1956 (7 of 1956).

The remaining provisions of the East Punjab Act XII of 1949 were extended to Delhi vide Govt. of India, Ministry of Home Affairs notification No.GSR-483 dated the 11th April, 1962 read with their notification No.F.3/361-Judl. II(i) dated the 7th July, 1962.

Amended by the Punjab Excise (Amendment) Act, 1955.

Amended by the Punjab Excise (Delhi Amendment) Act, 1956 (Act No.14 of 1956)

Amended by the Punjab Act,

35 of 1956

The Punjab Act No.35 of 1956 was extended by the Govt. of India, Ministry of Home Affairs notification No.GSR-1114 dated the 30th September, 1959.

Amended by the Punjab Act, 22 of 1963.

Amended by the Punjab Act, 31 of 1963.

Amended by the Punjab Act, 25 of 1964.

Amended by the Punjab Act, 8 of 1965.

THE PUNJAB EXCISE ACT, 1914

CHAPTER I

PRELIMINARY AND DEFINITIONS

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|----------------------|----|----|--|
| | 1. | 1) | This Act may be called the Punjab Excise Act, 1914. |
| Extent. | | 2) | It extends to the whole of the Union Territory of Delhi. |
| Commencement. | | 3) | It shall come into force on such date as the Lieutenant Governor of Delhi may, by notification, direct. |
| Repeal of enactments | 2. | | The enactments mentioned in Schedule (3)(I) are repealed to the extent specified in the fourth column thereof. |
| Definition | 3. | | 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 independent charge of a district and any official appointed by the Lieutenant Governor of Delhi to discharge throughout any specified local area, the functions of a Collector under this Act; |
| | | 4) | Omitted. |
| | | 5) | ‘denatured’ means effectually and permanently rendered unfit for human consumption; |
| | | 6) | ‘excisable article’ means- |

- a. any alcoholic liquor for human consumption;
or
 - b. any intoxicating drug;
- 6a) '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 his Act.
 - 6b) 'excise duty' and 'countervailing duty' mean any such excise duty or countervailing duty, as the case may be, as is mentioned in entry 51 of list II in the Seventh Schedule to the Constitution.
 - 7) Excise Commissioner means the officer appointed by the Lieutenant Governor of Delhi 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 includes fine imposed by a court of law;
 - 10) 'export' means to take out of the Union Territory of Delhi otherwise than across customs frontier as defined by the Central Government.
 - 11) Omitted.
 - 12) 'import' except in the phrase 'import into India means to bring into the Union Territory of Delhi otherwise than across a customs frontier as defined by the Central Government;
 - 12a) 'intoxicant' means any liquor or intoxicating drugs;

- 13) 'intoxicating drug' means –
- 1) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis Sativa L*) including all forms known as bhang, saddhi or ganja;
 - 2) 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;
 - 3) any mixture, with or without neutral materials of any of the above forms of intoxicating drug or any drink prepared therefrom; and
 - 4) any other intoxicating or narcotic drug substance which the Lieutenant Governor of Delhi 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 the Dangerous Drugs Act, 1930.
- 14) 'Liquor' means intoxicating liquor and includes all liquid consisting of or containing alcohol also any substance which the Lieutenant Governor of Delhi may, by notification declare, to be liquor for the purpose of this Act;
- 15) 'magistrate' means any magistrate exercising powers not less than those of a magistrate of the second class, or any magistrate of the third class specially authorized in this behalf by the district magistrate;
- 16) 'manufacture' includes every process, whether natural or artificial by which any intoxicant is produced or prepared, and also redistillation, 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' includes 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;

21) 'transport' means to move from one place to another within the Union Territory of Delhi.

'Country Liquor and Foreign Liquor' 4. The Lieutenant Governor of Delhi may by notification, declare what, for the purposes of this Act or any portion thereof, shall be deemed to be 'country liquor' and 'foreign liquor'.

