

PUNJAB VIDHAN SABHA

Bill No. 27-PLA-2017

THE PUNJAB EXCISE (SECOND AMENDMENT) BILL, 2017

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BILL

*further to amend the Punjab Excise Act, 1914.*

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India.

1. (1) This Act may be called the Punjab Excise (Second Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Punjab Excise Act, 1914 (hereinafter referred to as the principal Act), in section 26-A, in sub-section (1), at the end, for the sign “.”, the sign “:” shall be substituted and thereafter, the following proviso shall be added, namely:— Amendment of section 26-A of Punjab Act 1 of 1914.

“Provided that the above restriction shall not apply to the licensed liquor vends within the limits of Municipal areas.”.

3. In the principal Act, for section 72, the following section shall be substituted, namely:— Substitution of section 72 of Punjab Act 1 of 1914.

“72. All offences, punishable under this Act shall be bailable 1  
Offences to be bailable. within the meaning of the Code of Criminal Procedure, 1973:

Provided that the offences punishable under clauses (i), (ii), (iv) and (v) and of possession of country liquor and foreign liquor in a quantity exceeding twelve bottles of 750 milliliters capacity each, punishable under clauses (iii) and (viii) of the proviso to sub-section (1) of section 61, shall be non-bailable.”.

Amendment of  
section 78 of  
Punjab Act 1  
of 1914.

4. In the principal Act, in section 78,—

(a) in sub-section (1), for the proviso, the following proviso shall be substituted, namely :—

“Provided that when it is proved that the receptacles, animals or other articles specified in clauses (d) and (e) (except public undertaking vehicles) are not the property of offender, they shall not be liable to confiscation if the owner thereof establishes that he had no reason to believe that such offence was being or was likely to be committed.

*Explanation.*—“Public undertaking vehicles” means any vehicle owned /run by,—

- (i) the Central Government or a State Government;
- (ii) any municipality or any corporation or company owned or controlled by the Central Government and one or more State Governments for the purpose of providing transport and goods services.”;

(b) in sub-section (2), for the second proviso, the following provisos shall be substituted, namely:—

“Provided further that in cases where the quantity of liquor found at the time or in the course of detection of such offence exceeds twenty-seven bulk liters of country liquor and foreign liquor, the Magistrate shall order the confiscation of conveyance. However, in lieu of ordering confiscation of conveyance, the Magistrate may give the owner of the conveyance liable to be confiscated an option to pay an amount equal to the value thereof as estimated by the Magistrate:

Provided further that during pendency of trial, conveyance shall only be released on submission of security (in form of cash security or bank guarantee) equivalent to the value of the conveyance thereof.”;and

(c) in sub-section (4), for the words “ninety bulk liters he may”, the words and sign “twenty-seven bulk liters, he shall” shall be substituted.

5. In the principal Act, in section 81, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of  
section 81 of  
Punjab Act 1  
of 1914.

“(1) Any offence relating to type and quantity of liquor as specified in clauses (vi), (vii) and (viii) (except quantity of foreign liquor exceeding twelve bottles of 750 milliliters capacity each) of proviso to sub-section (1) of section 61, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.”.

## STATEMENT OF OBJECTS AND REASONS

The Hon'ble Supreme Court of India *vide* its judgment dated 11.7.2017 has clarified its earlier orders, which prohibited the sale of liquor through licensed banks within the 500 Metres from the National/State Highways. Accordingly, this amendment to Section 26(A) is being made to the effect that the order of the Supreme Court shall not apply to the licensed liquor vends within the limits of Municipal Area.

2. Further, in order to curb the inflow of smuggled liquor from other States and safeguard Government revenue and to provide citizens of the State authenticated liquor, there is need to amend certain sections of the Punjab Excise Act, 1914, to make it more deterrent for the offenders. Accordingly, Sections 72, 78 and 81 of Punjab Excise Act, 1914 are being amended. The amended provisions make the offence of smuggling liquor into Punjab, to be dealt with more strictness.

CAPTAIN AMARINDER SINGH,  
Chief Minister, Punjab.

## FINANCIAL MEMORANDUM

There is no direct financial implication in the proposed amendments in the Punjab Excise Act, 1914. These amendments, however, would have an indirect positive impact on future excise revenue receipts of State Exchequer.

CHANDIGARH :  
The 28th November, 2017.

SHASHI LAKHANPAL MISHRA,  
Secretary.

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*N.B.*— The above Bill was published in the *Punjab Government Gazette (Extraordinary)*, dated the 28th November, 2017 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).