

BOMBAY OPIUM SMOKING CONFISCATED ARTICLES (DISPOSAL) RULES, 1959

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BOMBAY OPIUM SMOKING CONFISCATED ARTICLES (DISPOSAL) RULES, 1959

In exercise of the powers conferred by sec. 29 of the Bombay Opium Smoking Act, 1936 (Bom XX of 1936), and in supersession of Government Notification, Revenue Department, No.4414/24, dated the 1st October, 1938, the Government of Bombay hereby makes the following rules, namely:

1. Short title :-

These rules may be called the Bombay Opium Smoking Confiscated Articles (Disposal) Rules, 1959.

2. Confiscated articles to be disposed of under orders of Collector :-

All things confiscated under the Bombay Opium Smoking Act, 1936 shall be made over to the Collector for disposal, or shall be disposed of under the orders of the Collector, according to the following rules.

3. Disposal of confiscated opium :-

(1) All confiscated opium other than prepared shall be sent to the Officer-in-charge of the Gujarat State Hemp Drugs and Opium Packing and Supply Depot, Ahmedabad. The Officer-in-charge of the depot at Ahmedabad shall send the opium collected by him if it is five kilograms or more to the Opium Factory at Gazipur only

twice a year that is on 1st June and 1st December under intimation to the Director and Superintendent of Prohibition and Excise, Ahmedabad Division.

(2) All confiscated prepared opium shall be destroyed

4. Disposal of other Articles :-

All confiscated articles (other than opium and prepared opium) shall be put to auction and sold to the highest bidder, but if there is no bid they shall be destroyed:

Provided that instruments of smoking shall be broken up or otherwise rendered unfit for smoking before being put up for sale.

5. Destruction of Articles to be in the presence of responsible officer :-

Whenever any confiscated article has to be destroyed in conformity with these rules it shall be destroyed in the presence of the Magistrate ordering the confiscation or in the presence of the Prohibition and Excise officer or any other Prohibition and Excise Officer he may depute for the purpose.

6. Disposal to be deferred till period of appeal has expired except in certain cases :-

The sale or other disposal of confiscated articles shall be deferred till the period of appeal against the order of confiscation 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 to be destroyed.

7. Procedure to be adopted if order of confiscation be reversed :-

If an order of confiscation of any opium or other thing be reversed

on appeal, such opium or thing, or the sale proceeds thereof and balance of the amount, if any, deposited for keeping or 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 opium or thing or the sale proceeds thereof, the same shall be handed over to the police for disposal in accordance with the provisions of the relevant Police Act or other law in force in the area.

8. Disposal of unclaimed confiscated articles :-

Any article liable to confiscation seized in a case where an offence has been committed under the Act and the offender is not known or cannot be found shall, when forwarded to the Collector, be dealt with under these rules.