Power of the Lieutenant Governor to declare limit of sale by retail and by whole sale. 5. The Lieutenant Governor of Delhi may by notification declare, with respect either to the whole of the Union Territory of Delhi or to any local area comprised therein and as regards purchasers generally or any specified occasion the maximum or minimum quantity or both of any intoxicant which for the purposes of this Act may be sold by retail and by wholesale.

Power of limit application of notification, permits etc. make under this Act. 6. 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 of the Union Territory of Delhi or to any specified local area or areas;

(b) that it shall apply to all or any specified intoxicant or intoxicants or classes thereof;

(c) that it shall apply to all or any class or classes of persons or officers;

(d) that it shall be in force only for some special period or occasion.

Saving of enactments.

7. Save as provided by Schedule I nothing contained in this Act shall effect the provisions of the Sea Customs Act, 1878, the Cantonment Act, 1910 or the Indian Tariff Act, 1894 or any rule or order made thereunder.

CHAPTER II
ESTABLISHMENT AND CONTROL

8. Omitted.
- Superintendence and control of the excise administration and excise officers. 9. (a) The Lieutenant Governor of Delhi may by notification, appoint an Excise Commissioner and subject to the control of the Lieutenant Governor and unless the Lieutenant Governor shall by notification otherwise direct, the general superintendence and administration of matters relating to excise shall vest in the Excise Commissioner.
- (b) Subject to the control of the Excise Commissioner and unless the Lieutenant Governor, shall by notification, otherwise direct, the Collector shall control all the Excise Officers in the Union Territory of Delhi.
- Other classes of excise officers. 10. (a) There shall be such other classes of excise officers as the Lieutenant Governor of Delhi may, by notification, declare, and the Lieutenant Governor of Delhi may appoint as many persons as he deems fit to be excise officers of these classes.
- (b) The Lieutenant Governor of Delhi shall, by notification, declare what powers under this Act shall be exercised by excise officers of each class.
- Their Powers.
- Mode of conferring powers. (c) In conferring powers under this Act the Lieutenant Governor of Delhi may empower persons by name or in virtue of their office or classes of officials generally by their official titles.
- Power to invest persons with special powers under this Act. 11. The Lieutenant Governor of Delhi 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.
- Limits of jurisdiction 12. The jurisdiction of the Collector and other excise

officers shall, unless the Excise Commissioner otherwise direct, extend to the whole of the Union Territory of Delhi.

13. Omitted.

Appeal.

14. 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 Lieutenant Governor of Delhi shall, by notification, declare.

Revision.

15. (a) The Excise Commissioner may, at any time, revise any order passed by any excise officer subordinate to him.

(b) The 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 Excise Commissioner.

(c) Provided that the Excise Commissioner shall not under this section pass an order revising or modifying any proceedings 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

Import, export and transport of intoxicants. 16. No intoxicant shall be imported, exported or transported except –

(a) after payment of any 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 Lieutenant Governor of Delhi may impose.

Power of (Lieutenant Governor to prohibit import, export and transport of intoxicants, 17. The Lieutenant Governor of Delhi may, by notification-

(a) prohibit the import or export of any intoxicant into or from the Union Territory of Delhi or any part thereof; or

(b) prohibit the transport of any intoxicant

Passes necessary for import, export and transport 18. Except as otherwise provided by any rule made under this Act, no intoxicant exceeding such quantity as the Lieutenant Governor of Delhi 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 Lieutenant Governor of Delhi shall by notification, otherwise direct.

Provided further that on such conditions as may be determined by the Excise Commissioner a pass

granted under the excise law in force in another State may be deemed to be a pass granted under this Act.

Grant of passes for import, export and transport 19. Passes for the import, export or transport of intoxicants may be granted by the Collector;

Provided that passes for the import and export of such intoxicants as the Excise Commissioner may, from time to time determine shall be granted only by the Excise Commissioner.

CHAPTER IV
MANUFACTURE, POSSESSION AND SALE

A – Manufacture.

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

(b) No hemp plant 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 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 of the Excise Commissioner under section 21.

Establishment or licensing of distilleries and breweries. 21. The Excise Commissioner subject to such restrictions or conditions as the Lieutenant Governor of Delhi 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. 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.

