

**{173} G.N., R.D., No. BPA. 1953 dated 27th August 1953
(B.G. Pt. IV-B, p. 1613)**

In exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf and in supersession of Government Notifications, Revenue Department Nos. 8270/24 and 8270(a)/24, dated the 15th June 1927, the Government of Bombay if pleased to make the following rule, namely :

“All transactions of receipts in respect of excise revenue in the State of Bombay shall be taken to the nearest anna, that is to say, six pacs and over shall be taken as one whole anna, amounts less than six pacs being omitted.”

**{174} THE COMMISSIONER OF EXCISE AND PROHIBITION BOMBAY'S
NOTIFICATION No. D.S.81-2/53 dated 1st December 1953.**

(B.G., Pt. IV-C p. 663)

As amended by Notifications—

1. No. DS. 81-2/53 & Erratum dated 17th December 1953 (B. G., Pt. IV-C. ps. 666 and 731)
2. No. ES. 81-2/55 dated 7th June 1955 (B. G., Pt. V-C. p. 779)
3. No. ES. 81-2/55 Corrigendum, dated 11th July 1955 (B. G., Pt. IV-C. p. 930)
4. No. AS. 73-1/57 dated 15th July 1957 (B. G., Pt. IV-C. p. 1907)
5. No. AH. 81-2/59 dated 20th August 1959 (B. G., Pt. IV-C. p. 1195)
6. No. ES. 25-8/61 dated 2nd June 1961 (B. G., Pt. IV-C. p. 1777)
7. No. FH. 81-2/62 dated 15th December 1962 (B. G., Pt. IV-C. p. 2798)
8. No. RTS. 1171/A. III dated 14th May 1971 (M. G., Pt. IV-C. p. 348)

In exercise of the powers conferred by clause (i) of sub-section (1) of section 144 of the Bombay Prohibition Act 1949 (Bom. XXV of 1949), and in supersession of the Commissioner of Excise, Bombay's Notification No. 81/6/39 (d) dated 13th March 1939, the Commissioner of Excise and Prohibition, Bombay is pleased to make the following regulation namely :

1. Short title : The regulations may be called the Bombay Prohibition Confiscated or Forfeited Articles (Disposal) Regulations, 1953.

2. Confiscated or forfeited articles to be made over to the Collector : Subject to the provisions of the Bombay Prohibition Act, 1949, when any article animal or thing is duly confiscated or forfeited either by order of a Court or other wise, such articles, animal or thing shall be made over to the Collector for disposal or be disposed of under orders of the Collector, according to the regulations hereinafter contained.

3. Potable Foreign Liquor : (1) Confiscated or forfeited potable foreign liquor, if it is in sealed bottles or in other receptacles the contents of which may reasonably be believed not to have been tampered with, shall be disposed of in the following manner :

(a) Such liquor shall be disposed of by public auction after fixing a reserve price in parity with the ordinary local price of such liquor and sold to the highest bidder provided that the bid offered does not exceed the maximum price, if any fixed by Government and that such bidder holds a licence to sell foreign liquor under the Act or the rules and order made thereunder.

(b) If no adequate bid is received in auction, a report shall be made to the Commissioner for orders regarding its disposal.

(2) (a) All other confiscated or forfeited potable foreign liquor shall be destroyed.

(b) All confiscated or forfeited rectified spirit and absolute alcohol shall be destroyed if it is less than one litre. In all other cases a sample of such rectified spirit and absolute alcohol shall be sent to the Commissioner, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra, Bombay for analysis as to whether it conforms to the specifications of rectified spirit permitted for sale. If the analysis shows that the confiscated or forfeited rectified spirit and absolute alcohol conforms to such specifications, it shall be sold by public auction to the highest bidder provided that he holds a licence for it or as may be decided by the Commissioner, If no adequate bid is received in auction, a report shall be made to the Commissioner for orders regarding its disposal. If the analysis shows that the confiscated or forfeited rectified spirit and absolute alcohol does not conform to the prescribed specifications, a report shall be made to the Commissioner for order regarding its disposal.

4. *Denatured Spirit*—All confiscated or forfeited denatured spirit, other than that in bottles bearing the seal of a Prohibition and Excise Officer, shall be destroyed if it is less than five litres. The denatured spirit in bottles bearing the seal as aforesaid shall be sold by public auction to the highest bidder provided that he holds a licence for a retail sale of denatured spirit. In all other cases a sample of such denatured spirit shall be sent to the Commissioner, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra, Bombay, for analysis as to whether it conforms to the specification of denatured spirit permitted for sale. If the analysis shows that the confiscated or forfeited denatured spirit conforms to such specifications, it shall be sold by public auction to the highest bidder provided that he holds a licence for the wholesale sale of denatured spirit. If no adequate bid is received in auction, a report shall be made to the Commissioner for orders regarding its disposal. If analysis shows that the confiscated or forfeited denatured spirit does not conform to the prescribed specifications, a report shall be made to the Commissioner for orders regarding its disposal.

5. *Methyl Alcohol and higher Alcohols*—All confiscated or forfeited methyl alcohol and higher alcohols shall be destroyed.

