



GOVERNMENT OF MAHARASHTRA

# STATE EXCISE DEPARTMENT

## THE MAHARASHTRA EXCISE MANUAL

### VOL.—I

(As modified up to 29th February 2012)

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**Bombay Act No. XXV of 1949**

**The Bombay Prohibition Act, 1949**


## PREFACE

It is indeed pleasure to introduce the updated Volume-I of the Maharashtra Excise Manual of the State Excise Department. After taking over the charge of Commissioner of State Excise in June, 2011, I myself felt the dire need for such a Manual.

The State Excise Department of the Government of Maharashtra has an interesting past and promising future. The department controls and regulates the trade in intoxicants of which liquor forms the major part. The law relating to intoxicants including liquor and the excise duties thereon was initially administered by the Excise Department in this State till June, 1949. With repeal of the Bombay Abkari Act, 1878 and introduction of Bombay Prohibition Act, 1949, with effect from 16th June, 1949, the Excise Department was renamed as Prohibition and Excise Department and was made responsible for enforcement of and education on prohibition. The State Government followed strict prohibition policy till December, 1963. The policy of prohibition was partially relaxed and step by step rationalization occurred. Initially, toddy was introduced, later on manufacture of potable liquor was allowed, then country liquor scheme was introduced, so on and so forth. The Department was again renamed as State Excise Department in the year 1990.

After the publication of the Maharashtra Excise Manual, Volume-I in 1996 further updated copy was not printed. The department has under gone many changes since then. In 1997, the department came with *ad valorem* based levying of duty on liquor which transformed the excise revenue considerably. In view of the past decade of far reaching economic changes and globalization, need of up to-date revised Manual was keenly felt at all levels.

I would like to place on record my deep appreciation by the efforts put in by the staff at the Commissionerate and staff at the office Superintendent of State Excise, Nagpur District for making this compilation a success. A special mention of the efforts put in by S/Shri Rahul Ambhore and Pravin Mohatkar is necessary, I hope this compilation will prove useful to the excise administrators, to all licensees in the liquor trade and to the public in general.



(Dr. Sanjay Mukherjee),  
Commissioner of State excise,  
Maharashtra State, Mumbai.

Mumbai :

Dated February, 2012.

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**THE BOMBAY PROHIBITION ACT, 1949**

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**BOMBAY ACT NO. XXV OF 1949<sup>1</sup>**

[ THE BOMBAY PROHIBITION ACT, 1949 ]

(This Act received assent of the Governor General on the 15th May 1949; assent was first published in the *Bombay Government Gazette* on the 20th May, 1949.)

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom.	28 of 1950.
”	” 26 of 1952.
”	” 18 of 1953.
”	” 67 of 1953.
”	” 21 of 1954.
”	” 36 of 1954.
”	” 64 of 1954.
”	” 20 of 1955.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom .	12 of 1959.
”	” 22 of 1960.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah.	46 of 1962.
”	” Mah. 33 of 1972.
”	” Mah. 52 of 1973 (14-1-1974)*
”	” Mah. 70 of 1981 (23-10-1981)*@

Amended by Mah.	9 of 1997 (4-9-1996)@@
”	” Mah. 46 of 1997
”	” Mah. 18 of 1998
”	” Mah. 35 of 2000 (16-11-2001)\$
”	” Mah. 52 of 2005 (19-11-2005)*@@@
”	” Mah. 29 of 2006 ( )\$\$

**An Act to amend and consolidate the law relating to the promotion and enforcement of and carrying into effect the policy of Prohibition and also the Abkari law in the <sup>2</sup>[State] of Bombay.**

WHEREAS it is expedient to amend and consolidate the law relating to the promotion and enforcement of and carrying into effect the policy of Prohibition and whereas it is also necessary to amend and consolidate the Abkari law in the <sup>2</sup>[State] of Bombay for the said purpose and to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows:

**CHAPTER I****Preliminary**

1. (1) This Act may be cited as the Bombay Prohibition Act, 1949.

<sup>3</sup>(2) It extends to the whole of the <sup>4</sup>[State of Maharashtra].

\*\* (3) It shall come into force <sup>5</sup>[in the area comprising the pre-Reorganisation State of Bombay] on such date as the <sup>6</sup>[State] Government may by notification in the *Official Gazette* <sup>7</sup>[specify].

Short title  
extent and  
commence-  
ment

1 For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, Part V, page 655.

2 This word was substituted for the word "Province" by Bom. 12 of 1959, s. 4.

3 This sub-section was substituted for the original, *ibid.* s. 5 (a).

4 These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) order, 1960.

5 These words were inserted by Bom. 12 of 1959, s. 5 (b) (i).

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 This portion was substituted for the word "specify" by Bom. 12 of 1959, s. 5 (b) (ii).

t This Act was extended to those areas of the State of Bombay to which immediately before the commencement of Bom. 12 of 1959, it did not extend (*vide* Bom. 12 of 1959, s. 2).

\*\*Sub-section (3) shall stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

@ Maharashtra Ordinance No. XV of 1981 was repealed by Mah. 70 of 1981, s. 5.

\* This indicates the date of commencement of Act.

@@ Maharashtra Ordinance No. XII of 1996 was repealed by Mah. 9 of 1997, s. 48 (i).

\$ This Act came into force on 16-11-2001 *vide* G. N. No. H.D., BPA-1098/8/EXC-2, dated the 16th October 2001.

@@@ Maharashtra Ordinance No. XI of 2005 was repealed by Mah. 52 of 2005, s. 38 (i).

\$\$ This Act came into force on 2006 *vide* G. No. H.D., BPA/EXC-2, dated the 2006.

In those areas of the State to which it is extended by the Bombay Prohibition (Extension and Amendment) Act, 1959, it shall come into force on such other date that Government may, by like notification, appoint: Bom. XII of 1959.

Provided that having regard to the nature of the outstill area of the Chanda District, the general backwardness of the people residing therein, and the necessity of preparing an adequate background before the introduction of prohibition therein, the State Government may, if it thinks fit, fix a different date for bringing the Act into force in that area.

*Explanation.*— In this sub-section the expression “outstill area of the Chanda District” means the areas of the Chanda District specified in Schedule I-A.]

\*<sup>1</sup> [(4) On the commencement of this Act in the manner provided in sub-section (3) in any area to which this Act is extended by the Bombay Prohibition (Extension and Amendment) Act, 1959, all rules, regulations, orders and notifications made or issued or deemed to be made or issued under this Act and in force in the pre-reorganisation State of Bombay excluding the transferred territories immediately before such commencement, shall also extend to, and be in force in that area]. Bom. XII of 1959.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

(1) “authorization” means an authorization granted under section 45 for the use of liquor for sacramental purposes;

(2) “to bottle” with its various grammatical variations, means to transfer any article from a cask or other vessel to a bottle, jar, flask, pot or similar receptacle for the purpose of sale, whether any process of manufacture be employed or not; bottling includes re-bottling.

<sup>2</sup>\* \* \* \* \*

<sup>3</sup>[(4) “Collector” includes an officer appointed by the State Government to exercise all or any of the powers and to perform all or any of the duties or functions of a Collector under this Act;]

<sup>4</sup>[(5) “Commissioner” means an officer appointed as the Commissioner of Prohibition and Excise under section 3 of the Act and includes any officer on whom the State Government may confer all or any of the powers of the Commissioner under this Act;]

(6) “committee <sup>5</sup>[or board]” means <sup>6</sup>[a committee or board] appointed by the <sup>7</sup>[State] Government under section 7;

(7) “Common drinking house” means a place where the drinking of liquor or consumption of any intoxicating drug is allowed for the profit or gain of the person owing, occupying, using, keeping or having the care of management or control of such place whether by way of charge for the use of the place or for drinking facilities provided, or otherwise howsoever and includes the premises of a club or any other place which is habitually used for the purpose of drinking liquor or consuming any intoxicating drug by more than one person without a licence granted under this Act;

<sup>1</sup> This sub-section was added by Bom. 12 of 1959, s. 5 (c).

<sup>2</sup> Clause (3) was deleted by Bom. 22 of 1960, s. 2 (a).

<sup>3</sup> Clause (4) and (5) were substituted for the original by Bom. 12 of 1959, s. 6 (a).

<sup>4</sup> Clause (5) was substituted by Mah. 52 of 1973, s. 3, Sch.

<sup>5</sup> These words were inserted by Bom. 22 of 1960, s. 2 (b).

<sup>6</sup> These words were substituted for the words “any of the committees”, *ibid.*

<sup>7</sup> This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

\* Sub-section (4) shall stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(8) “country liquor” includes all liquor produced or manufactured in India;

<sup>1</sup>[(9) “cultivation” means raising a plant from seed and includes the tending or protecting of a plant during its growth;]

(10) “denatured” means subjected to a process prescribed for the purpose of rendering unfit for human consumption;

<sup>2</sup>[(10a) “denatured spirituous preparation” means any preparation made with denatured spirit <sup>3</sup>[or denatured alcohol] and includes lacquers, French Polish and varnish prepared out of such spirit or alcohol;]

<sup>4</sup> \* \* \* \* \*

(12) “to drink” with its grammatical variations means to drink liquor or to consume any intoxicating drug;

(13) “excisable article” means—

- (a) any alcoholic liquor for human consumption,
- (b) an intoxicating drug <sup>5</sup>[or hemp],
- (c) opium,

<sup>6</sup>[(d) other narcotic drugs and narcotics which the State Government may, by notification in the *Official Gazette*, declare to be an excisable article];

(14) “excise duty” and “countervailing duty” means such excise duty or countervailing duty, as the case may be, as is mentioned in <sup>7</sup> [entry 51 in list II in the Seventh Schedule to the Constitution];

(15) “excise revenue” means revenue derived or derivable from any duty, fee, tax, fine (other than a fine imposed by a court of law) or confiscation or forfeiture imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to intoxicants;

(16) “export” (except in section 147) means to take out of the <sup>8</sup>[State] otherwise than across a customs frontier <sup>9</sup> \* \* \* \* \* ;

(17) “foreign liquor” <sup>10</sup>[means all liquor produced or manufactured outside India;]

Provided that the <sup>8</sup>[State] Government may by notification in the *Official Gazette* declare, that any specified description of country liquor shall, for the purposes of this Act, be deemed to be foreign liquor;

1 This clause was substituted for the original by Bom. 22 of 1960, s. 2 (c).

2 Clause (10a) was inserted by Bom. 36 of 1954, s. 2.

3 These words were substituted for the words “or alcohol” by Bom. 22 of 1960, s. 2 (d).

4 Clause (11) was deleted, *ibid.*, s. 2 (e).

5 These words were added, *ibid.*, s. 2 (f).

6 This was substituted for clauses (d) and (e), *ibid.*

7 This portion was substituted for the portion “Item 40 in List II in the Seventh Schedule to the Government of India Act, 1935” by the Adaptation of Laws Order, 1950.

8 This word was substituted for the word “pre-Reorganisation State of Bombay excluding the transferred territories” by Bom. 12 of 1959, s. 3.

9 The words “as defined by the Dominion Government” were deleted by Bom. 26 of 1952, s. 2.

10 These words were substituted for the words “includes all liquor brought into India by sea, air or land;” by Bom. 22 of 1960, s. 2 (g).



(18) “hemp” means any variety of the Indian hemp plant from which intoxicating drugs can be produced ;

(19) “hotel licence” means a licence granted under section 35 ;

<sup>1</sup>[(19a) “household” means a group of persons residing and messing jointly as members of one domestic unit, but does not include their servants ;]

(20) “import” (except in section 147) means to bring into the <sup>2</sup> [State] otherwise than across a customs frontier. <sup>3\*</sup> \* \* \*

(21) “interim permit” means a permit granted under section 47 ;

(22) “intoxicant” means any liquor, intoxicating drug, opium or any other substance, which the <sup>4</sup>[State] Government may, by notification in the *Official Gazette*, declare to be an intoxicant ;

(23) “intoxicating drugs” means—

(a) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis Sativa L*) including all forms known as *bhang, sidhi, or ganja*

(b) charas, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport ;

(c) any mixture with or without neutral materials of any of the above forms of intoxicating drug or any drink prepared therefrom ; <sup>5\*</sup>

<sup>6</sup>[(d) any other intoxicating or narcotic drug or substance together with every preparation or admixture of the same which the State Government may be notification in the *Official Gazette*, declare to be an intoxicating drug for the purposes of the Act, such drug, substance, preparations or admixture, not being opium coca leaf or a manufactured drug as defined in section 2, of the Dangerous Drugs Act, 1930 ;]

II of  
1930.

1 This clause was inserted by Bom. 22 of 1960, s. 2 (h).

2 This word was substituted for the words “pre-Reorganisation State of Bombay excluding the transferred territories,” by Bom. 12 of 1959, s. 3.

3 The words “as defined by the Dominion Government” were deleted by Bom. 26 of 1952, s. 2.

4 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

5 The word “and” was deleted by Bom. 26 of 1952, s. 2 (2).

6 Clause (d) was substituted for the original clause with the proviso, *ibid*.

(24) “liquor” includes—

(a) <sup>1</sup>[spirits] <sup>2</sup>[denatured spirits], wine, beer, toddy and all liquids consisting of or containing alcohol; and

(b) any other intoxicating substance which the <sup>3</sup> [State] Government may, by notification in the *Official Gazette*, declare to be liquor for the purposes of this Act;

(25) “manufacture” includes—

(a) every process whether natural or artificial by which any liquor or intoxicating drug is produced, prepared or blended and also redistillation and every process for the <sup>4</sup>[rectification, flavouring, or colouring of liquor or intoxicating drug] but does not include flavouring, blending or colouring of liquor or intoxicating drug lawfully possessed for private consumption; and

(b) every process of producing and drawing of toddy from trees;

(26) “Medical Board” means a board constituted under section 8;

(27) “mhowra flowra” does not include the berry or seed of the mhowra tree;

<sup>5</sup>(28) “molasses” means the heavy, dark coloured viscous liquid produced during the manufacture of *gur* or sugar containing, in solution or suspension, sugars which can be fermented, and includes the solid form of such liquid and also any product formed by the addition to such liquid or solid of any ingredient which does not substantially alter the character of such liquid or solid; and shall also include substances containing sugars obtained from sugarcane known as black coloured *gur* and residual substances obtained from *khandsari* known as third sugar or raskat or sayar and irrespective of its colour rotten *gur* or rotten rab which conform to the following analytical standards on dry weight basis,—

(i) total sugars (expressed as invert sugar) less than 85 per cent. and sucrose less than 57 per cent.; or

(ii) extraneous matter insoluble in water more than 2 per cent.; or

(iii) total ash more than 6 per cent.; or

(iv) ash insoluble in Hydrochloric acid (HCL) more than 0.5 per cent.; or

(v) more than 10 per cent. of moisture;

but does not include any article which the State Government may, by notification in the *Official Gazette*, declare not to be molasses, for the purposes of this Act.]

(29) “Officer in charge of a Police Station” includes—

Bom. (a) in, the Greater Bombay the officer in charge of police station as provided  
XXII under the provisions of the <sup>6</sup>[Bombay Police Act, 1951; and]

of (b) elsewhere the officer in charge of a police station as defined in the \*Code of  
1951. Criminal Procedure, 1898;

V of  
1898.

(30) “opium” means—

(a) the capsules of the poppy (*Papaver Somaniform L*) <sup>7</sup>[whether in their original form or cut or crushed or powdered and whether or not the juice has been extracted therefrom];

(b) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulation other than those necessary for packing and transport; and

1 This word was substituted for the words “spirits of wine” by Bom. 22 of 1960, s. 2 (i).

2 These words were substituted for the words “methylated spirits” by Bom. 26 of 1952, s. 2 (2).

3 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

4 These words were substituted for the words “rectification of liquor” by Bom. 22 of 1960, s. 2 (j).

5 This clause was substituted by Mah. 29 of 2006, s. 2.

6 These words and figures were substituted for the words and figures “City of Bombay Police Act, 1902” by Bom. 12 of 1959, s. 6 (b).

7 These words were added by Bom. 22 of 1960, s. 2 (i).

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

(c) any mixture with or without neutral materials of any of the above forms of opium; but does not include any preparations containing not more than 0.2 per cent of morphine, or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, 1930. II of 1930.

(32) “permit” means a permit granted under <sup>2</sup>[the provisions of this Act] and the expression “permit holder” shall be construed accordingly ;

(33) “ police station” means in the Greater Bombay a police station as provided under the provisions of the <sup>3</sup>[Bombay Police Act, 1951] and elsewhere any place declared to be a police station for the purposes of the \*Code of Criminal Procedure, 1898; Bom. XXII of 1951.

(34) “prescribed” means prescribed by the rules, orders or regulations under this Act; V of 1898.

(35) “Prohibition officer” includes the <sup>4</sup>[Commissioners], Collector or any officer or person appointed to exercise any of the powers or to perform any of the duties and functions under the provisions of this Act <sup>5</sup>[and also includes any officer or person invested with any such powers and on whom any such functions or duties are imposed, and any member of a committee, board or medical board;]

<sup>6</sup>[(36) “State” means the <sup>7</sup>[State of Maharashtra] including the space within the limits of the territorial waters appertaining to it;]

<sup>8</sup>[(37) “rectification” includes every process whereby liquor is purified or refined;]

<sup>9</sup>[(38) “registered medical practitioner” means a person who is entitled to practice any system of medicine in the State under any law for the time being in force relating to medical practitioners, and includes registered dentists as defined in the Dentists Act, 1948 and a veterinary practitioner registered under the †Bombay Veterinary Practitioners Act, 1953 or under of any law corresponding thereto in any part of the State;] XVI of 1948.  
Bom. LXV of 1953.