Establishment or licensing of warehouses.

22. The Excise Commissioner subject to such restrictions or conditions as the Lieutenant Governor of Delhi may impose, may –

(a) establishment or license a warehouse wherein any intoxicant may be deposited and kept without payment of duty;

(b) discontinue any warehouse so established.

Removal of intoxicant from distillery, etc.

23. No 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) payable under Chapter V has been paid or a bond has been executed for the payment thereof.

B – Possession.

- Possession of intoxicants. 24. 1) No person shall have in his possession any quantity of any intoxicant in excess of such quantity as the Lieutenant Governor of Delhi 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. 2) Sub-section (1) shall not apply to –
- (a) any intoxicant in the possession of any excise officer, common carrier or warehouseman as such.
- 3) A licensed vendor shall not have in his possession at any place, other than that authorized by his license, any quantity of any intoxicant in excess of such quantity as the Lieutenant Governor of Delhi has under section 5 declared to be the limit of sale by retail, except under a permit granted by the Collector in that behalf.
- Prohibition and restrictions of possession of intoxicants in certain cases. 4) Notwithstanding anything contained in the foregoing sub-sections, the Lieutenant Governor of Delhi may by notification prohibit the possession of any intoxicant or restrict such possession by such conditions as he may

prescribe.

- Prohibition of possession of intoxicant unlawfully manufactured, imported etc.
25. No person shall have in his possession any quantity of any 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

- Sale of intoxicants.
26. No liquor shall be bottled for sale and no 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 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 Excise 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 condition as the Excise Commissioner may determine, a license for sale under the excise law for the time being in force in other parts of India 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 procured by any person for his private use and sold by him or on his behalf or on behalf of his representative-in-interest upon quitting a station or after his decease.
- Grant of lease of manufacture etc.
27. 1) The Lieutenant Governor of Delhi may lease to any man not below the age of twenty five years on

such conditions and for such period as he 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 to a lessee under subsection (1) a license in the terms 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.

Manufacture and sale of liquor in Military Cantonments.

28. Within the limits of any military cantonments and within such distance from these limits as the 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.

Prohibition of sale to persons under the age of twenty five years and of women.

29. 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 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.

Prohibition of employment of men under the age of twenty-five years and of women.

30. 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, any man under the age of 25 years or any women in any part of such premises in which such liquor or intoxicating drug is consumed by the public.

CHAPTER V

DUTIES AND FEES

- Duty on excisable articles.
31. An excise duty, or countervailing duty, as the case may be at such rate or rates as the Lieutenant Governor of Delhi 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;

Provided as follows :-

- (i) Duty shall not be so imposed on any article which has been imported into (India) and was liable on importation to duty under the India Tariff Act, 1894 or the Sea Customs Act, 1878;

- (ii)
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 strengths and quality of such article.

Manner in which duty may be levied.

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

(a) on intoxicating drugs by an average rate levied on the cultivation 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 material used, or by degree of attenuation of the wash or work, as the case may be, as the Lieutenant Governor of Delhi may prescribe;

(c) on tari, by a tax on each tree from which the tari is drawn;

Provided further that, where payment 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 Lieutenant Governor of Delhi by notification so directs, as 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 Lieutenant Governor of Delhi at the rate of duty which is in force on that article on the date when it is issued from the warehouse.

Payment for grant of leases 33. Instead of or in addition to any duty leviable under this chapter the Lieutenant Governor of Delhi may accept payment of a sum in consideration of the Lease of any right under section 27.

33A Omitted.

CHAPTER VI

LICENSES, PERMITS AND PASSES

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

(a) on payment of such fee, if any,

(b) subject to the such restrictions and on such conditions,

(c) in such form and containing such particulars,

(d) for such period, as the Excise Commissioner may direct.

Security (2) 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.

Grant of licenses for sale 35 (1) Subject to the rules made by the Excise Commissioner under the powers conferred by this Act, the Collector may grant licenses for the sale of

any intoxicant within his district.

Ascertainment of public opinion.

