

Andhra Pradesh Excise (Second Amendment) Act, 2010

8 of 2010

[20 April 2010]

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AN ACT FURTHER TO AMEND THE ANDHRA PRADESH EXCISE ACT, 1968. Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty first Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Andhra Pradesh Excise (Second Amendment) Act, 2010.

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

2. Amendment Of Section 34 :-

In the Andhra Pradesh Excise Act, 1968, (Act 17 of 1968) (hereinafter referred to as the principal Act), in section 34, in item (1), in sub-item (ii), for the words "one year", the words "three years", shall be substituted.

3. Amendment Of Section 37 :-

In section 37 of the principal Act,-

(1) in item (i), for the words "a term which shall not be less than

one year but which may extend upto three years", the words "a term which shall not be less than three years but which may extend upto five years", shall be substituted;

(2) in item (ii), for the words "a term which shall not be less than two years but which may extend upto three years", the words "a term which shall not be less than three years but which may extend upto six years", shall be substituted.

4. Amendment Of Section 37-A :-

In section 37-A of the principal Act,-

(1) in sub-section (1), in clause (i), for the words "two years", the words "three years", shall be substituted;

(2) in sub-section (2), in clause (i), for the words "two years", the words "three years", shall be substituted.

5. Amendment Of Section 60 :-

In section 60 of the principal Act, for sub-section (5), the following shall be substituted, namely,-

"(5) Notwithstanding any thing contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1973), no court shall grant any bail to any person accused of an offence punishable under sub-item (i) of item (1) of section 34 and to any person accused of an offence under clause (h) of section 34 or section 40-A or section 50 or section 50-A of this Act, unless the prosecuting officer is given an opportunity to oppose the application and the Court record reasons while granting the bail."

6. Insertion Of New Section 60-A :-

After section 60 of the principal Act, the following new section shall be inserted namely, -

60-A. Non-bailable Offences.--The offences punishable under sub-item (ii) of item (1) of section 34 or section 37 or section 37-A shall be non-bailable and the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1973) with respect to non bailable offences shall apply to those offences."