(39) “regulations” means regulations made under this Act;

(40) “rules” means rules made under this Act;

(41) “ sell” with its grammatical variations includes—

(a) any transfer whether such transfer is for any consideration or not,

(b) any supply or distribution for mutual accommodation, and

(c) any supply by a club to its members on payment of price or of any fees or subscription, but does not include selling of opium for export across the customs frontier; <sup>10</sup>\* \* \* \*

The word “buy” with its grammatical variations shall be construed accordingly ;

<sup>1</sup> Clause (31) was deleted by Bom. 22 of 1960, s. 2 (m).

<sup>2</sup> These words were substituted for the words and figures “Sections 40, 41, 46 or 47” by Bom. 26 of 1952, s. 2 (4).

<sup>3</sup> These words and figures were substituted for the words and figures “City of Bombay Police Act, 1902,” by Bom. 12 of 1959, s. 6 (b).

<sup>4</sup> This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Sch.

<sup>5</sup> These words were substituted for the words “and also includes any member of a committee or the Medical Board” by Bom. 22 of 1960, s. 2 (n).

<sup>6</sup> This clause was substituted by Bom. 12 of 1960, s. 6 (c).

<sup>7</sup> These words were substituted for the words “State of Bombay” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>8</sup> This clause was substituted for the original by Bom. 22 of 1960, s. 2 (a).

<sup>9</sup> This clause was substituted for the original by Bom. 12 of 1959, s. 6 (b).

<sup>10</sup> The words “as deemed by the Dominion Government” were deleted by Bom. 26 of 1952, s. 2 (l).

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

† See now the Maharashtra Veterinary Practitioners Act, 1971 (Mah. XLIV of 1971).

<sup>1</sup>\* \* \* \* \*

(43) “spirit” means any liquor containing alcohol and obtained by distillation (whether it is denatured or not) ;

(44) “sweet toddy or nira or neera” means unfermented juice drawn from a coconut, brab, date or any kind of palm tree into receptacles treated in the prescribed manner so as to prevent fermentation ;

<sup>2</sup> [(45) “territorial waters” with reference to the State, means any part of the open sea within a distance of six nautical miles measured from the appropriate base line according to the President’s Proclamation published in this behalf in the Government of India, Ministry of External Affairs, Notification No. SRO-669, dated the 22<sup>nd</sup> March 1956, or such other distance as may be fixed from time to time by the President hereafter ;]

(46) “toddy” means fermented or unfermented juice drawn from a coconut, brab, date or any kind of palm tree and includes sweet toddy or nira a neera;

(47) “to tap” means to prepare any part of a tree, or to use any means, for the purpose of causing juice to exude from the tree;

<sup>3</sup>[(47-A) “tourist” means a person who is not a citizen of India and who is either born or brought up or domiciled in any country outside India, but who visits India on a tour for a temporary period;

(47B) “tourists permit” means a permit granted under section 46-A;]

(48) “trade and import licence” means a licence granted under section 33;

(49) “transport” means to move from one place to another within the <sup>4</sup>[State];

(50) “vendor’s licence” means a licence granted under section 34;

(51) “visitor’s permit” means a permit granted under section 46;

<sup>5</sup>[(52) any reference to the \*Code of Criminal Procedure, 1898, the †Bombay Village Panchayats Act, 1933, or the Bombay Police Act, 1951 includes a reference to any law corresponding to those Acts, respectively, in force in any part of the State.]

V of  
1898.  
Bom. VI  
of 1933.  
Bom.  
XXII of  
1951.

## CHAPTER II

### Establishment.

3. The <sup>6</sup>[State] Government may, by notification in the *Official Gazette*, appoint an officer to be called the <sup>7</sup>[Commissioner of Prohibition and Excise], who subject to the <sup>8</sup>[Commissioner of Prohibition and Excise control of the <sup>6</sup>[State] Government and subject to such general or special orders as the <sup>1</sup>[State] Government may from time to time make, shall exercise such powers and shall

<sup>1</sup> Clause (42) was deleted by Bom. 22 of 1960, s. 2 (p).

<sup>2</sup> This clause was substituted for the original by Bom. 12 of 1959, s. 6 (e).

<sup>3</sup> Clauses (47A) and (47B) were inserted by Bom. 20 of 1955, s. 2.

<sup>4</sup> Substituted for the words “Pre-Reorganisation State of Bombay excluding the transferred territories” by Bom. 12 of 1959, s. 3.

<sup>5</sup> This clause was added by Bom. 12 of 1959, s. 6 (j).

<sup>6</sup> This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

<sup>7</sup> These words were substituted for the words “Director of Prohibition and Excise” by the Mah. 52 of 1973, s. 3, Sch.

<sup>8</sup> This word was substituted for the word “Director”, *ibid*.

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

† See now the Bombay Village Panchayats Act, 1958 (Bom. 3 of 1959).

perform such duties and such functions as are conferred upon, by or under the provisions of this Act and shall superintend the administration and carry out generally the provisions of this Act:

<sup>2</sup>[Provided that, the person holding the office of Director of Prohibition and Excise immediately before the commencement of the Maharashtra Director of Prohibition and Excise (Change in Designation) Act, 1973 shall be the Commissioner of Prohibition and Excise for the State and shall hold that Office until the State Government otherwise directs].

Mah.  
LII of  
1973.

4. (1) The Collectors shall, within the limits of their jurisdiction <sup>3</sup>\* \* \* \* \*  
Collectors. \* \* \* \* \* exercise such powers and perform such duties and functions as are provided by or under the provisions of this Act.

(2) For the purpose of this Act all Collectors including the Collector of Bombay shall be subordinate to the <sup>4</sup>[Commissioner]

(3) The <sup>1</sup>[State] Government may, by notification in the *Official Gazette*, appoint any person other than the Collector <sup>5</sup>\* \* \* \* \* to exercise in any district or place <sup>6</sup>[all or any of the powers and perform all or any of the duties] as are assigned by or under this Act to a Collector subject to such control, if any, in addition to that of the <sup>4</sup>[Commissioner] and of the <sup>1</sup>[State] Government as the <sup>1</sup>[State] Government may from time to time direct.

5. To aid the <sup>4</sup>[Commissioner] and the Collectors in carrying out the provisions of this Act, the <sup>1</sup>[State] Government may appoint such subordinate officers with such designations, and assign to them such powers, duties and functions under this Act, rules or regulation or orders made thereunder, as may be deemed necessary.

6. (1) The <sup>1</sup>[State] Government may invest any officer of the Police Department or any officer of any other department either personally or in right of his officer remove with such powers, impose upon him such duties and direct him to perform such functions under this Act, rules or regulations or orders made thereunder, as may be deemed necessary and any such officers shall, thereupon, exercise the said powers, discharge the said duties and perform the said functions in addition to the powers, duties and functions incidental to his principal office.

Investing  
officers of  
[Police and]  
other  
departments  
with powers  
and duties  
under this  
Act.

(2) The <sup>1</sup>[State] Government may also invest any person <sup>8</sup>\* \* \* \* \* with such powers, impose on him such duties and direct him to perform such functions under this Act, rules or regulations or orders made thereunder, as may be deemed necessary. Such persons may be given such designation as the <sup>1</sup>[State] Government may deem fit.

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 This proviso was substituted by Mah. 52 of 1973, s. 3, Sch.

3 The words and figures "for which they are appointed as Collectors under the Bombay Land Revenue Code, 1878", were deleted by Bom. 12 of 1959, s. 8 (a).

4 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

5 The words "of land revenue" were deleted by Bom. 12 of 1959, s. 8 (b) (i).

6 These words were substituted for the words "all the powers and perform all the duties", *ibid*, s. 8 (b) (ii).

7 These words were inserted by Bom. 22 of 1960, s. 3 (b).

8 The words "working in an honorary capacity or otherwise" were deleted by Bom. 22 of 1960, 3 (a).

<sup>1</sup>[6A. <sup>2</sup>[(I) <sup>3</sup>[For the purpose of enabling the State Government to determine] whether— Board of Experts.  
 (a) any medicinal or toilet preparation containing alcohol; or  
 (b) any antiseptic preparation or solution containing alcohol, or  
 (c) any flavouring extract, essence or syrup containing alcohol,  
<sup>4</sup>[is an article fit for use as intoxicating liquor, the State Government shall constitute a Board of Experts.]

(2) The Board of Experts constituted under sub-section (I) shall consist of such members, not less than <sup>5</sup>[five in number], with such qualification as may be prescribed. The members so appointed shall hold office during the pleasure of the State Government.

(3) <sup>6</sup>[Three members] shall form a quorum for the disposal of the business of the Board.

(4) Any vacancy of the member of the Board shall be filled in as early as practicable: Provided that, during any such vacancy the continuing members may act, as if no vacancy had occurred.

(5) The procedure regarding the work of the Board shall be such as may be prescribed.

<sup>7</sup>[(6) It shall be the duty of the Board to advise the State Government on the question whether any article mentioned in sub-section (I) is fit for use as intoxicating liquor and also on any matters incidental to the question, referred to it by the State Government. On obtaining such advice, the State Government shall determine whether any such article is fit for use as intoxicating liquor, and upon determination of the State Government that it is so fit, such article shall, until the contrary is proved, be presumed to be fit for use as intoxicating liquor.]

<sup>8</sup>[(7) Until the State Government has determined as aforesaid any article mentioned in sub-section (I) to be fit for use as intoxicating liquor, every such article shall be deemed to be unfit for such use.]

7. (1) The <sup>9</sup>[State] Government may appoint <sup>10</sup>[other boards and committees] to advise and assist officers in carrying out the provisions of this Act. <sup>10</sup>[Other Boards and Committees].

(2) Such <sup>10</sup>[other boards and committees] shall perform such functions <sup>11</sup>[as may be prescribed]

(3) The constitution of such <sup>10</sup>[other boards and committees] and the procedure regarding their work shall be as may be prescribed.

1 Section 6A was inserted by Bom. 26 of 1952, s. 3.

2 Sub-section (I) was substituted for the original by Bom. 36 of 1954, s. 3 (i).

3 These words were substituted for the words "for the purpose of determining" by Bom. 22 of 1960, s. 4 (a).

4 These words were substituted for the words "is or is not an article unfit for use as intoxicating liquor, the State Government shall constitute a Board of Experts", *ibid.*

5 These words were substituted for the words "three in number" *ibid.*, s. 4 (b).

6 These words were substituted for the words "two members", *ibid.*, s. 4 (c).

7 Sub-section (6) was substituted for the original, *ibid.*, s. 4 (d).

8 Sub-section (7) was added, *ibid.*, s. 4 (e).

9 This word was substituted for the word "Provincial", by the Adaptation of Laws Order, 1950.

10 These words were substituted for the words "Committees", by Bom. 22 of 1960, s. 5 (a).

11 These words were substituted for the words "as are provided by or under the provisions of this Act", *ibid.*, s. 5 (d).

(4) The <sup>1</sup>[State] Government may direct that the members of such <sup>2</sup>[other boards and committees] shall be paid such fees and allowances as may be prescribed.

Medical Boards. **8.** (1) The <sup>1</sup>[State] Government may constitute one or more medical boards <sup>3</sup>[or panels thereof] for such areas and consisting of such members as it may deem fit.

(2) A medical board <sup>4</sup>[or a panel thereof] so constituted shall perform such functions <sup>5</sup>[as are prescribed].

(3) The procedure regarding the work of the medical board <sup>4</sup>[or a panel thereof] shall be as may be prescribed.

(4) The members of the medical board <sup>4</sup>[or a panel thereof] shall be entitled to such fees and allowances as may be prescribed.

Control of <sup>5</sup>[Commissioner] over Prohibition Officers and other officers. **9.** In exercise of their powers and in discharge of their duties and functions under the provisions of this Act or rules, regulations or orders made thereunder all Prohibition Officers and all officers including the officers of the Police and other department shall, subject to the general or special orders of the <sup>1</sup>[State] Government be subordinate to and under the control of the <sup>6</sup>[Commissioner] and shall be bound to follow such orders as the <sup>6</sup>[Commissioner] may, from time to time make.

Delegation. **10.** (1) The <sup>1</sup>[State] Government may delegate any of the powers exercisable by it under this Act to the <sup>6</sup>[Commissioner] or such other officers as it deems fit.

(2) Subject to the control and direction of the <sup>1</sup>[State] Government the powers conferred on the <sup>6</sup>[Commissioner] or any other officer appointed or invested with powers under this Act may be delegated by him to any of his subordinates.

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1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 These words were substituted for the word "committees" by Bom. 22 of 1960, s. 5 (a).

3 These words were inserted, *ibid.*, s. 6 (a).

4 These words were inserted, *ibid.*, s. 6 (b) and (c).

5 These words were substituted for the words "as are provided by or under this Act", *ibid.*

6 This word was substituted for the word "Director", by Mah. 52 of 1973, s. 3, Sch.



## CHAPTER III

## Prohibitions

11. Notwithstanding anything contained in the following provisions of this Chapter, it shall be lawful to import, export, transport, manufacture <sup>1</sup>[bottle], sell, buy, possess, use or consume any intoxicant or hemp or to cultivate, <sup>2</sup>[or to cultivate or collect hemp] or to tap any toddy producing tree or permit such tree to be tapped or to draw toddy from such tree or permit toddy to be drawn therefrom in the manner and to the extent provided by the provisions of this Act <sup>3</sup>[or] any rules, regulations or orders made or in accordance with the terms and conditions of a licence, permit, pass or authorization granted thereunder.

Manufacture, etc., of intoxicant to be permitted in accordance with provisions of Act, rules, etc.

<sup>4</sup>[11A. Notwithstanding anything contained in section 11 or any other provisions of this Act, in respect of any Scheduled Area falling within the jurisdiction of a *Gram Sabha* and a *Panchayat* or a *Panchayat Samiti* or a *Zilla Parishad*, as the case may be, it shall be competent for such *Gram Sabha* or a *Panchayat* and the or the *Panchayat Samiti* or the *Zilla Parishad* to enforce prohibition or to regulate or restrict the sale and consumption of intoxicant in Scheduled areas within its jurisdiction ;

Power of *Gram Sabha* to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant.

Provided that, the decision taken by majority of the *Gram Sabhas* concerned by passing a resolution in the above matter shall be binding on the concerned *Panchayat Samiti* or the *Zilla Parishad* as the case may be.

*Explanation.*—For the purpose of this section,—

(i) the expression “Gram Sabha”, “Panchayat” and “Scheduled Areas” shall have the meanings, respectively assigned to them in the Bombay Village Panchayats Act, 1958 ;

Bom. III of 1959 Mah. V of 1962.

(ii) the expression “Panchayat Samiti” and Zilla Parishads” shall have the meanings respectively assigned to them in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.]

12. No person shall—

- (a) manufacture liquor;
- (b) construct or work any distillery or brewery;
- (c) import, export, transport or possess liquor, or
- (d) sell or buy liquor.

Prohibition of manufacture of liquor and construction and working of distillery or brewery. Prohibition of sale, etc. of liquor.

13. No person shall—

- (a) bottle any liquor for sale;
- (b) consume or use liquor, or
- (c) use, keep or have in his possession any materials, still, utensils, implements or apparatus whatsoever for the manufacture of any liquor.

14. No person shall—

- (a) export, import, transport or possess any intoxicating drug;
- (b) cultivate or collect the hemp <sup>5</sup>\* \* \*
- (c) use, keep or have in his possession any materials, still, utensils, implements or apparatus whatsoever for the manufacture of any intoxicating drug;
- (d) sell or buy any intoxicating drug;
- (e) consume or use any intoxicating drug; or
- (f) manufacture any intoxicating drug.

Prohibition of export, import, transport, sale, manufacture, etc. of intoxicating drugs.

15. No person shall—

- (a) import, export, transport or possess sweet toddy or nira;
- (b) bottle sweet toddy or nira for sale’ or
- (c) sell or buy sweet toddy or nira.

Prohibition of import, export, transport, sale etc. of sweet toddy. Prohibition of tapping of toddy producing trees and drawing of toddy.

16. No person shall—

- (a) tap any toddy producing tree or permit to be tapped any toddy producing tree belonging to him or in his possession; or
- (b) draw toddy from any tree or permit toddy to be drawn from any tree belonging to him or in his possession.

1 This word was inserted by Bom. 22 of 1960, s. 7.

2 These words were inserted by Bom. 26 of 1952, s. 4 (l).

3 This word was inserted, *ibid.*, s. 4 (2).

4 This section was inserted by Mah. 46 of 1997, s. 13.

5 The words “or extract any portion of such plant from which any intoxicating drug can be manufactured” were deleted by Bom. 22 of 1960, s. 8.