(2) Before any license is granted in any year for the retail sale of liquor for consumption on any premises 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 Lieutenant Governor of Delhi in this Behalf, as may best enable him to ascertain local public opinion in regard to the licensing of such premises.

(3) Omitted.

Power to cancel or suspend licenses etc. 36.

Subject to such restrictions as the Lieutenant Governor of Delhi 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 term 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 for any cognizable and non-bailable offence, or any offence punishable under the Dangerous Drugs Act, 1930 or under the Merchandise Marks Act, 1889 or of any offence punishable under Sections 482 to 489 both inclusive of the

Indian Penal Code, 1860.

- (e) If the holder thereof is punished for any offence referred to in clause (8) of Section 167 of the Sea Customs Act 1878.
- (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 conditions of the license or permit provide for such cancellation or suspension.

Power to cancel any other license 37. 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 by the authority of the Lieutenant Governor of Delhi within the same district under this Act or under any other law for the time being in force relating to excise revenue or under the Opium Act, 1878 and the Excise Commissioner, may cancel any such license permit or pass granted to such person in any district to which this Act applies.

Power to recover fee. 38. In the case of cancellation or suspension of 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.

Power or Collector to take grants under management or to resell. 39. 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 any recover in the manner laid down in Section 60 of this Act any deficiency in price and all expenses of such resale.

No compensation or refund claimable for cancellation or suspension of license, etc; under this section. 40. 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 nor to be refund of any fee paid or deposit made in respect thereof.

Power to withdraw licenses. 41. (1) 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 the fees payable in respect thereof for fifteen days, withdraw the license either-

(a) on the expiration of fifteen days notice in writing of its intention to do so, or

(b) forthwith without notice.

Compensation in the case of withdrawal (2) If any licence, 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 Excise Commissioner may direct.

Refund of fee or deposit (3) When a licence, permit or pass is withdrawn under this section, any fee 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 Government.

Technical irregularities in license etc. 42. (1) No licence, 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 Excise Commissioner as to what is a technical defect, irregularity or omission shall be final.

No claim in consequence of refusal to renew a license etc. 43. No person to whom a licence, 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.

Surrender of licence. 44. (1) No holder of a licence granted under this Act to sell any intoxicant shall surrender his licence except on the expiration of one month's notice in writing given by him to be Collector of his intention to surrender the same and on payment of the fee payable for the licensee for the whole period for which it would have been current but for the 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 licence granted under Section 27(2).

Explanation :- The words 'holder of a Licence' as used in this Section include a person whose tender bid for a licence has been accepted, although he may not actually have received to licence.

CHAPTER VII

POWER AND DUTIES OF OFFICERS, Etc.

- Power to enter and inspect places of manufacture.. and sale.
45. Any excise officer not below such rank, as the Lieutenant Governor of Delhi may prescribe, may-
- (a) enter and inspect, at any time by day or by night any place in which any licenced manufacturer carries on the manufacture of or stores any (intoxicant) ;
 - (b) enter and inspect at any time within the hours during which sale is permitted, and at any other time during which the same may be open, any place in which any intoxicant is kept for sale by any person holding a licence under this Act;
 - (c) examine accounts and registers, test measures or weigh any material, stills, utensils, implements, apparatus or intoxicant found in that place;
 - (d) seize any accounts, registers, measures, weights or testing instruments which he has reason to believe to be false.
- Powers to excise officers to investigate offences punishable under this Act.
46. (1) The Lieutenant Governor of Delhi may, by notification, invest any excise officer, not below the rank of sub-inspector, with the 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 these 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 XIV of the Code of Criminal Procedure, 1898.

Powers of arrest, seizure and detention.

47. Any officer of the excise, police, salt or land revenue department, not below such rank and subject to such restrictions as the Lieutenant Governor of Delhi may prescribe, and any other person duly empowered by notification by the Lieutenant Governor of Delhi 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 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.

Power of a magistrate to issue warrant for search or arrest.

48. 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 any²(intoxicant), still, utensil, implement, apparatus or material, 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.

