

Opium (West Pakistan Amendment) Act, 1957

13 of 1957

[28 February 1957]

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An Act to amend the Opium Act, 1878 Preamble.- WHEREAS it is expedient to amend the Opium Act, 1878, in its application to the Province of West Pakistan, in the manner hereinafter appearing; It is hereby enacted as follows:-

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Opium (West Pakistan Amendment) Act, 1957.

[2][(2) It extends to the whole of the province of West Pakistan, except the Tribal Areas.]

(3) It shall come into force at once.

2. Amendment Of Section 1 Of Act I Of 1878 :-

For paragraphs 2 and 3 of section 1 of the Opium Act, 1878 (hereinafter called the said Act), the following shall be substituted, namely:-

"It extends to the whole of West Pakistan, except [3][the Tribal Areas.]

It shall come into force at once."

3. Amendment Of Section 20 Of Act I Of 1878 :-

For section 20 of the said Act, the following shall be deemed to have been substituted, namely:-

"20. Powers of certain officers of Excise Department with regard to offences. Any Officer of the Department of Excise, who may be authorized in this behalf, by the Provincial Government by name or by virtue of his office shall, within such area as may be specified in the order of his appointment, exercise such powers with regard to offences under this Act, as are exercisable by an officer-in-charge of a police station under the Code of Criminal Procedure, 1898".

4. Insertion Of Sections 20-A To 20-C In Act I Of 1878 :-

After section 20 of the said Act, the following new sections shall be added, namely:-

"20-A. Disposal of persons arrested and things seized in certain cases. Any person arrested and anything seized under section 14, 15 or 19 shall, unless the arrest or seizure has been made by an officer authorized under section 20, be forwarded without delay to the nearest such officer or if there be no such officer within a reasonable distance, to the officer-in-charge of the nearest police station.

20-B. Disposal of persons arrested by officer of Department mentioned in section 20. When any person has been arrested under section 14, 15 or 19 by an officer authorized under section 20 or has been forwarded to him under section 20-A, the said officer may detain such person and shall proceed to inquire into the charge against him, and

(a) if he is of opinion that there is sufficient evidence or reasonable grounds of suspicion against him, he shall forward him to the nearest Magistrate having power to take cognizance of the offence,

(b) if he is of opinion that there is not sufficient evidence or reasonable grounds as aforesaid, or that the person arrested may be discharged with a warning, he shall release him on his executing a bond with or without sureties, to appear, if and when so required, before a Magistrate having power as aforesaid, and make a full report of all the particulars of the case to his official superior and be guided by the order which he shall receive upon such report.

20-C. Articles seized by such officer. When anything has been seized by an officer authorized under section 20, or has been sent to him under section 20-A, such officer, after such inquiry as may be necessary, shall-

- (a) if it appears that such thing is required as evidence in the case of any person arrested, forward it to the Magistrate to whom such person is forwarded or for his appearance before whom bail has been taken,
- (b) if it appears that it is liable to confiscation but is not required as evidence as aforesaid, send it with a full report of the particulars of the seizure to the Collector or the Deputy Commissioner of the District or any other officer appointed by the Provincial Government in this behalf,
- (c) if no offence appears to have been committed, return it to the person from whose possession it was seized."

5. Repeal :-

The following enactments are hereby repealed, namely:-

- (i) The Opium (Amendment) Act, 1923.
- (ii) The Opium Act (West Pakistan Amendment) Ordinance, 1956.