- Prohibition of possession etc., of opium. **17.** No person shall—  
 (a) possess opium  
 (b) transport opium  
 (c) import or export opium  
 (d) sell or buy opium; or  
 (e) consume or use opium
- Prohibition of sale to <sup>1</sup>[minors] **18.** No licensed vendor and no person in the employ of such licensed vendor or acting with the express or implied permission of such licensed vendor on his behalf shall sell or deliver any intoxicant <sup>2</sup>[to any person who is a minor] whether for consumption by such person or by other person and whether for consumption on or off the premises of such licensed vendor.
- 19.** <sup>3</sup>[Prohibition of sale of toddy] Deleted by Bom. 22 of 1960, s.10.
- Prohibition or production etc., of charas. **20.** No person shall—  
 (a) produce, (f) transport  
 (b) manufacture (g) buy,  
 (c) possess (h) sell,  
 (d) export, (l) consume, or  
 (e) import (j) use,  
 Charas.
- Alteration of denatured spirit. **21.** No person shall—  
 (a) alter or attempt to alter any denatured spirit by dilution with water or by any method whatsoever, with the intention that such spirit may be used for human consumption, whether as a beverage or internally as a medicine or in any other way whatsoever; or  
 (b) have in his possession any denatured spirit in respect of which he knows or has reason to believe that such alteration or attempt has been made.
- Alteration of denatured spirituous preparation. <sup>4</sup>**[21-A.** No person shall—  
 (a) alter or attempt to alter any denatured spirituous preparation by dilution with water or by any method whatsoever, with the intention that such preparation may be used for human consumption as an intoxicating liquor; or  
 (b) have in his possession any denatured spirituous preparation in respect of which he knows or his reason to believe that such alteration or attempt has been made.]
- Prohibition of allowing any premises to be used as common drinking house. **22.** No person shall—  
 (a) open or keep or use any place as a common drinking house; or  
 (b) have the care, management or control of, or in any manner assist in conducting the business of, any place opened, or kept, or used as a common drinking house.
- Prohibition of issuing prescriptions for intoxicating liquor except by registered medical practitioners. <sup>5</sup>**[22-A.** (1) No person other than a registered medical practitioner, shall issue any prescription for any intoxicating liquor.  
 (2) No registered medical practitioner shall prescribe such intoxicating liquor, unless he believes in good faith after careful medical examination of the person for whose use such prescription is sought, that the use of such intoxicating liquor by such person is necessary; and will afford relief to him from some known ailment.

<sup>1</sup> These words were substituted for the words "to any person apparently under the age of twenty-one years" by Bom. 22 of 1960, s. 9 (a).

<sup>2</sup> This word was substituted for the word "Children", *ibid.*, s. 9 (b).

<sup>3</sup> Section 19 was deleted, *ibid.*, s. 10.

<sup>4</sup> Section 21A was inserted by Bom. 36 of 1954, s. 4.

<sup>5</sup> Section 32A was inserted by Bom. 22 of 1960, s. 11.

(3) A registered medical practitioner shall state, in every prescription for intoxicating liquor issued by him, the name and address of the person to whom issued, the date of issue, directions for use, and the amount and frequency of the does, and shall preserve a copy of the prescription for one year from the date of issue. On the copy so preserved he shall state the purpose or ailment for which the intoxicating liquor is prescribed.]

<sup>4</sup>[Prohibition of soliciting use of intoxicant or hemp or doing any act calculated to incite or encourage member to commit offence.]

23. No person shall—

(a) <sup>1</sup>\* solicit the use of <sup>2</sup>[or] offer any intoxicant or hemp ; or

<sup>3</sup>\* \* \* \* \*

(c) do any act which is calculated to incite or encourage any member of the public or a class of individuals or the public generally to commit any offence under this Act or to commit a breach of any rule, regulation or order made thereunder or the conditions of any licence, permit, pass or authorization granted thereunder.

24. (1) No person shall print or publish in any newspaper, news-sheet book, leaflet, booklet or any other single or periodical publication or otherwise display, or distribute any advertisement or other matter.—

Prohibition of publication of advertisement relating to intoxicant, etc.

(a) which <sup>5</sup>\* solicits the use of offers any intoxicant or hemp;

(b) which is calculated to encourage or incite any individual, class or individuals or the public generally to commit an offence under this Act, or to commit a breach of or to evade the provisions of any rule, regulation or order made thereunder or the conditions of any licence, permit, pass or authorization granted, thereunder.

(2) Save as otherwise provided in sub-section (3), nothing in this section shall apply to—

(a) catalogue or price lists which may be generally or specially approved by the <sup>6</sup>[Commissioner] in this behalf;

(b) any advertisement or other matter contained in any newspaper, news sheet, book, leaflet, booklet or other publication printed and published outside the <sup>7</sup>[State];

(c) any advertisement or other matter contained in any newspaper printed, and published in the <sup>7</sup>[State] before such date as the <sup>7</sup>[State] Government may, by notification in the *Official Gazette*, specify; and

(d) any other advertisement or matter which the <sup>8</sup>[State] Government may, by notification in the *Official Gazette*, generally or specially exempt from the operation of this section.

(3) Notwithstanding anything contained in sub-section (2), the <sup>8</sup>[State] Government may by notification in the *Official Gazette*, prohibit within the <sup>7</sup>[State] the circulation, distribution or sale of any newspaper, news sheet, book, leaflet, booklet or other publication printed and published outside the <sup>7</sup>[State] which contains any advertisement or matter;—

(a) which <sup>5</sup>\* solicits the use of or offers any intoxicant or hemp; or

1 The word "commenced" was deleted by Bom. 26 of 1952, s. 5 (1).

2 This word was inserted, *ibid.*

3 Clause (b) was deleted, *ibid.*, s. 5 (2).

4 This marginal note was substituted for the original, *ibid.*, s. (3).

5 The word "Commends" was deleted, *ibid.*, s. 6.

6 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

7 This word was substituted for the word "Pre-Reorganisation State of Bombay including the transferred territories" by Bom. 12 of 1959, s. 3.

8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(b) which is calculated to encourage or incite any individual or class of individuals or the public generally to commit any offence under this Act or to commit a breach of or to evade the provisions of any rule, regulation or order made thereunder, or the conditions of any licence, permit, pass or authorisation granted thereunder.

This Chapter  
not to apply  
to <sup>2</sup>[certain  
articles]

<sup>1</sup>[24-A. Nothing in this Chapter shall be deemed to apply to ;—

(1) any toilet preparation containing alcohol which is unfit for use as intoxicating liquor;

(2) any medicinal preparation containing alcohol which is unfit for use as intoxicating liquor;

<sup>3</sup>(3) any antiseptic preparation or solution containing alcohol which is unfit for use as intoxicating liquor;

(4) any flavouring extract, essence or syrup containing alcohol which is unfit for use as intoxicating liquor:]

Provided that <sup>4</sup>[such article] corresponds with the description and limitations mentioned in section 59A:

Provided further that the purchase, possession or use of any liquor or alcohol for the manufacture of any <sup>4</sup>[such article] shall not be made or had except under a licence granted under section 31A.]

<sup>5</sup>[Explanation.—Nothing in this section shall be construed to mean that any person may drink any toilet preparation, or antiseptic preparation or solution, containing alcohol; and it is hereby provided that no person shall drink any such preparation.]]

## CHAPTER IV

### *Control, Regulation and Exemptions*

Exemption  
of prepara-  
tion .

25. The <sup>6</sup>[State] Government may, by notification in the *Official Gazette*; direct that any preparation containing alcohol not exceeding a specified percentage by volume shall be exempt from any of the provisions of this Act or rules, regulations or orders made thereunder.

Distilleries  
and ware-  
house for  
intoxicants.

26. The <sup>7</sup>[State Government] may—

(a) establish a distillery in which spirit may be manufactured in accordance with a licence issued under this Act on such conditions as the <sup>6</sup>[State] Government deems fit to impose:

(b) discontinue any distillery established :

(c) licence, on such conditions as the <sup>6</sup>[State] Government deems fit to impose, the construction and working of a distillery or brewery;

1 Section 24A was inserted by Bom. 26 of 1952, s. 7.

2 These words were substituted for the words "certain toilet and medicinal preparations", by Bom. 36 of 1954, s. 5 (iii).

3 Clauses (3) and (4) were inserted by Bom. 36 of 1954, s. 5 (i).

4 These words were substituted for the words "such preparation", *ibid.*, s. 5 (ii).

5 This Explanation was added by Bom. 22 of 1960, s. 12.

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 These words were substituted for the word "Director" by Bom. 22 of 1960, s. 13 (2).

(d) establish or licence a warehouse wherein any <sup>1</sup>[intoxicant] hemp, mhowra flowers or molasses may be deposited and kept without payment of duty; and

(e) discontinue any warehouse so established.

27. No <sup>1</sup>[intoxicant], hemp, mhowra flowers or molasses shall be removed from any distillery, warehouse or other place or storage established or licensed under this Act, except under a pass and unless the duty, if any, imposed under the provisions of this Act, has been paid or a bond has been executed for the payment thereof.

<sup>2</sup>[intoxicant or hemp not to be removed from warehouse, etc.

28. (1) The <sup>3</sup>[State] Government may, by general or special order, authorise a Collector or any other officer to grant passes for the import, export or transport or any <sup>1</sup>[intoxicant] or hemp.

Passes for import, etc.

(2) Such passes may be either general for definite periods of time and definite kind of <sup>1</sup>[intoxicant] or hemp or special for specified occasions and particulars consignments only.

(3) Every such pass shall specify—

(a) the name of the person authorized to import, export or transport <sup>1</sup>[intoxicant] or hemp;

(b) the period for which the pass is to be in force;

(c) the quantity and description of <sup>1</sup>[intoxicant] or hemp for which it is granted; and

(d) the places from and to which <sup>1</sup>[intoxicant] or hemp are to be imported, exported or transported and in the case of places more than ten miles apart, the route by which they are to be conveyed.

<sup>4</sup>[29. The through transport—

Through transport.

(a) of any consignment of any intoxicant, hemp, denatured spirituous preparation, mhowra flowers or molasses by a railway administration or by any steamer, ferry, road transport or air service, or

(b) of any intoxicant, hemp, denature spirituous preparation, mhowra flowers or molasses, otherwise than by way of consignment,

shall be subject to such conditions as may be prescribed]

1 This word was substituted for the words "liquor, intoxicating drug" by Bom. 22 of 1960, s. 13 (1).

2 This word was substituted for the words "intoxicating drug", *ibid.*, s. 13 (3).

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4 This section was substituted for the original by Bom. 22 of 1960, s. 14.

**30.** [Licence for possession of denatured or rectified spirit and alcohol for industrial or medical purposes.] Deleted by Bom. 22 of 1960 s.15.]

Licences for *bona fide* medicinal or other purposes. <sup>1</sup>[**31.** The State Government may, by rules or by an order in writing, authorise an officer to grant licences to any person, or institution, whether under the management of Government or not, for the manufacture, sale, purchase, possession, consumption, or use of any intoxicant or hemp or any article containing an intoxicant or hemp for a *bona fide* medicinal, scientific, industrial or educational purposes:

Provided that, where any intoxicant or hemp, or article containing such intoxicant or hemp, has been obtained by any person for a *bona fide* medicinal purpose, from any person or institution licensed to sell the same under this section, it shall not be necessary for such person to obtain a licence for the possession, purchase, consumption or use thereof :

Provided further that, no licence shall be necessary for the possession of denatured spirit to the extent of such quantity as may be prescribed]

Licences for purchase, etc., of liquor for manufacture of <sup>2</sup>[**31A.** The State Government may, by rules or an order in writing, authorise an officer to grant licences for the purchase, possession or use of any liquor or alcohol for the manufacture of <sup>3</sup>[any article mentioned in section 24A] on such conditions as may be prescribed. ]

<sup>4</sup>[articles mentioned-in section 24A]

Licences for tapping for [Neera]. **32.** The <sup>5</sup>[State] Government may authorise an officer by rules or an order in writing to grant licences for <sup>6</sup>[the tapping of, <sup>7</sup>[and drawing juice from], any palm trees for the purpose of sale or consumption as neera or <sup>8</sup>\* \* \* manufacture of gur or any other article which is not an intoxicant <sup>9</sup>[and on a licence being granted the person to whom the trees belong, or who is in possession of such trees, may permit them to be tapped or permit toddy to be drawn therefrom.]

Trade and import licences. **33.** The <sup>5</sup>[State ] Government may by rules or an order in writing, authorise an officer to grant and import licences to persons intending to import and to sell by wholesale any <sup>11</sup>[foreign liquor].

Vendor's licences . **34.** (1) The <sup>5</sup>[State] Government may, by rules or an order in writing, authorise an officer to grant a vendor's licence <sup>12</sup>[for the sale of foreign liquor.]

1 This section was substituted for the original by Bom. 22 of 1960, s. 16.

2 Section 31A was inserted by Bom. 26 of 1952, s. 9.

3 These words were substituted for the words, figure and letter "any preparation to which section 24A applies" by Bom. 36 of 1954, s. 6 (i).

4 These words were substituted for the words "preparation referred to" *ibid.*, s. 6 (ii).

5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

6 These words were substituted for the words "the tapping of palmyra or datepalm trees for juice intended to be used" by Bom. 26 of 1952, s. 10 (l).

7 These words were substituted for the words "or drawing juice from" by Bom. 22 of 1960, s. 17 (a).

8 The words "for the" were deleted, *ibid.*, s. 17 (b).

9 This portion was added, *ibid.*, s. 17 (c).

10 This word was substituted for the word "toddy" by Bom. 26 of 1952, s. 10 (2).

11 These words were substituted for the words "liquor, intoxicating drug or hemp" by Bom. 22 of 1960, s. 18.

12 These words were added, *ibid.*, s. 19 (a).

(2) A vendor's licence shall be granted on the following conditions :—

(i) The stock of foreign liquor with the licensee (except what is permitted for the disposal in the shop) shall be kept by him at <sup>1</sup>[godown] approved by Government.

<sup>2</sup>\* \* \* \* \*

(iii) The licensee shall pay all rent, costs, charges and expenses incidental to warehousing and supervision;

<sup>3</sup>[(iv) the licensee may sell any part of the stock of foreign liquor to foreign liquor licensees or to chemists, canteens, messes and clubs, holding licences in the State, or to any persons outside the State, Subject to such condition as the <sup>4</sup>[Commissioner] may impose;

(v) The licensee shall be permitted to sell foreign liquor only to holders of permits or authorization;]

(vi) the licensee shall be entitled to keep in his shop such quantity of liquor as may be required by him from time to time for retail sale;

(vii) the licensee shall keep accounts and shall dispose of <sup>5</sup>[foreign liquor] according to such instructions as may be given by the <sup>4</sup>[Commissioner], or any officer authorized in this behalf by the <sup>4</sup>[Commissioner].

**35.** (1) The <sup>6</sup>[State] Government may, by rules or an order in writing, authorize an officer to grant licences to the managers of hotels to sell foreign liquor to the holders of permits granted under this Act: Hotel licences.

Provided that the <sup>6</sup>[State] Government is satisfied that such hotel has ordinarily a sufficient number of boarders eligible to hold permits.

(2) Such licences shall be issued on the following conditions :—

(i) liquor shall be sold <sup>7</sup>\* \* \* \* \* to the permit holders <sup>8</sup>[residing or boarding] at the hotel,

(ii) Consumption of liquor sold shall not be allowed in any of the rooms of the hotel to which any member of the public has access,

(iii) The holders of hotel licences shall pay the expenses of any officer of the excise establishment, if any, required for grant and control of permits on the premises <sup>9</sup>[or for the supervision over the issue and consumption of foreign liquor in the hotel].

**36.** [*Special import licenses to hotels.*] Deleted by Bom.22 of 1960, s. 21.

**37.** [*Driving car licences.*] Deleted by Bom.22 of 1960, s.21.

1 This word was substituted for the word "warehouse" by Bom. 22 of 1960, s. 19 (b)(i).

2 Clause (ii) was deleted, *ibid.*, s. 19 (b)(ii).

3 These clauses were substituted for the original, *ibid.*, s. 19 (b)(iii).

4 This word was substituted for the word "Director", by Mah. 52 of 1973, s. 3, Sch.

5 These words were substituted for the words "the goods", *ibid.*, s. 19 (b)(iv).

6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7 The words "in sealed bottles" were deleted by Bom. 26 of 1952, s. 12 (1).

8 These words were substituted for the word "residing", *ibid.*, s. 12 (2).

9 This portion was added, by Bom. 22 of 1960, s. 20.

Licences to shipping companies [and to Masters of ships].

**38.** The <sup>1</sup>[State] Government may, by rules or an order in writing, authorized an officer to grant licences to any shipping company for each ship <sup>2</sup>[or to the Master of any ship] to sell foreign liquor <sup>3</sup>[and to permit the use or consumption of foreign liquor on such ship on such conditions as may be prescribed].

Permission to use or consume foreign liquor on <sup>6\*\*</sup>warships, troop, ship and in <sup>7</sup>[messes and canteens of armed forces]

**39.** The <sup>1</sup>[State] Government may, on such conditions as may be specified <sup>5</sup>[by a general or special order, permit—

(i) The sale of foreign liquor to,

(ii) the purchase, use or consumption of such liquor by—

(a) The members of the armed forces in messes and canteens <sup>8</sup>[of the armed forces], and

(b) the crew of warship or troop ship and the members of the armed force: thereon.]

Permits.

