

Gujarat Prohibition Confiscated or Forfeited Articles (Disposal) Regulations, 2004

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Gujarat Prohibition Confiscated or Forfeited Articles (Disposal) Regulations, 2004

In exercise of powers conferred by clause (i) of sub-sec. (1) of Sec. 144 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Commissioner of Prohibition and Excise, Gujarat State is pleased to make the following regulations, namely:

1. Short title :-

These regulations may be called the Gujarat Prohibition Confiscated or Forfeited Articles (Disposal) Regulations, 2004.

2. Disposal of confiscated or forfeited articles :-

Subject to provision of the Act when any article, vehicle, animal or other things is duly confiscated or forfeited, such article, vehicle, animal or such other things shall be disposed off in the manner prescribed in these regulations hereafter.

3. Potable Foreign Liquor and Indian Made Foreign Liquor :-

All confiscated or forfeited potable foreign liquor or Indian Made Foreign Liquor, if it is sealed bottles or any other receptacles, shall be destroyed in the presence of the Committee constituted in this

behalf under Sec. 7 of the Act.

4. Disposal of certain controlled Articles :-

All confiscated or forfeited Denatured Spirits, Denatured spirituous Preparations, Methyl Alcohol, Medicinal and Toilet Preparations, Mhowra Flowers, Ammonium Chloride or Molasses, as the case may be, which has been certified by the Chemical Analyser to the Government to be such article as defined under the Act shall be sold by auction to the highest bidder who holds a valid licence for such article under the Act. The quantity of such article shall be transported under a special transport pass provided vide G.N.R.D. No. 3015/51, dt. 21.12.1954 and issued by local Prohibition and Excise Officer. If no bidder comes forward for auction, such article shall be destroyed in the presence of local Prohibition and Excise Officer not below the rank of a Sub-Inspector and Officer-In-Charge of the respective Prohibition/Police Station.

5. Disposal of articles to be destroyed :-

All confiscated Country liquor, Toddy, Neem, Rotten Gur and all the other controlled articles specified in Regulation 4, not conforming to the prescribed standards and specifications, shall be destroyed in the presence of local Prohibition and Excise Officer not below the rank of a Sub-Inspector and the Officer in Charge of the respective Prohibition/Police Station.

6. Disposal of Intoxicating Drugs, Hemp, Narcotic Drugs and Psychotropic Substances :-

Disposal of seized Narcotic Drugs and Psychotropic Substance including intoxicating drugs as defined in the Act shall be done in accordance with the standing order No. 1/89 dt. 13.6.1989 of the Ministry of Finance, Government of India issued under Sec. 52-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 and in the presence of committee constituted by the State Government. Explanation. The words "Narcotic Drugs" and "Psychotropic Substances" shall have the meaning as assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985).

7. Disposal of conveyances :-

All confiscated or forfeited animals, carts, vessels or other conveyances used in carrying the articles mentioned in Regulations 4, 5, and 6 above shall be disposed off in the following manner:

(a) The officer empowered under Sec. 100 of the Act shall fix the

upset price of the conveyance in consultation with any Government Approved Valuer and shall sell the same through a public auction:

Provided that no person who is employed, in any capacity in the Police Force or in the Prohibition and Excise Department or their dependents, shall be eligible for participating in the auction:

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

8. Disposal of other articles :-

(1) All confiscated or forfeited articles other than those dealt with in the preceeding regulations shall be put to auction and sold to the highest bidder; but if there is no bid they shall be destroyed:

Provided that if such article is capable being refused for any unlawful purpose, it shall be first rendered useless for such purpose before being offered for auction.

(2) Such auction shall be made in the presence of local Prohibition and Excise Officer not below the rank of a Sub-Inspector and the Officer-in-charge of respective Prohibition/Police Station.

9. . :-

The proceeds of all the sales under these regulations shall be credited under the Accounts Head Major Head 0039 State Excise 800 Other receipts (4).

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

The sale or disposal of confiscated or forfeited articles shall be deferred till the period of appeal if any against the order of such confiscation or forfeiture, as the case may be, has expired. If an appeal has been made against such order, the sale or disposal shall be deferred till the appeal has been disposed off :

Provided that in the case of any confiscated animal, the sale shall not be deferred unless the owner thereof deposits with the authority making the order, such sum as that authority 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 :

Provided further that if the thing confiscated is liable to speedy and natural decay or if the disposal thereof would be for the benefit of

the owner it may be sold immediately, and if the sale of such thing is not advantageous to the owner, the authority making such order may direct it to be destroyed.

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

If an order of confiscation of any intoxicant or any other thing is reversed as a result of an appeal, such article or thing or its sale proceeds and the balance of the amount, if any, deposited for keeping safe custody thereof, shall be returned to its owner or his duly authorised agent, after deduction of the expenditure incurred in its maintenance. If no one appears within two months from the date of order of appeal to claim such article, or thing or the sale proceeds thereof, the same shall be disposal off as provided for in these regulations.

12. Unclaimed confiscated intoxicants or articles :-

Any article in respect of which an offence has been committed under the Act and the offender is not known or cannot be found shall be disposed off as provided in these regulations.

13. Repeal and Savings :-

(1) The Gujarat Prohibition Confiscated or Forfeited Articles (Disposal) Regulations, 1998 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the regulations repealed by sub-regulation (1) shall, in so far as it is not inconsistent with the provisions of these regulations, be deemed to have been done or taken under the corresponding provisions of these regulations.