Power of excise officer to

49. (1) Whenever any excise officer, not below such rank as the Lieutenant Governor of Delhi may, by notification prescribe, has reason to believe

sarch without warrant.

that an offence punishable under section 61, section 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.

Further powers of seizure, detention, search and arrest.

(2) 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 and 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.

Powers of excise officers to obtain information.

49A. (1) Any excise officer, not below such rank as the Lieutenant Governor of Delhi 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 material, still, utensil, 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.

Procedure relating to arrests, searches etc.

50. Save as in this Act otherwise expressly provided, the provisions of the Code of Criminal Procedure, 1898 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

The Punjab Excise Act (1 of 1914)

Taken in these respects under this Act, Provided that:

- (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 born 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 magistrate for trial or adjudication.

Police to aid excise officers. 51.

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

Duty of land holders and others to give information

52.

(a) Every owner or occupier of land or any building and the agent of any owner of land or any building on which –

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

There shall be any manufacture of illegal important or collection of any 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.

Duty of officer in-charge of police station to take charge of articles seized.

53. Every officer in-charge of a police station shall take charge of, and keep in safe custody, 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 of and from them. All samples so taken shall also be sealed with the seal of the officer-in-charge of the police station.

Power to close shops for the sake of public peace.

54. (1) The District magistrate or a Sub-Division Magistrate, by notice in writing to the licensee, may require that any shop in which any¹(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, a 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 any magistrate makes a direction under sub-section (2), he shall forthwith inform the Collector of his action and his reasons therefore.

CHAPTER VIII

GENERAL PROVISIONS

- Measures, weights & testing instruments.
55. Every person who manufactures or sells any intoxicant under a license granted under this Act, shall be bound –
- (a) to supply himself with such measures, weights and instruments as the Excise 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 intoxicant in his possession in such manner as the said excise officer may require.
- Powers of Lieutenant Governor) to exempt intoxicants from the provisions of the Act.
56. The Lieutenant Governor of Delhi may, by notification, either wholly or partially and subject to such conditions as he may think fit to prescribe, exempt any intoxicant from all or any of the provisions of this Act.
- Bar of certain suits.
57. No suit shall lie in any civil court against the Government or any officer or person for damages for any act in good faith done, or ordered to be done in pursuance of this Act or of any other law for the time being in force relating to the excise revenue.
- Power of Lieutenant Governor to make rules.
58. (1) The Lieutenant Governor of Delhi 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 Lieutenant Governor of Delhi may make rules –

- (a) prescribing the duties of excise officers;
- (b) Omitted
- (c) prescribing the time and manner of presenting and the procedure for dealing with, appeals from orders of the excise officers;
- (d) regulating the import, export, transport or possession of any intoxicant, or excise bottle and the transfer, price or use of any type of 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 intoxicant may be granted and regulating the number of such licences which may be granted in any local area;
- (f) prescribing the procedure to be followed and the matters to be ascertained before any licence is granted for the retail vend of liquor for consumption on the premises;
- (g) for the prohibition of the sale of an intoxicant to any person or class of persons;
- (h) Regulating the power of excise officers 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,

discharged or acquired;

- (j) for the prohibition of the employment by a licence-holder of any person or class of persons to assist in his business in any capacity whatsoever;
 - (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;
 - (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; and
 - (m) prohibiting within the Union Territory of Delhi the circulation, distribution or sale of any newspaper, book, leaflet, booklet, or other publication printed and published, outside the Union Territory of Delhi 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 commending or soliciting the use of or offering any intoxicant, to be forfeited to the Government; and
 - (o) implementing generally the policy of prohibition.
- (4) The power conferred by this Section of making rules is subject to the condition that the rules be made after previous publication.

Previous publication of rules.

Provided that any such rules may be made without previous publication if the (Lieutenant Governor) of Delhi considers that they should be brought into force at once.

Powers of Excise
Commissioner to make
rules.