**40.** (1) The <sup>1</sup>[State] Government may, by rules or an order in writing, authorized an officer to grant permits for the use or consumption of foreign liquor to person the following conditions :—

(a) that such person is not a minor;

<sup>9</sup>\* \* \* \* \*

(c) (i) That such person was either born and brought up or domiciled in any country outside India where such liquor is being generally used or consumed ; or

(ii) That such person is on the Register of Foreigners under the Registration of Foreigners Act, 1939, and is not domiciled in <sup>10</sup> [India] :

Provided that, in the case of any person falling under sub-clause (i) or (ii)—

(al) Such person has been residing and intends to reside in India temporarily and that such person has a fixed and settled purpose of making his sole and permanent home in any country outside India; and

(bl) that such person has been ordinarily using or consuming such liquor

<sup>11</sup>\* \* \* \* \*

(3) Such permits shall be granted for such quantities as may be prescribed.

<sup>12</sup>[(4) If any question arises whether the conditions imposed by clause (a) or (c) of sub-section (1) are satisfied or not in any case, the State Government shall decide question and its decision shall be final.]

<sup>13</sup>\* \* \* \* \*

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of  
1939.

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 These words were inserted by Bom. 26 of 1952, s. 14 (1).

3 These words were substituted for the words "on condition that such liquor shall be sold only to *bona fide* passengers on such ship", *ibid.*, s. 14 (2).

4 These words were added, *ibid.*, s. 14 (3).

5 This portion was substituted for the words beginning with the words "in the notification" and ending with word "canteens" *ibid.*, s. 15 (1).

6 The words "cargo boats" were deleted, *ibid.*, s. 15 (2) (a).

7 These words were substituted for the words "military and naval messes and canteens", *ibid.*, s. 15 (2)(b).

8 These words were inserted by Bom. 22 of 1960, s. 22.

9 Clause (b) was deleted by Bom. 26 of 1952, s. 16 (1).

10 This word was substituted for the words "the Dominion of India" by the Adaptation of Laws Order, 1950.

11 Sub-section (2) was deleted by Bom. 22 of 1960, s. 23.

12 Sub-section (4) was added by Bom. 26 of 1952, s. 16 (2).

13 The *explanation* was deleted, *ibid.*, s. 16 (3).



<sup>1</sup>[40A. (1) The State Government may by rules or orders in writing, authorize an officer to grant a health permit for the use or consumption of foreign liquor to any person who requires such liquor for the preservation or maintenance of his health :

Health permits.

Provided that no such permit shall be granted to a minor.

(2) Such permit shall be granted for such quantity and shall be subject to such further conditions as may be prescribed.

**40B.** (1) The State Government may by rules or orders in writing, authorize an officer to grant emergency permits for the use or consumption of brandy, rum or champagne or any other kind or liquor to any person for his own use or consumption or to any head of a household for the use of his household for medicinal use on emergent occasions :

Emergency permits.

Provided that the person to whom a permit is granted under this section may <sup>2</sup>[subject to such conditions as may be prescribed] allow the use or consumption of liquor in respect of which the permit has been granted to any other person who requires the use thereof for medicinal purpose on emergent occasions :

Provided further that on permit shall be granted to more than one member of a household at any one time.

<sup>3</sup>\* \* \* \* \*

(3) Such permits shall be granted for such quantities and shall be subject to such further conditions as may be prescribed.

**41.** The <sup>4</sup>[State] Government may grant special for the use or consumption of foreign liquor <sup>5</sup>[to any person who is—

Special permits to foreign sovereigns, etc.

(a) A Sovereign or Head of a foreign State ;

(b) an Ambassador, Diplomatic Envoy or Consul, Honorary Consul or Trade, Commerce or other representative of a foreign State;

(c) a member of the staff appointed by or serving under any person, specified in clause (a) or (b) : Provided that such member is a national or a foreign State;

<sup>6</sup>\* \* \* \* \*

<sup>7</sup>[(c1) a member of a foreign Government ;

(c2) a representative or officer of any international organization to which privileges and immunities are given for time to time by or under the United of

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Nationals (Privileges and Immunities) Act, 1947; and ]

1947.

(d) the Consort of any person specified in clauses (a) , (b), <sup>8</sup>[(c), (c1) or (c2)] or any relation of such person dependent upon him.

**42.** [Permits to be non-transferable.] Deleted by Bom. 22 of 1960, s.26.

1 Sections 40A and 40B were inserted by Bom. 26 of 1952, s. 17.

2 These words were inserted by Bom. 22 of 1960, s. 24 (a).

3 Sub-section (2) and the *Explanation* were deleted, *ibid.*, s. 24 (b).

4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

5 This portion was substituted for the words beginning with the words "to sovereigns" and ending with the words "envoy or consul", Bom. 26 of 1952, s. 18.

6 The word "and" was deleted by Bom. 22 of 1960, s. 25 (a).

7 Clauses (c1) and (c2) were inserted, *ibid.*, s. 25 (b).

8 These brackets, letters, figures and word were substituted for the word, brackets and letter "or (c)", *ibid.*, s. 25 (c).



Regulation of use or consumption of foreign liquor by certain permit holders. <sup>1</sup>[43. (1) No holder of a permit granted under any of the provisions of this Act other than section 40B shall drink in a public place <sup>2</sup>\* \* \*  
 (2) <sup>3</sup>\* \* \* \* \*  
<sup>4</sup>(3) A person holding a permit under sections 40,41,46,46A or 47 may allow the use or consumption of any part of the quantity of foreign liquor possessed by him under the permit, to any other person who holds a permit under any of those sections.

(4) No holder of a permit under sections 40,41,46,46A or 47 shall serve any liquor at any ceremonial or other function or any assembly or persons where persons (not being members of his family or his employees) who do not hold any of the permits aforesaid, are present.]

Licence to clubs. **44.** (1) The <sup>5</sup>[State] Government may, by rules or an order in writing <sup>6</sup>[grant or authorise an officer to grant] licence to a club approved by the <sup>5</sup>[State] Government in this behalf to sell foreign liquor <sup>7</sup>[to its members holding permits].

(2) Such licences shall be granted on the following conditions :—

<sup>8</sup>\* \* \* \* \*  
 (b) that no liquor shall be served to the holder of any permit in any room of the club to which the public have access at the time when any person who does not hold such permit is present;

(c) that the club when authorised <sup>9</sup>[in writing] by any member who is the holder of a permit may stock the permitted quantity of liquor on account of such member;

<sup>9</sup>\* \* \* \* \*

<sup>8</sup>\* \* \* \* \*

<sup>10</sup>\* \* \* \* \*

Authoriza- tion for sacramental purposes. **45.** (1) The <sup>5</sup>[State] Government may, by rules or an order in writing, authorise an officer to grant any authorization to any person for the use of liquor for sacramental purposes :

Provided that the officer so authorized is satisfied that the use of such liquor is required in accordance with the religious tenets of the community to which such person belongs.

<sup>11</sup>(2) An authorization under this section shall be granted on the recommendation of such members of the community to which the person applying for the authorization belongs as may be approved by the State Government in that behalf. ]

<sup>12</sup>\* \* \* \* \*

(4) If any dispute arises whether the use of liquor is required by any person for sacramental purpose, the person requiring such use may apply to the <sup>13</sup>[Commissioner]. The <sup>13</sup>[Commissioner] after holding a summary enquiry—

<sup>14</sup>\* \* \* \* \*

1 Section 43 was substituted for the original by Bom. 26 of 1952, s. 20.

2 These words were deleted by Mah. 52 of 2005, s. 2 (a).

3 Sub-section (2) was deleted, *ibid.*, s. 2 (b).

4 Sub-sections (3) and (4) were substituted for the original sub-section (3) by Bom. 22 of 1960, s. 27.

5 This was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

6 These words were substituted for the words "authorise or grant", by Bom. 26 of 1952, s. 21.

7 These words were added by Bom. 22 of 1960, s. 28 (a).

8 Clauses (a) and (d) were deleted, *ibid.*, s. 28 (b)(i).

9 These words were inserted and the word "and" was deleted, *ibid.*, s. 28 (b)(ii).

10 The *Explanation* was deleted, *ibid.*, s. 28 (b)(iii).

11 This Sub-section was substituted for original, *ibid.*, s. 29 (a).

12 Sub-section (3) was deleted, *ibid.*, s. 29 (b).

13 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

14 The words "in prescribed manner" were deleted by Bom. 22 of 1960, s. 29 (c).

shall decide whether or not the liquor is required by the person for sacramental purposes.

(5) The decision of the <sup>1</sup>[Commissioner] under sub-section (4) shall be final.

<sup>2</sup>[46. (1) The State Government may, by rules or an order in writing, authorise an officer to grant a visitor's permit for the purchase, possession, use or consumption of foreign liquor to a person who—

(a) (i) is a citizen of a foreign country, or a citizen of India and resides in any part of India, where consumption of alcoholic liquor is not generally prohibited by law; or

(ii) is a citizen of a foreign country or is a citizen of India and resides in any part of India, where consumption of liquor is prohibited by law, but has been consuming such liquor under a permit or other authorization; and

(b) Visits the State for a period of not more than a week.

(2) Such permit shall be granted ordinarily for a period not exceeding one week at any one time; but may be extended from time to time for further periods not exceeding one week at a time, so however that the total period shall not exceed in the aggregate one month.]

<sup>3</sup>[46A. (1) The State Government may, by rules or an order in writing, authorise an officer to grant <sup>4</sup>[a tourist's permit] to consume, use and buy foreign liquor to a person who is a tourist.

(2) A tourist's permit may be granted for the period of the tourist's intended stay in the <sup>5</sup>[State] but shall in no case be granted for a period exceeding one month.

(3) Such permits shall be available at such places as may be <sup>6</sup>[fixed] by the <sup>1</sup>[Commissioner] in this behalf.]

**47.** (1) Notwithstanding anything contained in sections <sup>8</sup>[40, 40A and 41] the <sup>9</sup>[State] Government may, by rules or an order in writing, <sup>10</sup>[authorize an officer to] grant interim permits to persons applying for permits under any of the said provisions.

(2) Such interim permits shall not be granted for any period exceeding two months.

<sup>1</sup> This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

<sup>2</sup> Section 46 was substituted for the original by Bom. 22 of 1960, s. 30.

<sup>3</sup> Section 46A was inserted by Bom. 20 of 1955, s. 4.

<sup>4</sup> These words were substituted for the words "tourist's permits" by Bom. 22 of 1960, s. 31 (a).

<sup>5</sup> This word was substituted for the words "Pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.

<sup>6</sup> This word was substituted for the word "notified", by Bom. 22 of 1960, s. 31 (b).

<sup>7</sup> This marginal note was substituted for the words "Tourists permits", *ibid.*, s. 31 (c).

<sup>8</sup> These figures, letter and word were substituted for the figures and word "40 and 41" by Bom. 26 of 1952, s. 22 (1).

<sup>9</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>10</sup> These words were inserted by Bom. 26 of 1952, s. 22 (2).

<sup>6</sup> [Permits] **48.** (1) The <sup>1</sup>[State] Government may, by rules or an order in writing, authorise an officer to grant <sup>2</sup>[permits] for the <sup>3</sup>[consumption or use] of <sup>4</sup>[intoxicating drugs] <sup>5</sup>[or opium] in such quantities as may be prescribed.

for consump-  
tion or use of  
intoxicating  
drugs <sup>8</sup>[or  
opium].

(2) Such <sup>2</sup>[permits] shall be granted on the certificate of the Medical Board.

Permits to be  
non-  
transferable. <sup>9</sup>**[48A.** Permits granted under sections 40, 40A, 40B, 41, 46, 46A, 47 or 48 shall be non-transferable.]

Exclusive  
privilege of  
Government  
to import,  
etc.,  
intoxicants,  
etc., and fees  
levied include  
rent or  
consideration  
for grant of  
such privilege  
to person  
concerned.

<sup>10</sup>**[49.** Notwithstanding anything contained in this Act, the State Government shall have the exclusive right or privilege of importing, exporting, transporting, manufacturing, bottling, selling, buying, possessing or using any intoxicant, hemp or toddy, and whenever, under this Act or any licence, permit, pass thereunder any fees are levied and collected for any licence, permit, pass, authorisation or other permission given to any person for any such purpose such fees, shall be deemed to include the rent or consideration for the grant of such right or privilege to that person by or on behalf of the State Government.]

**50.** [Warehousing of opium.] Deleted by Bom. 22 of 1960, s.34.

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1 This word was substituted for word "Provincial" by the Adaptation of Laws Order, 1950.  
 2 This word was substituted for the word "licences" by Bom. 22 of 1960, s. 32 (a).  
 3 These words were substituted for the word "sale" by Bom. 26 of 1952, s. 23 (1).  
 4 These words were substituted for the words "hemp drug", *ibid.*  
 5 These words were inserted by Bom. 22 of 1960, s. 32 (b).  
 6 This marginal note was substituted for the original by Bom. 26 of 1952, s. 23 (2).  
 7 This word was substituted for the word "licence" by Bom. 22 of 1960, s. 32 (c).  
 8 These words were inserted, *ibid.*  
 9 Section 48A was inserted, *ibid.*, s. 33.  
 10 Section 49 was inserted by Mah. 70 of 1981, s. 2.

**51.** [Rules for sale, etc., of warehoused intoxicant or hemp.] Deleted by Bom. 22 of 1960, s.34.

**52.** Notwithstanding anything in this Act, it shall be lawful for any officer authorized by the <sup>1</sup>[State] Government in this behalf to grant any licences, passes or permits for import, export, transport, possession, sale, buying, cultivation, collection, manufacture, <sup>2</sup>[bottling], consumption and use of any intoxicant, hemp, or mhowra flowers or molasses or for the tapping of any toddy producing tree or the drawing of toddy from such tree in case other than those specifically provided under any of the provisions of this Act.

Power of authorized officer to grant licences, permits and passes in certain cases.

**53.** All licences, permits, passes, or authorizations granted under this Act shall be in such form and shall, in addition to or in variation or substitution of any of the conditions provided by this Act, be subject to such conditions as may be prescribed and shall be granted on payment of the prescribed fee :

General conditions regarding licences, etc.

Provided that every licence, permit, pass or authorization shall be granted only on the condition that the <sup>3</sup>[person applying] undertakes, and in the opinion of the officer authorized to grant the licence, permit, pass or authorization is likely to *abide* by all the conditions of the licence, permit, pass or authorization and the provisions of this Act.

<sup>4</sup>\* \* \* \* \*

<sup>5</sup>[**53A.** Every person who manufactures or sells any intoxicant or hemp under a licence granted under this Act, shall be bound—

(a) to equip himself with and keep such measures and weights and such instruments for testing the strength or quality of the intoxicant or hemp as the Collector may prescribe, and to keep the same in good conditions, and

Certain licensees required to keep measures, etc.

(b) on a requisition of any Prohibition Officer, duly empowered in this behalf, at any time to measure, weigh or test any intoxicant or hemp in his possession or to have it measured, weighed or tested in such manner as the Prohibition Officer may require.]

**54.** (1) <sup>6</sup>[The authority granting any licence, permit, pass or authorization under this Act may for reasons to be recorded in writing cancel or suspend it,];

(a) if any fee or duty payable by the holder thereof is not duly paid ;

(b) if the purpose for which the licence, permit, pass or authorization was granted ceases to exist;

Power to cancel or suspend licences and permits.

(c) in the event of any breach by the holder of such licence, permit, pass or authorization or by his servant or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of such licence, permit, pass or authorization or of any licence, permit, pass or authorization previously held by the holder;

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 This word was inserted by Bom. 22 of 1960, s. 35.

3 These words were substituted for the words "holder thereof", *ibid.*, s. 36.

4 The portion beginning with the words "and not to do anything" and ending with the words "object and purposes of this Act" were deleted by Bom. 26 of 1952, s. 24.

5 This section was inserted by Bom. 22 of 1960, s. 37.

6 These words were substituted for the portion beginning with the words "The Director or any officer authorised in this behalf" and ending with the words "granted under this Act", *ibid.*, s. 38 (a)(i).

(d) if the holder thereof or any person in the employ of such holder or any person acting with his express or implied permission on his behalf is convicted of any offence under this Act or if the holder of the licence, permit, pass or authorization is convicted of any cognizable and non-bailable offence or <sup>1</sup>[of any offence under the Dangerous Drugs Act, 1930 or under the Drugs Act, 1940 or under the Bombay Drugs (Control) Act, 1952] or under the Indian Merchandise Marks Act, 1889, or of any offence punishable under sections 482 to 489 (both inclusive) of the Indian Penal Code, or of any offence punishable under Article 8 of the Schedule to section 167 of the Sea Customs Act, 1878;

<sup>2</sup>[(e) if the licence, permit, pass or authorization has been obtained through wilful misrepresentation or fraud.]

(2) Where a licence, permit, pass or authorization held by any person is cancelled, under sub-section (7), the authority aforesaid may cancel any other licence, permit, or pass or authorization granted or deemed to have been granted to such person under this Act.

<sup>3</sup>[(3) Notwithstanding anything contained in this section, the State Government may, for reasons to be recorded in writing, suspend or cancel any licence, permit, pass or authorization.]

Holder of licence, etc., not entitled to compensation or refund of fee for cancellation or suspension thereof.

**55.** No holder of a licence, permit, pass or authorization shall be entitled to any compensation for the cancellation or suspension of the licence, permit, pass or authorization under section 54 nor to a refund of any fee or deposit made in respect thereof.