6. *Medicinal and Toilet preparations containing alcohol, Perfumed Spirits and Alcoholic Essences*—(1) All confiscated or forfeited medicinal and toilet preparations, perfumes and essences containing alcohol other than essences used in the manufacture of potable liquors shall be sold by public auction :

Provided that where such articles are not of the nature, substance or quality which they purport to be, they shall be destroyed.

(2) Essences containing alcohol used in the manufacture of potable liquors shall be destroyed.

7. *Country Liquor and Toddy*—Confiscated or forfeited country liquor, toddy and neera shall be destroyed.

8. *Intoxicating Drugs*.—(1) All confiscated or forfeited hemp and intoxicating drugs, other than ganja and bhang, shall be destroyed.

(2) All confiscated or forfeited ganja or bhang, as the case may be, if less than sixty grams in weight, shall be destroyed.

(3) All confiscated or forfeited ganja or bhang which on examinations is found to be unfit for human consumption shall, with the previous sanction of the Commissioner, be destroyed.

(4) All confiscated or forfeited ganja or bhang, as the case may be, if sixty grams or more in weight and not found unfit for human consumption, shall be sent to the Officer-in-charge of the Bombay State Hemp Drugs and Opium Packing and Supply Depot at Ahmedabad.

(5) The said Officer shall utilise the ganja and bhang sent to him under sub-regulation (4) for issue in packets to permit-holders. Any ganja or bhang out of the stock sent to him, if found by him to be unfit for human consumption, shall, with the previous sanction of the Commissioner, be destroyed.

(6) The said officer shall maintain a register showing proper accounts of the receipts and subsequent disposal of the confiscated or forfeited ganja and bhang sent to him under sub-regulation (4).

9. Opium—(1) Subject to the provisions of sub-regulation (3), all confiscated or forfeited opium in any part of the State shall be sent to the Officer in charge of the State Warehouse at Sewree.

(2) The Officer-in-charge of the warehouse at Sewree shall send the opium collected by him if it is five kilograms or more to the Opium Factory at Ghazipur only twice a year that is on 1st June and 1st December under intimation to the Commissioner and the Superintendent of Prohibition and Excise, Bombay.

(3) Where the confiscated or forfeited opium is or is suspected to be of foreign origin or presents any doubt or difficulty in determining its origin and exceeds 15 kilograms in quantity, a sample of 1.47 kilograms shall be sent to the Commissioner, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra, Bombay for analysis. The sample shall be sent with a forwarding letter containing the following particulars namely :

- (i) particulars of the criminal case, if any, in respect of such opium ;
- (ii) The total quantity of opium confiscated or forfeited ;
- (iii) the number and date of the order of confiscation or forfeiture, as the case may be and the authority by which the order was made;
- (iv) the country of origin, if known, of the opium, and
- (v) such other particulars as may be necessary for distinguishing such opium from any other opium.

(4) On receipt of the sample under sub-regulation (3) the Commissioner, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra Bombay, shall utilise therefrom such quantity as he may require for analysis and send the remaining quantity to the Chief Chemist, Central Revenue and Control Laboratory, New Delhi, along with a full report of the tests carried out by him and his own conclusions. He shall also send a copy of each of his report and conclusions to the Narcotics Commissioner, 19, The Mall, Morar, Gawalior, and the Officer from which he had receive the sample who shall after obtaining the previous sanction of the Collector, send the remaining quantity of the confiscated or forfeited opium to the Opium Factory at Gazipur along with a copy of the aforesaid report and conclusions.

10. Mhowra flowers and Molasses.—(1) Confiscated or forfeited Mhowra flowers and molasses, if fit for use and if the quantity in the case of mhowra flowers is more than 37 quintals may, after consultation with the Superintendent, Government Distillery, Chitali, and if required by him be sent to him if it be advantageous to Government to do so considering the quantity and quality and the cost of transport.

(2) Confiscated or mhowra flowers if they are not more then 37 quintals of if they are not required by the Superintendents, Government Distillery, Chitali, shall be sold to any Co-operative Society approved by the Collector in this behalf holding a licence for the sale of mhowra flowers under the Bombay Prohibition Act, 1949, or, if that is not possible to any other person holding such licence.

(3) Confiscated or forfeited molasses not required by the Superintendent, Government Distillery, Chitali, shall be sold to a person holding a licence for the sale of molasses under the Bombay Prohibition Act, 1949.

(4) All confiscated or forfeited mhowra flowers and molasses which are not fit for use or which cannot be sold as above shall be destroyed.

11. Destruction of articles or hemp to be in presence of responsible Officer—Whenever any confiscated or forfeited articles or hemp has to be destroyed in conformity with these regulations, it shall be destroyed.

(1) in Greater Bombay, at the Court premises, if it is lying in the Court premises, or at the Police Station, if it is lying there, by the Officer-in-charge of the Police Station which committed the case to the Court or by the Sub-Inspector of Police deputed by him for the purpose in the presence of a Prohibition and Excise Officer deputed by the Superintendent of Prohibition and Excise, Bombay, and

(2) elsewhere by the Officer-in-charge of the Police Station having custody of the articles or hemp in question or by the sub-Inspector of Police deputed by him for the purpose, in the presence of a Sub-Divisional police Officer or a local Revenue Officer not lower in rank than an Aval Karkun or a Revenue Officer of corresponding status.