59. The Excise Commissioner may, by notification, make rules –

(a) regulating the manufacture, supply, storage or sale of any 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 and the collection of spontaneous growth of such plant and the preparations of any intoxicating drug;

(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 intoxicant in a warehouse and the removal of any 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 intoxicant;

- (e) regulating the time, place and manner of payment of any duty or fee;
- (f) prescribing the authority by, the restrictions under and the conditions on which, any license permit or pass may be granted including provision for the following matters:-
 - (i) the prohibition of the admixture with any (intoxicant) of any substance deemed to be noxious or objectionable;
 - (ii) the regulation or prohibition of the reduction of liquor by a licensed manufacturer or licensed vendor from a higher to a lower strength;
 - (iii) the fixing of the strength, or price below which any intoxicant shall not be sold, supplied or possessed;
 - (iv) the prohibition of sale of any 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 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 intoxicant deemed to be unfit for use;
- (i) regulating the disposal of confiscated articles;
- (j) prescribing the amount of security to be deposited by the holders of leases, licenses, permits or passes for the performance of the conditions of the same.

Recovery of dues,

60. (1) The following moneys namely –

- (a) all excise revenue,
- (b) any loss that may accrue, when in consequence of default a grant has been taken under management by the Collector or had been resold by him under Section 39, and
- (c) all amounts due to the 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 movable 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 the 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 (intoxicant) or materials for manufacture of the same held in or upon premises shall be liable to be attached in satisfaction of any claim for excise by revenue or in respect of losses incurred by the 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 PANEALTIES

Penalty for un-lawful import, export, transport, manufacture, possession etc.

61. (1) Whosoever, 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, manufacturers, collects or possesses any intoxicant;

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

(c) uses, keeps, or has in his possession any material, still, utensil, implement or apparatus, whatsoever, for the purpose of manufacturing any intoxicant other than tari; shall be punishable for every such offence with imprisonment for a term which may extend to (three years) and with fine upto two thousand rupees and if found in possession of a working still for the manufacture of any intoxicant shall be punishable with the minimum sentence of six months imprisonment and fine of two hundred rupees.

Penalty for unlawful import, export, transport, manufacture, possession, sale etc.

(2) 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 –

(b) sells any intoxicant; or

(c) cultivates the hemp plant, or

(d) removes any intoxicant from any distillery, brewery or warehouse established or licensed under this Act; or

(d) bottles any liquor for the purpose of sale; or

(e) taps or draws tari from any tari-producing tree;

Shall be punishable with imprisonment for a term which may extend to two years and fine which may extend to two thousand rupees.

It should be noted, moreover, that the infliction of a penalty under this chapter does not debar the Collector from canceling a license under Section 36 or Section 37.

Section 61(1)*(b) refers to distilleries and breweries as the terms are generally understood, large works not as a rule capable of concealment. A case might arise of illicit distillation being carried on, on so large a scale as to come under this sub-clause but no such case has so far arisen, and the sub-clause should not be applied to the ordinary illicit still found in the Union Territory of Delhi, which is covered by sub-clause 61 (1)(a)

Doubt often arises as to whether punishment should be asked for under both sub-clauses 61(1)(a) and 61(1)(c).

Such cases arise –

(1) when a still at work is seized with a quantity of

lahan and of the resultant spirit;

- (2) when illicit distilled spirit and lahan are seized without apparatus;
- (3) when apparatus and lahan are seized;
- (4) when illicit distilled spirit and apparatus not at work are seized.

In such cases there is a certain degree of overlapping, as (a) covers “manufacture” and (c) covers “use of a still” for manufacture. When the offence is “manufacture by a still” or otherwise comes within the more definite terms of clause (c), that clause (c) should be used in preference to the more general clause (a). In practice indeed, it will not often be possible to convict and punish under both sub-clauses as Section 71, Indian Penal Code, will come into operation. Where the possession of the illicit distilled spirit or of the lahan is really only one part of the process of manufacture, the offender can be sentenced only to 3 years, whether he is convicted under (a) or (c).

It is not easy to lay down general rules; but if a reference is made in each case to Section 71 of the Indian Penal Code and Section 35 of the Criminal Procedure Code, and care is taken to distinguish between distinct offences and separate offences, i.e., the separable elements in themselves offences of one combined offence no difficulty should arise.