Cancellation for other reasons.

**56.** (1) Whenever the authority granting a <sup>4</sup>[licence, permit, pass or authorization] considers that it should be cancelled for any cause other than those specified in section 54, he may cancel <sup>5</sup>[it] either—

(a) on the expiration of not less than fifteen days' notice in writing of his intention to do so; or

<sup>6</sup>[(b) Forthwith without notice, recording his reasons in writing for doing so.]

<sup>7</sup>[(2) Where a licence, permit, pass or authorization is cancelled under sub-section (1), a part of the fee for the licence, permit, pass or authorization proportionate to the unexpired portion of the term thereof and the deposit made by the holder thereof in respect of such licence, permit, pass or authorization shall be refunded to him after deducting any amount due from him to the State Government.]

Attachment of licence.

**57.** Notwithstanding anything contained in any other section, when a licence is liable under that section to cancellation owing to default in the payment of any duty or fee payable by the holder thereof, the authority granting the licence may attach and take

1 These words and figures were substituted for the words and figures "of any offence under the Dangerous Drugs Act, 1930" by Bom. 22 of 1960, s. 38 (a)(ii).

2 This clause was inserted, *ibid.*, s. 38 (a)(iii).

3 This sub-section was substituted for the original, *ibid.*, s. 38 (d).

4 These words were substituted for the word "licence", *ibid.*, s. 39 (a)(i).

5 This word was substituted for the words "the licence", *ibid.*, s. 39 (a)(ii).

6 This clause was substituted, *ibid.*, s. 39 (a)(iii).

7 This sub-section was substituted, *ibid.*, s. 39 (b).

II of 1930  
XXIII of 1940.  
Bom. XXIX of 1952.  
IV of 1889,  
XLV of 1860.  
VIII of 1878.

such licence under management, and if the profit received from such management after meeting all the expenses of such attachment and management are less than the amount of the arrears for which the licence was attached and the amount falling due on such licence during the remaining period of such licence the difference shall be recovered from the licensee as if it were a duty or fee leviable under any one of the provision of this Act, and in the event of the said profits exceeding the amount so due under the licence, the licensee shall not be entitled to receive any of the said profits.

**58.** Notwithstanding anything contained in any law for the time being in force no right, title or interest in any licence, permit, pass or authorization granted under this Act shall be liable to be sold, transferred or attached in execution of any process of any civil or any other court.

Right, title or interest under licence not liable to be sold or attached in execution, etc.

<sup>1</sup>[**58A.** The State Government may by general or special order direct that the manufacture, import, export, transport, storage, sale, purchase, use, collection or cultivation of any intoxicant, denatured spirituous preparation, hemp, mhowra flowers, or molasses shall be under the supervision of such Prohibition and Excise or Police staff as it may deem proper to appoint, and that the cost of such staff shall be paid to the State Government by the person manufacturing, importing, exporting, transporting, storing, selling, purchasing, using, collecting or cultivating the intoxicant, denatured spirituous preparation, hemp, mhowra flowers or molasses :

Supervision over manufacture, etc.

Provided that, the State Government may exempt any class of persons or institutions from paying the whole or any part of the cost of such staff.]

**59.** (1) Notwithstanding the fact that the period during which any licence, permit, pass or authorization is to be in force has not expired, the <sup>2</sup>[Commissioner] may direct the holder thereof to dispose of his stock of intoxicant, <sup>3</sup>[denatured spirituous preparation,] or hemp or mhowra flowers before such date as may be specified in the order.

<sup>2</sup>[Commissioner] entitled to require licence holders <sup>5</sup>[or owner] to dispose of stocks.

<sup>4</sup>[(1A) the <sup>2</sup>[Commissioner] may also direct the owner of the stock of any intoxicant, <sup>3</sup>[denatured spirituous preparation,] hemp or mhowra flowers who does not hold any licence, permit, pass or authorization for such stock to dispose of the said stock before such date as may be specified in the order, and the owner shall comply with such direction.]

(2) Any stock intoxicant <sup>3</sup>[denatured spirituous preparation,] hemp or mhowra flowers left undisposed of after the date so specified shall, together with receptacles or packages in which it is contained, be liable to forfeiture to <sup>6</sup>[the State Government] by the order of the <sup>2</sup>[Commissioner]. On the cancellation or the expiry of the period of any licence, permit, pass or authorization, the <sup>2</sup>[Commissioner] may also direct that any stock of any intoxicant, <sup>3</sup>[denatured spirituous preparation,] hemp or mhowra flowers remaining with the holder of the licence, permit, pass or authorization together with receptacles or packages thereof be forfeited to <sup>7</sup>[the State Government.]

1 This section was inserted by Bom. 22 of 1960, s. 40.

2 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

3 These words were inserted by Bom. 22 of 1960, s. 41 (a).

4 Sub-section (1A) was inserted by Bom. 26 of 1952, s. 26 (1).

5 These words were inserted, *ibid.*, s. 26 (2).

6 These words were substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.

7 These words were substituted for the words "His Majesty", *ibid.*

(3) If the articles which are forfeited under sub-section (2) are sold, the <sup>1</sup>[Commissioner] may, if he thinks fit, order the whole or any portion of the sale proceeds of such articles to be paid to the owner thereof.

<sup>2</sup>[(4) No direction or order under sub-sections (1), (1-A), (2) or (3) shall be made unless the person likely to be adversely affected by such direction or order is given reasonable opportunity of being heard, and the reasons for the direction given or order made are recorded in writing by the <sup>1</sup>[Commissioner].

### <sup>3</sup>[CHAPTER IV-A

#### *Control and Regulation of <sup>4</sup>[Articles mentioned in Section 24A] To Prevent their use as Intoxicating Liquor.*

Control on manufacture etc., of articles mentioned in section 24A. <sup>5</sup>[(59 AA.) No article mentioned in section 24 A shall be manufactured, imported or exported, except under a licence which shall, subject to the provisions of any rules made in that behalf, be granted by an officer authorized in that behalf by an order in writing by the State Government :

Provided that no such licence shall be necessary for the import or export of such article to the extent of such quantity as my be prescribed.]

<sup>8</sup>[Manufacture of articles mentioned in section 24A.] **59A.** (1) No Manufacturer of any of the articles mentioned in section 24 A shall sell, use or dispose of any liquor purchased or possessed for the purposes of such manufacture under the provisions of this Act otherwise than as an ingredient of the articles authorised to be manufactured therefrom. No more alcohol shall be used in the manufacture of any of the articles mentioned in section 24A than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the articles :

Provided that in the case of manufacture of any of the articles mentioned in section 24A in which the alcohol is generated by a process of fermentation the amount of such alcohol shall exceed 12 per cent. <sup>6</sup>[by Volume]

(2) No person shall—

(a) Knowingly sell any <sup>7</sup>[article mentioned in section 24A] for being used as an intoxicating drink, or

(b) Sell any such article under circumstances from which he might reasonably reduce the intention of the purchaser to use them for such purpose.

1 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

2 This sub-section was inserted by Bom. 22 of 1960, s. 41 (b).

3 Chapter IV-A was inserted by Bom. 26 of 1952, s. 27.

4 These words, figures and letter were substituted for the words "Medicinal and Toilet Preparation" by Bom. 36 of 1954, s. 7.

5 This section was inserted by Bom. 22 of 1960, s. 42.

6 These words were added, *ibid.*, s. 43.

7 These words, figures and letter were substituted for the words, figures and letter "article to which section 24-A applies" by Bom. 36 of 1954, s. 8 (i).

8 This marginal note was substituted for the original, *ibid.*, s. 8 (ii).



**59B.** <sup>2</sup>[(1) Whenever the <sup>3</sup>[Commissioner] has reason to believe that any of the articles mentioned in section 24A does not correspond with the description and limitations provided in section 59A, he shall cause an analysis of the said articles to be made and if upon such analysis the <sup>3</sup>[Commissioner] shall find the said article does not so correspond, he shall give not less than 15 days notice in writing to the person who is the manufacturer thereof or is known or believed to have imported <sup>4</sup>[or obtained] such article to show cause why the said article should not be dealt with is the intoxicating liquor, such notice to be served personally or by registered post at the <sup>3</sup>[Commissioner] may determine, and shall specify the time when, place where, and the name of the officer before whom such person is required to appear.] <sup>1</sup>[Analysis of articles mentioned in section 24A.]

<sup>5</sup>[(1A) If such person fails to show to the satisfaction of the <sup>3</sup>[Commissioner] that the said article corresponds with the description and limitations provided in the section 59A, the <sup>3</sup>[Commissioner] may by notification in the *Official Gazette* direct that the said article be dealt with as an intoxicating liquor and thereupon the provisions of this Act relating to liquor shall apply to that article.]

<sup>6</sup>[(2) Whenever the <sup>3</sup>[Commissioner] causes an analysis of an article mentioned in section 24-A to be made under sub-section (1) <sup>7</sup>[or gives notice thereunder], he may require the person who is the manufacture thereof or who is known or believed to have imported <sup>4</sup>[or obtained] such articles not to sell ,distribute or otherwise deal with such article, or to remove it from any place without the previous permission of the <sup>3</sup>[Commissioner], for any period not exceeding three months from the date of such requisition or till the result of the analysis is known and <sup>8</sup>[communicated to him in writing by the <sup>3</sup>[Commissioner] whichever is earlier, or as the case may be, till such manufacturer, or other person satisfies the <sup>3</sup>[Commissioner] that the article corresponds to the description and limitations provided in section 58A]; and thereupon such manufacturer or person shall comply with such requisition during the said period.]]

#### <sup>9</sup>[CHAPTER IV-B

##### *Control and Regulation of Denatured Spirituous Preparations to Prevent Their Use as Intoxicating Liquor.*

**59 C.** (1) No person shall have in his possession except under a permit granted by any officer empowered by the State Government in that behalf, any quantity of denatured spirituous preparation in excess of such a quantity as the State Government may, by notification in the *Official Gazette*, specify.

(2) In specifying quantity of possession of denatured spirituous preparation under sub-section (1) regard shall be had to the necessity for the free possession of such preparation for legitimate, domestic and other purposes, and different limits may be fixed for—

- (i) different local areas,
- (ii) different classes of persons, and
- (iii) different occasions.

Prohibition against possession of denatured spirituous preparation in excess of prescribed limit and the regulation of its possession in excess of prescribed limit.

1 This marginal note was substituted for the original by Bom. 36 of 1954, s. 9.

2 The original section 59B was re-numbered as sub-section (1) of that section by Bom. 20 of 1955, s. 5.

3 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

4 These words were inserted by Bom. 22 of 1960, s. 44 (1).

5 This sub-section was inserted, *ibid.*, s. 44 (2).

6 Sub-section (2) was added by Bom. 20 of 1955, s. 5.

7 These words were inserted by Bom. 22 of 1960, s. 4 (1).

8 These words, figures and letters were substituted for the words "communicated to him whichever is earlier" *ibid.*, s. 44 (iii).

9 Chapter IV-B was inserted, *ibid.*, s. 45.



Regulation of manufacture, etc., of denatured spirituous preparations.

**59D.** (1) No person shall—

(a) manufacture, sell or bottle for sale any denatured spirituous preparation, except under the authority and in accordance with the terms and conditions of a licence,

(b) import, export or transport any denatured spirituous preparation in excess of the limit of possession specified under sub-section (1) of section 59C, except under the authority and in accordance with the terms and conditions of a pass,

(c) drink any denatured spirituous preparation.

(2) A licence or pass required under sub-section (1) shall be granted by any officer empowered in writing in that behalf by the State Government.]

## CHAPTER V

### *Mhowra Flowers*

Prohibition of export or import of mhowra flowers.

**60.** (1) No person shall export or import mhowra flowers except under a pass granted by the Collector or an officer authorised in this behalf.

Control and regulation of transport, sale etc. of mhowra flowers.

(2) <sup>1</sup>[No person or head of household on his behalf or on behalf of the members of his household shall in the aggregate] collect or transport or sell or buy or have in his possession mhowra flowers exceeding the prescribed limit in weight, except under the authority and subject to the conditions of a licence, permit or pass granted <sup>2</sup>[by the Collector or an officer authorized] in this behalf :

Provided that no licence, permit or pass shall be necessary for the collection, transport, sale, purchase or possession within such area and during such period (hereinafter called vacation period) as the <sup>3</sup>[State] Government may, by notification in the *Official Gazette* notify, of any quantity of Mhowra flowers which shall be the produce of that year <sup>4</sup>[and of that area]:

Provided further that unless the <sup>3</sup>[State] Government by a notification in the *Official Gazette*, otherwise directs, no licence, permit or pass shall be necessary for the transport by rail of any quantity of Mhowra flowers through an area which has no vacation period or the vacation period for which has expired at the time when the transport takes place, provided that—

(i) the said flowers are not unloaded in transit, and

(ii) there is a vacation period at the place from which and to which the said flowers are transported at the time when the said flowers are dispatched or arrive, as the case may be.

<sup>5</sup>[\* \* \* \* \*]

<sup>1</sup> These words were substituted for the words "no person shall" by Bom. 26 of 1952, s. 28 (1).

<sup>2</sup> These words were inserted, *ibid.*, s. 28 (2).

<sup>3</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>4</sup> These words were added by Bom. 26 of 1952, s. 28 (3).

<sup>5</sup> The Explanation was deleted by Bom. 22 of 1960, s. 46.

## CHAPTER VI

## CONTROL AND REGULATION OF MOLASSES.

61. (1) Except as otherwise provided in sub-sections (2) and (3) no person shall export, import, transport, sell or have in his possession any quantity of molasses. Control of export, etc., of molasses.

(2) The <sup>1</sup>[State] Government may, by general or special order, authorise any collector <sup>2</sup>[or any other officer] to grant licenses for the import, export, sale or possession of molasses.

(3) The <sup>1</sup>[State] Government may also authorise any Collector or any other officer to grant permits for the transport of molasses.

62. The provision of sections 53 to 59 <sup>3</sup> [(both inclusive)] shall, so far as may be applicable, apply to licenses or permits granted under section 61. Provisions of sections 53 to 59 to apply to licences granted under section 61.

<sup>4</sup>[63. The provisions of this Act in relation to molasses shall be in addition to, and not in derogation of the provisions of the Bombay Molasses (Control) Act, 1956, or of any rule or order made thereunder.] Provisions of Act in relation to molasses to be in addition to, and not in derogation of Bom. XXXVIII of 1956-59.

Bom.  
XXXVIII  
of 1956-  
59.

64. [Power of State Government to direct holder of stock of molasses to sell them at fixed price to any officer, person or class of persons.] Deleted by Bom. 26 of 1952, s.30.

## CHAPTER VII

## Offences And Penalties.

65. Whoever in contravention of the provision of this Act, or of any rule, regulation or order made or of any licence, pass, permit or authorization granted thereunder— Penalty for illegal import, etc., of intoxicant or hemp.

(a) <sup>5</sup>[imports or exports or transports any intoxicant] <sup>6</sup>[(other than opium)] or hemp,

(b) manufactures any intoxicant <sup>7</sup>[(other than opium)],

(c) constructs or works any distillery or brewery,

(d) bottles liquor,

(e) <sup>8</sup>[sells or buys or possesses any intoxicant] <sup>6</sup>[(other than opium)] or hemp, or

(f) uses, keeps or has in his Possession any materials, still utensils, implements or apparatus for the purpose of manufacturing any intoxicant <sup>7</sup>[other than opium].

<sup>9</sup>[(g) cultivates or collects hemp.]

<sup>10</sup>[shall, on conviction, be punished for each such offence] <sup>11</sup>[with imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both].

<sup>12</sup>\* \* \* \* \*

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 These words were inserted by Bom. 26 of 1952, s. 29.

3 These brackets and words were inserted by Bom. 22 of 1960, s. 47.

4 This section was inserted, *ibid.*, s. 48.

5 These words were substituted for the words "imports or exports any intoxicant" by Mah. 52 of 2005, s. 3 (a).

6 These brackets and words were inserted by Bom. 22 of 1960, s. 49 (a).

7 These brackets and words were substituted for the brackets and words "(other than to day)", *ibid.*, s. 49 (b).

8 These words were substituted for the words "sells or buys any intoxicant" by Mah. 52 of 2005, s. 3 (b).

9 This clause was inserted by Bom. 22 of 1960, s. 49 (c).

10 This portion was substituted for the portion beginning with the words "shall on conviction be punished" to the end of the section by Bom. 22 of 1960, s. 49 (b).

11 These words were substituted for the words "with imprisonment for a term which may extend to three years and also with fine" by Mah. 52 of 2005, s. 3 (c).

12 This proviso was deleted, *ibid.*, s. 3 (d).

Penalty for  
illegal  
cultivation  
and  
collection of  
hemp and  
other  
matters.