12. Other Articles—(1) All confiscated or forfeited articles other than those dealt with in the preceding regulations shall, unless otherwise directed by the Commissioner in any particular case, be put up to auction and sold to the highest bidder; but if there is no bid they shall be destroyed.

(2) Stills, and all implements and apparatus for the manufacture of liquor or intoxicating drugs shall be broken up or otherwise rendered useless for such manufacture before being offered for sale.

(3) Confiscated or forfeited utensils and such other articles of metal shall, if the Commissioner so orders, be broken up and rendered useless before they are offered for sale.

(4) Articles are not likely to fetch any value or which are capable of being used in the manufacture of liquor or intoxicating drug or for any unlawful purpose, shall except in Greater Bombay, be broken up and sold as scrap at the Courts premises if they are lying in the Court or at the Police Station if they are lying there by the Officer-in-Charge of the Police Station having the custody of the articles or by the sub-Inspector of Police deputed by him for purpose in the presence of a sub-Divisional Police Officer or a local Revenue Officer not lower in rank than an Aval Karkun or a Revenue Officer of corresponding status.

13. Disposal to be deferred till period of appeal has expired except in certain cases—The sale or other disposal of confiscated or forfeited articles shall be deferred till the period of appeal against the order of the Court, Commissioner, Collector or any other officer ordering confiscation or forfeiture has expired or if an appeal is made against such order, till the appeal be finally disposed of :

Provided that —

(a) in the case of any confiscated animal, the sale shall not be so deferred unless the owner thereof deposits with the Collector such sum as that Officer deems to be sufficient for the keeping of such animal till the end of the period required for preferring an appeal or till the disposal of such appeal, as the case may be

(b) if the thing confiscated be liable to speedy and natural decay, or if the disposal thereof would be for the benefit of the owner it may be sold immediately; provided that, if the sale of such thing is not advantageous to the owner, the Collector may direct it to be destroyed.

14. *Procedure to be adopted if order of confiscation be reversed*—If an order of confiscation of any intoxicant or hemp or other thing be reversed on appeal, such article, hemp or thing, or the sale-proceeds thereof and the balance of the amount, if any, deposited for keeping in safe custody thereof, after deduction of the expenditure incurred in its maintenance, shall be returned to the owner thereof or his duly authorised agent. If no one appears within two months from the date of order on appeal to claim such article, hemp or thing or the sale proceeds thereof, the same shall be handed over to the police for disposal in accordance with the provisions of Sections 82 to 88 of Bombay Police Act, 1951.

15. *Unclaimed confiscated intoxicants*—Intoxicants and hemp in respect of which an offence has been committed and the offender is not known or cannot be found and intoxicants and hemp which are found unclaimed on Railway and in the Post shall, when forwarded to the Collector, be dealt with under these regulations.

16. Any intoxicant, hemp, mhowra flowers or molasses and any other property, if any, confiscated in a case compounded under Section 104 of the Act shall be disposed of in accordance with these regulations.

**{175} COMMISSIONER OF EXCISE AND PROHIBITION,
BOMBAY NOTIFICATION
No. D. S. 81-1/54, dated 7st January, 1954.
(B.G., Pt. IV-C, p. 56)**

In exercise of the powers conferred by clause (h) of sub-section (I) of Section 144 of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), and in supersession of the Commissioner of Excise, Bombay's Notification No. 81-6/39 (c), dated the 13th March, 1939 the Commissioner of Excise and Prohibition, Bombay is please to make following regulations, namely—

1. Short title : These regulations may be called the Bombay Prohibition Intoxicants (Destruction) Regulations, 1954.

2. In these regulations :

(a) "Act means the Bombay Prohibition Act, 1949";

(b) "licensed premises" means the Premises in respect of which a licence has been issued under the Act.

3. Any foreign liquor kept in any licensed premises which may, on examination be declared to be unfit for use by reason of admixture with such liquor of substances deemed to be noxious or objectionable in contravention of the regulations made or deemed to have been made under sub-clause (i) of clause (f) of sub-section (I) of Section 144 or any other shall be destroyed under the orders of the Collector concerned.

4. Any neera kept in any licensed premises which may, on examination be declared to be unfit for use by reason of its being fermented or admixed as aforesaid shall be destroyed by the Prohibition and Excise Officer in whose jurisdiction the licensed premises are situated.

5. Whenever any foreign liquor is ordered to be destroyed under these regulations, it shall be destroyed in the presence of such officer as the Superintendent or District inspector of prohibition and Excise may depute in that behalf.

6. No compensation shall be payable to any person in respect of the foreign liquor or neera destroyed under these regulations.

7. The destruction of foregin liquor or neera under these regulations shall be without prejudice to any proceedings that may be deemed necessary in respect of the breach, if any, of the conditions or restrictions subject to which any licence in respect of such foreign liquor or neera, may have been graned.