Penalty or unlawful selling to person under twenty-five years or employing them or women.

62. 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 (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 Section any man under the age of twenty-five years or women; or
- (c) Sells any intoxicant to a person who is drunk or intoxicated; or
- (d) Permits drunkenness, intoxication, disorderly conduct or gaming on the licensed 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, be punishable with a fine which may extend to five hundred 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 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.

Penalty for rendering or attempting to render denatured spirit

63. 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 his possession any spirit rendered fit for human consumption in respect of which he knows or has reason to believe that any such attempt has been made, shall be punishable with imprisonment for a term which may extend to one year, and with fine which may extend to one thousand rupees

Penalty for fraud by licensed manufacturer or vendor or his servant.

64. If any licensed manufacturer or licensed vendor or person in his employ or acting on his behalf-

(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

(c) marks any bottle, case, package or other receptacle containing liquor so manufactured from rectified spirit or country liquor, or the cork of any such bottle, or deals with any bottle, case, package 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 extent to three months and with fine which may extend to five hundred rupees.

(Indian made whisky, brandy, and gin are manufactured from plain spirit. Thus every distiller who makes these sophisticated spirits is technically guilty of an offence under this section. As, however, the sanction of the Collector is, under section 75 of the Act, necessary before a prosecution under this section can be instituted, there is little danger of its

being abused).

- Penalty for certain acts by licensee or his servant.
65. Whoever, being the holder of 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 cash not provided for in section 61 willfully 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 in case (a) with fine which may extend to two hundred rupees, and in case (b) or case (c) with fine which may extend to five hundred rupees.
- Penalty for consumption in chemist's shop etc.
66. 1) If any chemist, druggist, apothecary or keeper of a dispensary allows any 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 extent to thee months and with fine which may extend to one thousand rupees.
- 2) If any person not employed as aforesaid consumes any such intoxicant such premises, he shall be punishable with a fine which may extend to two hundred rupees.

Manufacture, sale or possession by one person on account of another.

67. 1) When any intoxicant has been manufactured or sold or is possessed by any person on account of any other person and such other person knows or has reason to believe that such manufacture or sale was, or that such possession is on his account, the article shall for the purpose of this Act be deemed to have been manufactured or sold by or to be in the possession of such other person.

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

Penalty for offences not otherwise provided for.

68. Whoever is guilty of any act or intentional omission in contravention of any of the 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 two hundred rupees.

68A. Whoever, having been 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 three years and a fine of two thousand rupees; provided that if on a previous conviction the sentence awarded was that of fine only, the sentence of imprisonment on subsequent conviction shall be in addition to the enhanced penalty of fine provided further that the enhanced punishment would not in any way affect the minimum sentence prescribed for the offence of possession of a working still for the manufacture of

any intoxicant.

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

Security for abstaining from commission of certain offences. 69A. 1. Whenever any person is convicted of an offence punishable under sections 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 1898, shall, in so far as they are applicable, apply to all matters connected with such bond, as 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 appellate court, or by the High Court when exercising its powers of revision.

Penalty for excise officer making vexatious search, 70. If an excise officer –

(a) Vexatiously and unnecessarily enters or

etc.

searches, or causes to be entered or searched, any place under colour of exercising any power conferred by this Act;

(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.

Report by investigating officer for institution of proceedings.

71. 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, 1898, 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 offence on police report.

Offences to be bailable

72. All offences punishable under this Act shall be bailable within the meaning of the Code of Criminal

Procedure, 1898.

Provided that the offence of possession of a working still for the manufacture of any intoxicant under section 61(1) shall be non-bailable.

Security for appearance in case of arrest without warrant.

73. (1) The Lieutenant Governor of Delhi 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 –

(a) the nearest excise officer empowered to grant bail, or

(b) the nearest officer in charge of a police station.