**66.** <sup>1</sup>[(1) whoever in contravention of the provisions of this Act, or of any rule, regulation or order made or of any licence, permit, pass or authorization issued, thereunder—

<sup>2</sup>\* \* \* \* \*

(b) <sup>3</sup> [consumes or uses any intoxicant] <sup>4</sup>[other than opium] or hemp,

(c) taps or permits to be tapped any toddy producing tree,

(d) draws or permits to be drawn toddy from any tree, shall, on conviction be punished—

(i) for a first offence, with imprisonment for a term which may extend to six months and with fine which may extend to <sup>5</sup> [ten thousand rupees];

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than <sup>6</sup> [five thousand rupees];

(ii) for a second offence, with imprisonment for a term which may extend two years and with fine which may extend to <sup>7</sup> [twenty thousand rupees] :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than six months and fine shall not be less than <sup>8</sup> [ten thousand rupees];

(iii) for a third or subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to <sup>9</sup> [twenty thousand rupees]:

Provided that, in absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than nine months and fine shall not be less than <sup>10</sup> [ten thousand rupees].

<sup>11</sup>[(2) Subject to the provisions of sub-section (3), where in any trial of an offence under clause (b) of sub-section (1) for the consumption of an intoxicant, it is alleged that the accused person consumed liquor, and it is proved that the concentration of alcohol in the blood of the accused person is <sup>12</sup> [not less than 0.05 per cent weight in volume] then the burden of proving that the liquor consumed was a medicinal or toilet preparation, or an antiseptic preparation or solution, or a flavouring extract, essence or syrup, containing alcohol, the consumption of which is not in contravention of the Act or any rules, regulations or orders made thereunder, shall be upon the accused person, and the Court shall in the absence of such proof presume the contrary.

1 Section 66 was renumbered as sub-section (1) by Bom. 12 of 1959, s. 9.

2 Clause (a) was deleted by Bom. 22 of 1960, s. 50 (a)(i).

3 These words were substituted for the words "consumes, uses, possesses or transports any intoxicant" by Mah. 52 of 2005, s. 4 (a).

4 These brackets and words were inserted, *ibid.*, s. 50 (a)(ii).

5 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 4 (b)(i).

6 These words were substituted for the words "five hundred rupees", *ibid.*, s. 4 (b)(ii).

7 These words were substituted for the words "two thousand rupees", *ibid.*, s. 4 (c)(i).

8 These words were substituted for the words "one thousand rupees", *ibid.*, s. 4 (c)(ii).

9 These words were substituted for the words "two thousand rupees", *ibid.*, s. 4 (d)(i).

10 These words were substituted for the words "one thousand rupees", *ibid.*, s. 4 (d)(ii).

11 Sub-sections (2) and (3) were added by Bom. 12 of 1959, s. 9.

12 These words and figures were substituted and were deemed always to have been substituted for the words and figures "not less than 0.05 per cent" by Bom. 22 of 1960, s. 50 (b).

Three  
months  
and  
fine  
shall  
not be  
less  
than.

(3) The provisions of sub-section (2) shall not apply to the consumption of any liquor—

(a) by indoor patients during the period they are being treated in any hospital convalescent home, nursing home or dispensary, maintained or supported by Government or a local authority or by charity, or

(b) by such other persons in such other institutions, or in such circumstances as may be prescribed.]

<sup>1</sup>[**66A.** Whoever, in contravention of the provisions of this Act, or of any rule, regulation or order made thereunder or of any licence, pass, permit or authorization granted by or under this Act, imports, exports, transports, consumes, uses possesses, sells or buys opium, shall, on conviction, be punished for each such offence with imprisonment for a term which may extend to three years and also with fine : Penalty for illegal import, etc., of opium.

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court.

(i) for a first offence, such imprisonment shall not be less than six months and fine shall not be less than five hundred rupees;

(ii) for a second offence, such imprisonment shall not be less than nine months and fine shall not be less than one thousand rupees.

(iii) for a third or subsequent offences, such imprisonment shall not be less than one year and fine shall not be less than one thousand rupees.]

<sup>2</sup>**67.** [(1) Whoever in contravention of section 21 alters or attempts to alter any denatured spirit or has in his possession any spirit in respect of which he knows or has reason to believe that any such alteration or attempt has been made shall, on conviction, be punished <sup>3</sup>[with imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.]] Penalty for alteration or attempting to alter denatured spirit.

<sup>4</sup>\* \* \* \* \*

<sup>5</sup>[(2) In prosecution under this section, it shall be presumed, until the contrary is proved, that the alteration or attempt to alter any denatured spirit was done, with the intention that such spirit may be used for human consumption as an intoxicating liquor.]

<sup>6</sup>[(**67-1A**) <sup>7</sup>(1) Whoever in contravention of section 21A alters or attempts to alter any denatured spirituous preparation or has in his possession any such preparation in respect of which he knows or has reason to believe that any such alteration or attempt has been made shall, on conviction, be punished <sup>8</sup>[with imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.]] Penalty for alteration or attempting to alter denatured spirituous preparations.

<sup>9</sup>[\* \* \*]

1 This section was inserted by Bom. 22 of 1960, s. 51.

2 Section 67 was renumbered as sub-section (1), *ibid.*, s. 52.

3 These words were substituted for the words "with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees" by Mah. 52 of 2005, s. 5 (a).

4 This proviso was deleted, *ibid.*, s. 5 (b).

5 This sub-section was added, Bom. 22 of 1960, s. 52.

6 Section 67-1A was inserted by Bom. 36 of 1954, s. 10.

7 Section 67-1A was renumbered as sub-section (1) by Bom. 22 of 1960, s. 53.

8 These words were substituted for the words "with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees" by Mah. 52 of 2005, s. 6 (a).

9 This proviso was deleted, *ibid.*, s. 6 (b).

<sup>1</sup>[(2) In prosecutions under this section, it shall be presumed, until the contrary is proved, that the alteration or attempt to alter any denatured spirituous preparation was done with the intention that it may be used for human consumption as an intoxicating liquor.]]

Penalty for contravention of provision regarding prescriptions.

<sup>2</sup>[67-1B. Whoever—

(a) not being a registered medical practitioner issues a prescription for intoxicating liquor or,

(b) being a registered medical practitioner—

(i) prescribes intoxicating liquor in contravention of the provisions of sub-section (2) of section 22A, or

(ii) fails, without reasonable excuse to state in the prescription for intoxicating liquor the particulars required by that section to be stated therein, or

(iii) fails to preserve such prescription, or a copy thereof, for the period for which it is required by that section to be preserved,

shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to <sup>3</sup> [ten thousand rupees or with both.]]

Penalty for manufacturing <sup>14</sup>articles mentioned in section 24A] in contravention of section 59A.

<sup>4</sup>[(67A. (1) Whoever in contravention of the <sup>5</sup> [provisions of section 59AA or, as the case may be, of section 59A]—

<sup>6</sup>[(1a) Manufactures, imports or exports any article mentioned in section 24A], or

(a) Sells uses or disposes of any liquor otherwise than as an ingredient of any <sup>7</sup> [article mentioned in section 24A], or

(b) uses more alcohol in the <sup>8</sup> [manufacture of any of the articles mentioned in section 24A] than the quantity necessary for extraction of solution of the elements contained therein and for the preservation of such <sup>9</sup> [article], or

(c) knowingly sells <sup>10</sup> [any such article] for being used as an intoxicating drink, or sells any such article under circumstances from which he might reasonably reduce the intention of the purchaser to use them for such purpose,

shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine <sup>11</sup> [which may extend to ten thousand rupees] or with both.

(2) No person who has been convicted for any offence under this section or has paid any sum of money under section 104 <sup>12</sup> [by way of composition] for such offence shall be entitled to manufacture, import or to sell any <sup>13</sup> [article mention in section 24A]

1 This sub-section was added by Bom. 22 of 1960, s. 53.

2 This section was inserted, *ibid.*, s. 54.

3 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 7.

4 Section 67A and 67B were inserted by Bom. 26 of 1952, s. 31.

5 These words, figures and letters were substituted for the words, figures and letters "provisions of section 59-A" by Bom. 22 of 1960, s. 55 (a)(i).

6 Clause (1a) was inserted, *ibid.*, s. 55 (a)(ii).

7 These words were substituted for the words "medicinal or toilet preparation" by Bom. 36 of 1954, s. 11 (i)(a).

8 These words, figures and letters were substituted for the words "in the manufacture of such articles which may be used as intoxicating liquor" by Bom. 22 of 1960, s. 55 (a)(iii).

9 This word was substituted for the word "preparation" by Bom. 26 of 1954, s. 11 (i)(b).

10 These words were substituted for the words, figures and letter "any article to which section 24A applies", *ibid.*, s. 11 (i)(c).

11 These words were inserted by Mah. 52 of 2005, s. 8.

12 These words were inserted by Bom. 22 of 1960, s. 55 (b).

13 These words were substituted for the words, figures and letter "preparation to which section 24A applies" by Bom. 36 of 1954, s. 11 (ii)(a).

14 These words, figures and letter were substituted for the words "medicinal or toilet preparations", *ibid.*, s. 11 (iii).

for a period of one year from the date of such conviction or payment, and any person who imports, manufactures or sells any [such article] in contravention of this sub-section shall be liable to the same punishment as is provided for an offence punishable under section 65.

**67B.**<sup>2</sup>[(1) If the manufacturer<sup>3</sup> of any of the articles mentioned in section 24A fails to show to the satisfaction of the [Commissioner] that the article corresponds to the description and limitations provided in section 59A, his licence for the purchase, use or possession of liquor or alcohol for the manufacture of such article shall be revoked.]

<sup>4</sup>[(2) Any person who fails to comply with any requisition made by the <sup>3</sup>[Commissioner] under sub-section (2) of section 59B, shall, on conviction, be punished with imprisonment for term which may extend to one year or with fine [which may extend to ten thousand rupees or with both.] ]

<sup>6</sup>[penalty for failure to satisfy the <sup>3</sup>[Commissioner] under sub-section (1), or to comply with a requisition under sub-section (2) of section 59B.]

<sup>7</sup>[**67C.** Whoever,—

(a) in contravention of the provisions of section 59C, possesses, without a permit, any denatured spirituous preparation in excess of the quantity prescribed under that section or.

(b) in contravention of the provisions of section 59D manufacturers, sells, bottles for sale or imports, exports or transports, any denatured spirituous preparation, or

(c) drinks any denatured spirituous preparation, <sup>8</sup>[shall, on conviction, be punished with imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.] ]

Penalty for possessing, etc., denatured spirituous preparation in contravention of provisions of sections 59C and 59D.

**68.** Whoever,—

(a) opens, keeps or uses any places as a common drinking house; or

(b) has the care, management or control of, or in any manner assists in conducting the business, of any place opened, kept or used as a common drinking house. <sup>9</sup>[shall, on conviction, be punished with imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.]

Penalty for opening etc. of common drinking house.

**69.** Whoever, in contravention of the provisions of this Act, or of any rule, regulation or order made or licence, permit or pass granted thereunder, imports, exports <sup>10</sup>[collects], transports, sells, <sup>10</sup>[buys] or has in his possession mhowra flowers, <sup>11</sup>[shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand rupees or with both:]

Penalty for illegal import, etc. of mhowra flowers.

<sup>12</sup>[Provided that] no person shall be punished in respect of any mhowra flowers which are either growing on a tree or are lying uncollected on the ground as have fallen from a tree.

1 These words were substituted for the words "such preparation" by Bom. 36 of 1954, s. 11 (ii)(b).

2 The original section 67B was renumbered as sub-section (1) of that section by Bom. 20 of 1965, s. 6 (1).

3 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

4 Sub-section (2) was added by Bom. 20 of 1965, s. 6 (1).

5 This word were inserted in Mah. 52 of 2005, s. 9.

6 This marginal note was substituted for the original, *ibid.*, s. 6 (2).

7 This section was inserted by Bom. 22 of 1960, s. 56.

8 This portion was substituted for the portion beginning with the words "shall, on conviction be punished" and ending with the words "nine months and fine shall not be less than one thousand rupees" by Mah. 52 of 2005, s. 10.

9 This portion was substituted for the portion beginning with the words "shall, on conviction" and ending with the words "one year and fine shall not be less than one thousand rupees" *ibid.*, s. 11.

10 This word was inserted by Bom. 26 of 1952, s. 32.

11 This portion was substituted for the portion beginning with the words "shall, on conviction, be punished, and" ending with the words "nine months and fine shall not be less than one thousand."

12 These words were substituted for the words "Provided further that", *ibid.*, s. 12 (b).



- Penalty for illegal import of molasses. **70.** Whoever, in contravention of the provisions of this Act, or of any rule, regulation or order made or of any licence or permit granted thereunder, exports, imports, transport, sells or has in his possession molasses shall, on conviction, be punished with [imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.]
- 71.** [*Penalty for selling molasses at price exceeding fixed price*]. Deleted by Bom. 26 of 1952, s.33.
- Penalty for removal of intoxicant etc. **72.** Whoever, in contravention of the provisions of this Act, or of any rule, regulation or order made, or pass granted, thereunder, removes any intoxicant, hemp, mhowra flowers or molasses from any distillery, warehouse, godowns or other place of storage established or licensed<sup>3</sup> under this Act, shall, on conviction be punished with imprisonment for a term which<sup>3</sup> [shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees or with both.]
- Penalty for printing or publishing advertisement in contravention of provisions of Act, etc. **73.** Whoever, in contravention of the provisions of this Act, or of any rule, regulation or Order made thereunder, prints, or publishes in any newspaper, news-sheet, book, leaflet, booklet or any single or periodical publication or otherwise displays or distributes any advertisement or other matter—  
 (a) Which<sup>4\*</sup> \* \* solicits the use of or offers any intoxicant or hemp, or  
 (b) Which is calculated to encourage or incite any individual or class of individuals or the public generally to commit an offence under this Act, or to commit a breach of or to evade the provisions of, any rule regulation or order made thereunder or of the conditions of licence, permit, pass or authorization granted thereunder,  
 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to<sup>5</sup> [five thousand rupees] or with both.
- Penalty for circulating etc. news papers etc. containing advertisement regarding intoxicants etc. **74.** Whoever, in contravention of a notification issued under sub-section (3) of section 24, circulates, distributes or sells any newspaper, news-sheet, book, leaflet, booklet or other publication printed and published outside the<sup>6</sup> [State] which contains any advertisement or matter,—  
 (a) which<sup>7\*</sup> \* solicits the use of or offers any intoxicant or hemp,<sup>8</sup> [or]  
 (b) which is calculated to encourage or incite any individual or class of individuals or the public generally to commit any offence under this Act, or to commit a breach of or to evade the provisions of any rule, regulation or order made thereunder, or the conditions of any licence, permit, pass or authorization granted thereunder—  
 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to [ten thousand rupees or with both.]
- Penalty for inciting or encouraging certain acts<sup>11</sup> \* \* **75.** Whoever, in contravention of the provisions of this Act or any rule, regulation or order made thereunder,—  
 (a) <sup>10\*</sup> \* \* Solicits the use of or offers any intoxicant or hemp, or

1 These words were substituted for the words "imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees" by Mah. 52 of 2005, s. 13.

2 This section was substituted for the original by Bom. 22 of 1960, s. 58.

3 These words were substituted for the words "may extend to one year or with fine which may extend to one thousand rupees" by Mah. 52 of 2005, s. 14.

4 The word "commends" was deleted by Bom. 26 of 1952, s. 34.

5 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 15.

6 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.

7 The word "commends" was deleted by Bom. 26 of 1952, s. 35 (1).

8 This word was inserted, *ibid.*, s. 35 (2).

9 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 16.

10 The word "commends" was deleted, *ibid.*, s. 36 (1).

11 The words "frustrating provisions of this Act" were deleted, *ibid.*, s. 36 (3).

<sup>1</sup>\* \* \* \* \*

(c) does any act which is calculated to incite or encourage any individual or a class of individuals or the public generally to commit an offence under this Act or to commit a breach of any rule, regulation or order made or of conditions of a licence, permit, pass or authorization granted thereunder,

shall on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to <sup>2</sup>[ten thousand rupees] or with both.

<sup>3</sup>[75A. Whoever in contravention of the provisions of section 43,—

(a) drinks in a public place <sup>4</sup>[\* \* \*]

(b) <sup>5</sup>[\* \* \*]

Penalty for  
contravention  
of provisions  
of section 43.

(c) serves liquor at any ceremonial or other function or any assembly of persons where persons (not being members of his family or his employees) not holding permits under sections 40, 41, 46A or 47 are present;

shall on conviction, be punished for every such offence with imprisonment which may extend to six months, or with fine which may extend to <sup>6</sup>[ten thousand rupees] or with both.].

**76.** Whoever in contravention of the provisions of this Act, rule or regulation or order or condition of any licence, permit or pass granted under this Act,—

Penalty for  
neglect to  
keep measures  
etc.

(a) neglects to supply himself with measures and weights for measuring and weighing any intoxicant or hemp or with instruments for testing the strength of liquor or keep the same in good conditions, or

<sup>7</sup>(b) refuses to measure, weigh, or test any intoxicant or hemp in his possession [or to have it weighed, measured or tested],

shall, on conviction, be punished for each such offence with fine which may extend to <sup>8</sup>[two thousand rupees].

**77.** Whoever, being the holder of a licence, permit, pass or authorization granted under this Act or a person in the employ of such holder or acting with his express or implied permission on his behalf—

Penalty for  
misconduct by  
licensee etc.

(a) fails to produce licence, permit, pass or authorization on demand by a Prohibition Officer or any other officer duly empowered if such licence, permit, pass or authorization is in his possession or control, or

(b) wilfully does or omits to do anything in contravention of any rule, regulation or order made under this Act, or

<sup>9</sup>\* \* \* \* \*

1 Clause (b) was deleted by Bom. 26 of 1952, s. 36 (2).

2 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 17.