(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 provisions of sections 499 to 502, 513, 514 and 515 of the Code of Criminal procedure, 1898 shall apply, so far as may be, in every case in which bail is accepted or a bond taken under, this section,

74. Repealed

Cognizance of Offences

75. (1) No 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 and section 64 section 65, Section 68 or Section 70, except on the Compliant or report of the Collector or an excise officer authorized by him in that behalf.

(2) Except with the special sanction of the Lieutenant Governor of Delhi , the 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.

Presumption as to commission of offence in certain cases.

76. Whenever any person is found in possession of-

(a) any still, utensil, implement or apparatus whatsoever or any part or parts thereof, such as are ordinarily used for the manufacture;

(b) any material which have undergone any process towards the manufacture of an intoxicant or from which an 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.

Presumption as to commission of offence in prosecution under Section 63 of the Act.

76- A 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.

Liability of employer for offence committed by the employee or agent

77. The holder of a licence, 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;

Provided that no person, other than the actual offender, shall be punished with imprisonment except in default of payment on fine.

Confiscation of articles in respect of which offence committed.

78. (1) Whenever an offence punishable under this Act has been committed-

(a) every intoxicant or excise bottle in respect of which such offence has been committed together with the contents of such excise bottle, if any

(b) every still, utensil, implement or apparatus and all material in respect of or by means of which such offence has been committed;

(c) every intoxicant or excise bottle lawfully imported, transported manufactured, had in possession or sold along with, or in addition to, any intoxicant or excisable liable to confiscation under clause (a);

(d) every receptacle, package and covering in which any intoxicant or excise bottle material, 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.

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.

When confiscation may be ordered

(2) 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 as option to pay such fine as the magistrate thinks fit.

Further provisions for confiscation.

79. 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 anything 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) claiming any right thereto, and the evidence (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 of 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.

Power of excise officers to 80.
compound offences.

- 1) The Collector may accept from any person who is reasonable suspected of having committed an offence punishable under section 62, section 65 or section 68 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 offences.
- 2) The cancellation or suspension of any license, permit or pass under section 36(a),(b) and (c) of this Act may be foregone or revoked by and at the sole discretion of the authority having the 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.
- 3) Where any 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 (1)
(See Section 2)

ENACTMENTS REPEALED

Year	No.	Short Title	Extent of repeal,
		Acts of the Governor General in Council	
1863	XVI	The Excise (Spirits) Act, 1863	The Whole
1894	VIII	The Indian Tarriff Act, 1894	Section 6
1896	XII	The Excise Act, 1896	The Whole
1906	VII	The Excise (Amendment)	The Whole.

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1. The existing Schedule renumbered as Schedule I by the Punjab Excise (East Punjab Amendment) Act, 1948, (IX of 1948) Section 9, as extended to the Union Territory of Delhi vide Government of India, Ministry of Home Affairs notification No. 8/31/49-Judl. Dated the 20th June, 1949.

(SCHEDULE II)

**Bond to Abstain from the Commissioner of Offences
Under the Punjab Excise Act, 1914**

(See Section 69- A)

Whereas I, (name) Son of
(name) caste..... inhabitant of (place), district
..... have been called upon to execute a bond to abstain from the
commission of offences under section 61, 63 and 69 of Punjab Excise Act, I of 1914,
for the term of (time), I hereby bind myself not to
commit any such offence during the said term, and, in case of my making default
therein, I hereby bind myself to forfeit to the (Government) the sum of rupees
.....

Dated this Day of 19

(Wherein a Bond with Sureties is to be Executed, Add)

We do hereby declare ourselves sureties for the above named.....
..... that he will abstain from the commission of offences under Section
61,63 and 69 of the Punjab Excise Act, 1914, as in force in the Union Territory of
Delhi during the said term and in case of his making default therein, we bind ourselves
jointly and severally to forfeit to the (Government) the sum of rupees
.....

Dated this day of 19

(Signature)

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1. Schedule II added by the Punjab Excise (East Punjab Amendment) Act, 1948 (IX of 1948), Section 9, as extended to the Union Territory of Delhi vide Government of India, Ministry of Home Affairs notification No.8/11/49-Judl. Dated the 20th June, 1949.
 2. Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.