3 This section was inserted by Bom. 22 of 1960, s. 59.

4 These words were deleted by Mah. 52 of 2005, s. 18 (a).

5 This clause was deleted, *ibid.*, s. 18 (b).

6 These words were substituted for the words "one thousand rupees", *ibid.*, s. 18 (c).

7 These words were added by Bom. 22 of 1960, s. 60.

8 These words were substituted for the words "two hundred rupees" by Mah. 52 of 2005, s. 19.

9 Clause (c) was deleted by Bom. 22 of 1960, s. 61 (a).



shall, on conviction, be punished for each offence with imprisonment for a term which may extend to <sup>1</sup>[six] months or with fine which may extend to <sup>2</sup>[five thousand rupees] or with both.

Penalty for misconduct by licensed vendor or manufacturer.

**78.** Whoever, being the holder of licence for the sale or manufacture of any intoxicant under this Act, or a person in the employ of such holder or acting with his express or implied permission on his behalf—

(a) mixes or permits to be mixed with the said intoxicant any noxious drug or any foreign ingredient likely to add to the actual or apparent intoxicating quality or strength or any article prohibited by any rule made under this Act or water except for the purpose of reducing liquor to the strength or any prescribed in the licence, or any diluting or coloring substance or any ingredient whatsoever likely to render the intoxicant inferior in quality whether such ingredient is or is not prohibited as aforesaid when such admixture shall not amount to the offence of adulteration under section 272 of the Indian Penal Code, or

(b) Sells or keeps or exposes for sale as foreign liquor, which liquor he knows or has reason to believe to be country liquor, or XLV of 1860.

(c) marks the cork of any bottle, or any bottle, case package or other receptacle containing country liquor, or uses any bottle case package or other receptacle containing country liquor, with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to an offence of using a false trade mark with intent to deceive or injure any person under section 482 of the Indian Penal Code, or XLV of 1860.

(d) Sells any intoxicant which is not of the nature, substance and quality or other receptacle, with any mark thereon or on the cork thereof with the intention of causing it to be believed, that such bottle case package or other receptacle contains foreign liquor, when such act shall not amount to the offence of selling goods marked with a counterfeit trade mark under section 486 of the Indian Penal Code, or XLV of 1860.

(e) sells any intoxicant which is not of the nature, substance and quality demanded by the purchaser or keeps or exposes for sale any intoxicant which is not of the nature, substance and quality authorized by the term of the licence to be kept for sale by the holder of the licence.

shall, on conviction, be punished for each such offence with imprisonment for a term which may extend to <sup>3</sup>[one year and with fine which may extend to ten thousand rupees].

Liability of licensee for acts of servants.

**79.** The holder of a licence, permit, pass or authorization granted under this act shall be responsible, as well as the actual offender, for any offence committed by any person in his employ or acting with his express or implied permission on his behalf under the provisions of this Act as if he himself had committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence:

<sup>4</sup>[\* \* \*]

1 This word was substituted for the word "three" by Bom. 22 of 1960, s. 61 (b).

2 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 20.

3 These words were substituted for the words "Six months and with fine which may extend to one thousand rupees", *ibid.*, s. 21.

4 This proviso was deleted, *ibid.*, s. 22.

**80.** (1) Whenever any intoxicant, hemp, mhowra flowers or molasses are manufactured, imported, exported, transported, sold, or are possessed by any person on account of any other person and such other person knows or has reason to believe that such manufacture, import, export, transport, sale or possession is, on his account the intoxicant, hemp, mhowra flowers or molasses, as the case may be, shall, for the purposes of this Act, be deemed to have been manufactured, imported, exported, transported or sold by or to be in possession of, such other person.

Import  
export, etc.,  
of intoxicant  
by any  
person on  
account of  
another.

(2) Nothing in sub-section (1) shall absolve any person from liability to any punishment under this Act for the unlawful manufacture, import, export, transport, sale or possession of such articles.

**81.** Whoever attempts to commit or abets the commission of an offence under this Act shall, on conviction, be punished for such attempt or abetment with the same punishment as is provided for the principle offence.

Penalty for  
attempts or  
abetment.

**82.** (1) In the event of any breach by the holder of any licence, permit, pass or authorization granted under this Act or by his servants or by any person acting with his express or implied permission on his behalf of any of the terms or conditions of such licence, permit, pass or authorization such holder shall, in addition to the cancellation or suspension of the licence, permit, pass or authorization granted to him be punished, on conviction, with imprisonment for a term which may extend to six months or with fine which may extend to <sup>1</sup>[five thousand] or with both, unless it is proved that all due and reasonable precautions were exercised by him to prevent any such breach.

Breach of  
license, permit,  
etc. to be an  
offence

(2) Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence, permit, pass or authorization be liable to the same punishment.

**83.** When two or more persons agree—

(a) to commit or cause to be committed any offence under this Act, or

(b) <sup>2</sup>\* \* \* \* to commit a breach of a condition of a licence, permit pass or authorization.

Penalty for  
conspiracy.

each of such persons shall on conviction, be punished with <sup>3</sup>[imprisonment for a term which shall not be less than three years but which may extend to five years or with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees] or with both.

**84.** Whoever is found drunk or drinking in a common drinking house or is found there present for the purpose of drinking shall, on conviction, be punished with fine which may extend to <sup>4</sup>[five thousand rupees]. Any person found in a common drinking house during any drinking therein shall be presumed, until the contrary is proved, to have been there for the purpose of drinking.

Penalty for  
being found  
drunk in any  
drinking  
house.

**85.** <sup>5</sup>[(1) Whoever in any street or thoroughfare or public place or in any place to which the public have or are permitted to have access, behaves in disorderly manner under the influence of drink, shall, on conviction, be punished—

Penalty for  
being drunk  
and for  
disorderly  
behaviour.

(a) for a first offence, with rigorous imprisonment for a term which may extend to six months and with fine which may extend to <sup>6</sup>[ten thousand rupees]:

1 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 23.

2 The words "to defeat or frustrate the provisions of this Act, rules, regulation or order, or" were deleted by Bom. 26 of 1952, s. 37.

3 These words were substituted for the words "imprisonment for a period which may extend to two years or with fine which may extend to one thousand rupees" by Mah. 52 of 2005, s. 24.

4 These words were substituted for the words "five hundred rupees", *ibid.*, s. 25.

5 Sub-section (1) was substituted by Mah. 33 of 1972, s. 2.

6 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 26 (a)(i).

Provided that, in absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than three months and the fine shall not be less than <sup>1</sup>[five thousand rupees]; and

(b) for a subsequent offence, with rigorous imprisonment for a term which may extend to one year and also with a fine of <sup>2</sup>[ten thousand rupees]:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, such imprisonment shall not be less than six months and fine shall not be less than <sup>3</sup>[seven thousand five hundred rupees].

<sup>4</sup>[(2) In prosecution for an offence under sub-section (1), it shall be presumed until the contrary is proved that the person accused of the said offence has drunk liquor or consumed any other intoxicant for the purpose of being intoxicated and not for a medicinal purpose.]

Penalty for allowing any premises for purpose of committing an offence under Act.

**86.** (1) Whoever, being the owner or occupier, or having the use or care or management or control of any place, knowingly permits it to be used for the purpose of the commission by any other person of any offence punishable under this Act, shall on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to <sup>5</sup>[ten thousand rupees] or with both:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the imprisonment shall not be less than three months and fine shall not be less than <sup>6</sup>[five thousand rupees];

<sup>7</sup>[(2) Any owner who has leased out his premises to be used by other person under any agreement shall not be held responsible for an offence under sub-section (1) committed by the tenant in the premises in his possession, unless it is proved that the owner is actively involved in the commission of such offence.]

Penalty for chemist, druggist or apothecary for allowing his premises to be used for purpose of consumption of liquor.

**87.** A chemist, druggist, apothecary or keeper of a dispensary who allows any liquor, which has not been *bonafide* medicated for medicinal purposes according to the prescription of a <sup>8</sup>[registered medical practitioner] or any intoxicating drug to be consumed on his business premises by any person, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to <sup>9</sup>[ten thousand rupees] or with both.

1 These words were substituted for the words "five hundred rupees" by Mah. 52 of 2005, s. 26 (a)(i).

2 These words were substituted for the words "one thousand rupees", *ibid.*, s. 26 (b)(i).

3 These words were substituted for the words "one thousand rupees", *ibid.*, s. 26 (b)(ii).

4 Sub-section (2) was added by Bom. 26 of 1952, s. 88.

5 These words were substituted for the words "one thousand rupees", by Mah. 52 of 2005, s. 27 (a)(i).

6 These words were substituted for the words "five hundred rupees", *ibid.*, s. 27 (a).

7 Sub-section (2) was substituted by Mah. 52 of 2005, s. 27 (b).

8 These words were substituted for the words "medical practitioner" by Bom. 12 of 1959, s. 10.

9 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 28.

**88.** If a <sup>1</sup>[registered medical practitioner] issue a prescription with the intention that such prescription shall be used by the person to whom it is issued for the purpose of consuming liquor, intoxicating drug or opium in contravention of the provisions of this Act, or rule, regulation or order made thereunder any licence, permit, pass or authorization granted under this Act, he shall on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to <sup>2</sup>[ten thousand rupees] or with both.

Penalty for issuing false prescription.

**89.** Any person who maliciously and falsely gives information to any person exercising powers under this Act leading to a search, seizure, detention or arrest shall, on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to <sup>3</sup>[ten thousand rupees] or with both.

Penalty for maliciously giving false information.

**90.** Whoever is guilty of any willful act or intentional omission in contravention of the provisions of this Act, or any rule, regulation or order thereunder or of any licence, permit, pass or authorization granted under this Act, and if such act or omission is not otherwise made an offence under this Act, shall on conviction, be punished with the imprisonment for a term which may extend to six months or with fine which may extend to <sup>4</sup>[five thousand rupees] or with both.

Penalty for offences not otherwise provided for.

**91.** (1) Whenever any person is convicted of an offence punishable under this Act, the court convicting such person, may at the time of passing the sentence on such person, order him to execute a bond for a sum proportionate to his means with or without sureties to abstain from the commission of offences punishable under the provisions of this Act during such period not exceeding three years as it may direct.

Demand for security for abstaining from commission of certain offences.

(2) The bond shall be in such form as may be provided under the provisions of the code of Criminal Procedure,\*1898, and the provision of the said code shall in so far as they are applicable apply to all matter connected with such bond if it were a bond to keep the peace ordered to be executed under section 106 of the said Code.

(3) If the conviction is set aside in appeal the bond so executed shall become void.

**92.** <sup>1</sup>[Release of offenders on bond.] Deleted by Bom. 67 of 1953, s. 2.

**93.** (1) Whenever a <sup>5</sup>[Presidency Magistrate specially empowered by the State Government in this behalf in Greater Bombay and elsewhere, a District Magistrate or Sub-Divisional Magistrate] receives information that any person within the local limit of his jurisdiction habitually commits or attempts to commit or abets the commission of an offence punishable under this Act such Magistrate may require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate may direct.

Demand of security for good behaviour.

1 These words were substituted for the words "medical practitioner" by Bom. 12 of 1959, s. 10.

2 These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 29.

3 These words were substituted for the words "one thousand rupees", *ibid.*, s. 30.

4 These words were substituted for the words "five hundred rupees", *ibid.*, s. 31.

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

5 These words were substituted for the original by Bom. 21 of 1954, s. 3, second Sch.

(2) The provisions of the Code of Criminal Procedure, 1898, \*shall in so far as they are applicable apply to any proceedings under sub-section (1) as if the bond referred to therein where a bond required to be executed under section 110 of the said Code. <sup>V of 1898.</sup>

Execution of bonds in respect of minors. **94.** If any person in respect of whom a bond is ordered to be executed under <sup>1</sup>[sections 91 and 93] is a minor, the bond shall be executed by his guardian.

Punishment for vexatious search, seizure or arrest. **95.** Any officer or person exercising powers under this Act who—  
 (a) Maliciously enters or searches or causes to be entered or searched, any building or house or similar dwelling place; or  
 (b) Vexatiously and unnecessarily seizes the property of any person of the presence of seizing or searching for anything liable to confiscation under this Act; or  
 (c) Vexatiously and unnecessarily detains, searches or arrests any person; or  
 (d) in any other way maliciously exceeds or abuses his lawful powers,  
 shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to <sup>2</sup>[ten thousand rupees] or with both.]

Punishment for vexatious delay. <sup>3</sup>**96.** Any officer or person exercising powers under this Act who vexatiously and unnecessarily delays forwarding to a Magistrate or to the officer-in-charge of the nearest police station as required by the provisions of this Act any person arrested or article seized under this Act shall, on conviction be punished with imprisonment for a term which may extend to one year or with fine which may extend to <sup>4</sup>[ten thousand rupees] or with both.]

Punishment for abetment for escape of persons arrested. **97.** Any officer or person exercising power under this Act, who—  
 (a) unlawfully releases any person arrested under this Act, or  
 (b) abets the escape of any person arrested under this Act, or  
 (c) <sup>5</sup>abets the commission of any offence against this Act, and any other officer of the <sup>5</sup>[Government] or of a local authority who absets the commission of any offence against this Act.  
<sup>6</sup>[shall, on conviction, be punished,—  
 (i) if such act is done intentionally, with imprisonment for a term which may extend to thirty months or with fine which may extend to twenty-five thousand rupees or with both; or  
 (ii) if such act is done negligently, with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both]

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

<sup>1</sup> These words were substituted for the words "the last three preceding sections" by Bom. 67 of 1953, s. 3.

<sup>2</sup> These words were substituted for the words "one thousand rupees" by Mah. 52 of 2005, s. 32.

<sup>3</sup> This section was substituted for the original by Bom. 22 of 1960, s. 62.

<sup>4</sup> These words were substituted for the words "one thousand rupees" by Mah. 52 of 2006, s. 33.

<sup>5</sup> These words were substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

<sup>6</sup> This portion was substituted for the portion beginning with the words "shall, on conviction" and ending with the words "or with both" by Mah. 52 of 2006, s. 34.

98. (1) Whenever any offence punishable under this Act has been committed, Things liable to confiscation.

(a) any intoxicant, hemp, mhowra flowers, molasses, materials, still, utensil, implement or apparatus in respect of which the offence has been committed,

(b) where in the case of an offence involving illegal possession, the offender has in his lawful possession any intoxicant, hemp, mhowra flowers or molasses other than those in respect of which an offence under this Act has been committed, the entire stock of such intoxicant, hemp, mhowra flowers or molasses,

(c) where in the case of an offence of illegal import, export or transport, the offender has attempted to import, export or transport any intoxicant, hemp, mhowra flowers or molasses, in contravention of the provisions of this Act, rule, regulation or order or in breach of a condition of a licence, permit pass or authorization, the whole quantity of such intoxicant hemp, mhowra flowers or molasses which he has attempted to import, export or transport,

(d) where in the case of an offence of illegal sale, the offender has in his lawful possession any intoxicant, hemp, mhowra flowers or molasses other than that in respect of which an offence has been committed the whole of such other intoxicant, hemp mhowra flowers or molasses,

shall be confiscated by the order of the Court.

(2) Any receptacle, package or covering in which any of the articles liable to confiscation under sub-section (1) is found and the other contents of such receptacle, package or covering and the animals, carts, vessels or other conveyances used in carrying any such article shall like-wise be liable to confiscation by the order of the Court.

99. When during the trial of a case for an offence under this Act the Court decides that anything is liable to confiscation under the foregoing section. The court may, after hearing the person, if any, claiming any right thereto and the evidence, if any which he produces in support of his claim, order confiscation, or in the case of any article other than an intoxicant, hemp, mhowra flowers or molasses give the owner an option to pay fine as the Court deems fit in lieu of confiscation : Return of things liable to confiscation to bona fide owners.

Provided that no animals, cart vessel, vehicle or other conveyance shall be confiscated if the owner thereof satisfies the Court that he had exercised due care in preventing the commission of the offence.

100. When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act is found or seized, the <sup>1</sup>[Commissioner] Collector or any other officer authorized by the <sup>2</sup>[State] Government in this behalf may make an inquiry and if after such inquiry is satisfied that an offence has been committed, may order the thing found to be confiscated ; Procedure in confiscation.

1 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.



Provided that no such order shall be made before the expiry of one month from the date of seizure, or without hearing <sup>1</sup>[the person, if any claiming any right thereto] and the evidence, if any, which he produces in support of this claim.

Power of Collector, etc. to order sale of articles liable to confiscation. **101.** If the thing in question is liable to speedy and natural decay, or if the <sup>2</sup>[Commissioner], Collector, <sup>3</sup>[Court] or the officer authorized by the <sup>4</sup>[State] Government in this behalf is of opinion that the sale would be for the benefit of the owner, the <sup>2</sup>[Commissioner], Collector, <sup>3</sup>[Court] or the officer may at any time direct it to be sold and the provisions of section 99 or 100 shall apply so far as may be to the net proceeds of the sale:

<sup>5</sup>[Provided that, where anything is liable to speedy and natural decay, or is of trifling value, the Court, or the officer concerned may order such thing to be destroyed, if in its or his opinion such order is expedient in the circumstances of the case.]

Forfeiture of any publication containing advertisement matter [soliciting] use of intoxicants. **102.** (1) Where any newspaper, news – sheet, book, leaflet, booklet or other publication wherever printed or published appears to the <sup>4</sup>[State] Government to contain any advertisement or matter <sup>6</sup>\* soliciting the use of, or offering intoxicant or hemp, the <sup>4</sup>[State] Government may, by notification in the *Official Gazette*, declare every copy of such newspaper, news-sheet, books, leaflet, booklet or other publication whether printed or published in the <sup>7</sup>[State] or outside to be forfeited to <sup>8</sup>[the State Government] and hereupon any Police Officer may seize the same wherever found in the <sup>4</sup>[State]. Any Magistrate may by warrant authorize any Police Officer not below the rank of Sub-inspector to enter upon and search for the Same in any premises where any copy of such issue or any such newspaper, news-sheet, book, leaflet, booklet or other publication may be or may be reasonably suspected to be. Every warrant issued under this section shall be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1898\*.

(2) The declaration of the <sup>4</sup>[State] Government under this section shall be final and shall not be questioned in any Civil or Criminal Court.

Presumption as to commission of offences in certain cases. **103.** (1) In prosecutions under any of the provisions of this Act, it shall be presumed without further evidence, until the contrary is proved, that the accused person had committed an offence under this Act in respect of any intoxicant, hemp, mhowra flowers or molasses or any, still, utensil, implement or apparatus, whatsoever for the manufacture of an intoxicant <sup>10</sup>\* \* \* \* \*

<sup>11</sup>[or any materials which have undergone any process towards the manufacture of any intoxicant or form which an intoxicant has been manufactured,] for the possession of which he is unable to account satisfactorily.

1 These words were substituted for the words “any person who can claim any right thereto” by Bom. 22 of 1960, s. 63.

2 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Sch.

3 This word was substituted for the word “Magistrate”, by Bom. 21 of 1954, s. 3, second Sch.

4 This word was substituted for the word “Provincial”, by the Adaptation of Laws Order, 1950.

5 This proviso was substituted for the original by Bom. 22 of 1960, s. 64.

6 The word “commending” was deleted by Bom. 26 of 1952, s. 39.

7 This word was substituted for the word “pre-Reorganisation State of Bombay, excluding the transferred territories”, by Bom. 12 of 1959, s. 3,

8 These words were substituted for the words “His Majesty” by the Adaptation of Laws Order, 1950.

9 This word was substituted for the word “commending” by Bom. 26 of 1952, s. 39.

10 The words “as are ordinarily used in the manufacture of such intoxicant” were deleted by Bom. 22 of 1960, s. 65 (a).

11 These words were inserted by Bom. 20 of 1955, s. 8.

\*\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

**103A.** <sup>1</sup>[Report of certain registered medical officers as evidence.]

Deleted by Bom.12 of 1959, s.12.

**104.** (1) The <sup>2</sup>[State] Government may sanction the acceptance from any person whose licence, permit, pass or authorization is liable to be cancelled or suspended under the <sup>3</sup>[provisions of sections 54 and 56] or who is reasonably suspected of having committed an offence under sections <sup>4</sup>[67A, 67B, 69, 73, 74, 76, 77, 82 or] 108, of a sum of money in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be; and in all cases in which any property other than the intoxicant, hemp, mhowra flowers or molasses has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by the <sup>2</sup>[State] Government or such officer as the <sup>2</sup>[State] Government may authorize in this behalf :

Compounding of offences.

Provided that where a person who is reasonably suspected of having committed an offence under section <sup>4</sup>[69, 70 or] 108 is not the holder of a licence, permit, pass or authorization granted under this Act or a person in the employ of such holder or a person acting with his express or implied permission on his behalf, the sum of money which may be accepted from such person by way of composition shall not exceed five hundred rupees :

<sup>6</sup>[Provided further that, in the case of a person who is reasonably suspected of having committed an offence under section 108, for not more than three occasions, the sum of money which may be accepted from him by way of composition for the offence, shall,—

(a) for the first offence, be an amount equal to three times the duty or fee evaded by him;

(b) for the second offence, be an amount equal to four times the duty or fee evaded by him; and

(c) for the third offence, be an amount equal to five times the duty or fee evaded by him;

Provided also that, sum money which may be accepted by way of composition for the offence under the second proviso shall be in addition to the duty or fee to be paid by him under this Act.]

(2) On the payment by such person of such sum of money, or such value or both, as the case may be such person, if in custody, shall be set at liberty and the property seized may be released and if any proceedings shall have been instituted against such person in any Criminal Court, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same facts.

<sup>7</sup>**[104A.** Nothing in the Bombay Probation of Offenders Act, 1938, or <sup>8</sup>[in any law corresponding to that Act in force in any part of the State or in the Probation of Offenders Act, 1958, where that Act is brought into force in any part of the State or in] section 562 of the Code of Criminal Procedure, 1898\*, shall apply to any person convicted of any offence under this Act.]

Bombay Probation of Offenders Act, 1938, and section 562, of Code of Criminal Procedure, 1898, not to apply to persons convicted of offence under this Act.

Bom. XIX of 1938, XX of 1958, V of 1898,

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

1 Sub-section (2) was deleted by Bom. 22 of 1960, s. 65 (b).

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 These words and figures were substituted for the words "Provisions of this Act", by Mah. 52 of 2005, s. 35 (1).

4 These figures and word were inserted by Bom. 26 of 1952, s. 40.

5 These figures and and letters were substituted for the figures "69, 70" by Mah. 52 of 2005, s. 35 (b).

6 This proviso was substituted, *ibid.*, s. 35 (c).

7 Section 104A was inserted by Bom. 67 of 1953, s. 4.

8 These words and figures were inserted by Bom. 12 of 1959, s. 13.



## CHAPTER VIII

## Excise Duties

Excise duties **105.** <sup>1</sup>[(I) An excise duty or countervailing duty, as the case may be, at such rate or rates as the <sup>2</sup>[State] Government shall direct may be imposed either generally or for any specified local area on—

- (a) any alcoholic liquor for human consumption,
- (b) any intoxicating drug <sup>3</sup>[or hemp],
- <sup>4</sup>[(c) Opium,]
- (d) any other excisable article,

When imported, exported, transported, possessed, manufactured or sold <sup>5</sup>[in or from the <sup>6</sup>[State].as the case may be];

Provided that duty shall not be so imposed on any article which has been imported into <sup>7</sup>[the territory of India] and was liable on such importation to duty under the Indian Tariff Act, 1934, or the Sea Customs Act, 1878\* <sup>8</sup>[or on any medicinal or toilet preparation containing alcohol, opium, hemp or other narcotic drugs or narcotics.]

XXX-  
II of  
1934,  
VIII of  
1878.

<sup>9</sup>[*Explanation.*—Duty may be imposed under this section at different rates,—

(i) according to the places to which an excisable article is to be removed for consumption; or

(ii) according to the varying strengths or quality of such article; or

(iii) according to the manufacturing cost of the excisable article, declared in writing, by the manufacturer or the exporter to the State, to the prescribed authority and authenticated by that authority.”]

1 Section 105 was renumbered as sub-section (I) by the Adaptation of Laws Order, 1950.

2 This word was substituted for the word “Provincial”, *ibid.*

3 These words were added by Bom. 22 of 1960, s. 67 (a).

4 This clause was substituted for the original, *ibid.*, s. 67 (6).

5 These words were substituted for the words and figures “in accordance with the provisions contained in Chapter IV of this Act” by Bom. 16 of 1952, s. 41.

6 This word was substituted for the words “pre-Reorganisation State of Bombay, excluding the transferred territories” by Bom. 12 of 1959, s. 3.

7 These words were substituted for the words “the Dominion of India” by the Adaptation of Laws Order, 1950.

8 These words were added by Bom. 22 of 1960, s. 67 (c).

9 *Explanation* was substituted by Mah. 9 of 1997, s. 2.

\* See now the Customs Act, 1962 (52 of 1962).

<sup>1</sup>\* \* \* \* \*

**106.** Subject to any regulations to regulate the time, place and manner of payment Manner of levying excise duties.  
 Manners of made by the <sup>2</sup>[Commissioner] in this behalf, the duties referred to in section 105 may be levied in one or more of the following ways :—

(a) in the case of an excisable article imported excise imported—

(i) by payment either in the <sup>3</sup>[State] at the time of its import or in the <sup>3</sup>[State] or territory of export at the time of its export, or

(ii) by payment upon issue for sale from a warehouse established or licensed under the provisions of this Act;

(b) in the case of an excisable article exported payment in the <sup>2</sup>[State] at the time of its export, or in the <sup>4</sup>[State] or territory of import;

(c) in the case of excisable articles transported—

(i) by payment in the district from which they are transported, or

(ii) by payment upon issue for sale from a warehouse established or licensed under the provisions of this Act;

(d) in the case of spirit or beer manufactured in any distillery established or any distillery or brewery licensed under this Act—

(i) by a rate charged upon the quantity produced in or issued from the distillery or brewery, as the case may be, or issued from a warehouse established or licensed under this Act, or

(ii) by rate charged in accordance with such <sup>5</sup>[scale of equivalents] calculated on the quantity of materials used or by the degree or attenuation of the wash or wort, as the case may be, as the <sup>5</sup>[State] Government may prescribe;

(e) in the case of intoxicating drugs manufactured in the <sup>6</sup>[State] by payment upon the quantity produced or manufactured or issued from a warehouse established or licensed under this Act:

Provided that where payments is made upon issue for sale from a warehouse established or licensed under this Act, such payment shall be at the rate of the duty in force at the date of issue from the warehouse:

Provided further that where one and the same person is permitted—

(i) to manufacture or import and to sell, or

(ii) to manufacture and export, country liquor or any intoxicant, such duty may be levied in consideration of the joint privileges granted, as the Collector deems fit.

<sup>1</sup> Sub-section (2) was deleted by Bom. 12 of 1959, s. 14.

<sup>2</sup> This word was substituted for the word "Director", by Mah. 52 of 1973, s. 3, Sch.

<sup>3</sup> This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 15.

<sup>4</sup> This word was substituted for the word "Province", by the Adaptation of Laws Order, 1950.

<sup>5</sup> These words were substituted for the words "sale of equivalents" by Bom. 22 of 1960, s. 68.

<sup>6</sup> This word was substituted for the word "Provincial", by the Adaptation of Laws Order, 1950.

<sup>7</sup> These words were substituted for the words "in pursuance of a licence granted under this Act" by Bom. 26 of 1959, s. 42.

**107.** [Power to exempt, remit or refund excise duty.] Deleted by Bom.22 of 1960, s. 69.

Declaration of stock of articles mentioned in section 24A; maintenance of accounts and submission of returns.

<sup>1</sup>**107A.** Every person who imports or manufactures any of the articles mentioned in section 24A shall;

(a) submit to the Collector within such period and in such form, as may be prescribed, a declaration of the quantity of such article in his possession on the importation or manufacture of the said article, as the case, may be;

(b) maintain accounts of the articles in such form and submit such returns as may be prescribed.

Power to obtain information and to search and seize excisable articles.

**107B.** (1) The Collector or any officer empowered by the State Government in this behalf may, subject to such conditions as may be prescribed,—

(a) by order require any person liable to pay any excise duty or fee under this Chapter to furnish him with any information or to produce before him any accounts or other documents concerning any excisable article as may be necessary, for the purposes of this Chapter,

(b) inspect at all reasonable hours the accounts or other documents relating to the stocks of any excisable article imported or manufactured or stored in respect of which such duty or fee has been paid or is payable and any place where such article is manufactured or stored;

(c) for reasons to be recorded in writing, enter any such place where he knows or has reason to believe that any excisable article in respect of which such duty or fee has not been paid is being imported or manufactured or stored and search for the same and seize any stocks of such article found therein and detain the same until such time as proof of payment of such duty or fee is produced or such further time as may be necessary for taking action under sections 98, 99 or 100 or for prosecuting for an offence under section 108.

(2) Whoever—

(a) fails to furnish any information or produce any accounts or other documents in compliance with an order made under clause (a) of sub-section (2) or <sup>2</sup>[furnishes false information or produces false accounts or documents or];

(b) obstructs any officer making an inspection, entry, a search or a seizure under clause (b) or clause (c) of sub-section (1),

shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.]

1 Section 107A and 107B were inserted by Bom. 26 of 1952, s. 44.

2 These words were added by Bom. 22 of 1960, s. 70.

<sup>1</sup>[108. Whoever, holding a licence, permit, pass or authorization under this Act, imports, exports, transports, possesses, sells or manufactures any intoxicant without payment of duty or fee provided for under this Act shall, on conviction, in addition to the duty or fee required to be paid by him under this Act, be punished,—

Penalty for import of intoxicant, etc. without payment of duty.

(a) for the first offence, with imprisonment for a term which may extend to one year and with fine which shall not be less than three times of the amount of the duty or fee evaded by him;

(b) for the second offence, with imprisonment for a term which may extend to eighteen months and with fine which shall not be less than four times of the amount of the duty or fee evaded by him;

(c) for the third or subsequent offence, with imprisonment for a term which may extend to two years and with fine which shall not be less than five times of the amount of the duty or fee evaded by him;

109. (1) For every toddy producing tree <sup>2</sup>[which is tapped or licensed to be tapped] or in respect of which a licence for drawing toddy therefrom is granted. There, shall, if the <sup>3</sup>[State] Government so directs, be levied for any period during which such tree is tapped or licensed to be tapped, such duty as the <sup>3</sup>[State] Government may from time to time direct.

Duty on tapping of toddy trees.

(2) Every licence <sup>4</sup>[for the tapping of, and drawing toddy from, toddy producing trees] granted under this Act shall specify in addition to any other particulars prescribed under the provisions of this Act or rules and regulations—

(a) the number, description and situation of the trees to be tapped,

(b) the amount of duty to be levied in respect of each tree,

(c) the installments, if any, in which and the period at which the said duty shall be leviable.

110. The duty on toddy producing trees shall be leviable primarily from the person holding the licence [to tap them and to draw toddy therefrom] and in default by him or if the trees are tapped without licence, from the owner of the trees.

Duty on by whom payable.

111. When the duty on toddy producing trees, is levied from the owner of, the trees, he shall be entitled to assistance in recovering the same, from the holder of the licence under the provisions of the law for the time being in force relating to the recovery by superior holders of their dues from their tenants.

Owner of trees entitled to assistance for duty paid.

112. The privilege of drawing toddy from trees the right to which vests in the <sup>3</sup>[State] Government may be disposed of <sup>6\*</sup> by auction or otherwise on such terms as the Collector deems fit.

Privilege of drawing toddy from trees belonging to Government.

113. <sup>8</sup>[Rules for levy of duty on opium etc.] Deleted by Bom. 22 of 1960, s. 74

<sup>7</sup>[114. All duties, taxes, fines (except fines imposed by a Court) and fees leviable under any of the provisions of this Act or in respect of any licence, permit, pass or authorisation granted under it and the cost of the supervising staff appointed under section 58A if not paid within the due date or the prescribed period, shall be recovered from any person liable to pay the same or from his surety, if any, with simple interest at the rate of 2 per cent per month, from the date it has become due, as if they were arrears of land revenue.

Recovery of duties etc.

1 Section 108 was substituted by Mah. 52 of 2005, s. 36.

2 These words substituted for the words "from which toddy is drawn", by Bom. 22 of 1960, s. 71 (a).

3 This word was substituted for the word "Provincial", by the Adaptation of Laws Order, 1950.

4 These words were substituted for the words "for drawing toddy" by Bom. 22 of 1960, s. 71 (b).

5 These words were substituted for the words "to draw toddy", *ibid.*, s. 72.

6 The word "annually" was deleted, *ibid.*, s. 73.

7 This section was substituted for the original, *ibid.*, s. 75.

8 This portion was substituted for the portion beginning with the words "may be recovered from any person" and ending with the words "arrears of land revenue" by Mah. 18 of 1998, s. 2.

(2) When any person, in compliance with any rules regulation or order made under this Act, gives a bond (other than a bond under section 91 or 93) for the performance of an act, or for his abstention, from any act, such performance or abstention shall be deemed to be a public duty within the meaning of section 74 of the Indian Contract Act, 1872; and upon breach of the conditions of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him or from his surety, (if any) as if it were an arrear of land revenue]. XI of 1872.

## CHAPTER IX

### *Powers and Duties of Officers and Procedure.*

Magistrate's power to impose enhanced penalties. <sup>1</sup>[115. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure 1898, \*it shall be lawful for any Presidency Magistrate or any Magistrate of the First Class to pass any sentence authorized by this Act in exercise of his powers under section 32 of the said Code, provided that the fine shall not exceed three thousand rupees;]

V of 1898.

Procedure to be followed by Magistrate. **116.** In all trials for offences under this Act, the Magistrate shall follow the procedure prescribed in the Code of Criminal Procedure, 1898\* for the trial of summary cases in which an appeal lies.

Tender of pardon to accomplice. <sup>2</sup>[116A. (1) Whenever two or more persons are prosecuted for an offence under this Act, a Presidency Magistrate or any Magistrate of the First Class may, at any stage of the investigation or inquiry into or the trial of offence, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of all facts within his knowledge relating to the offence.

V of 1898.

(2) Every Magistrate, who tender a pardon under sub-section (1), shall record his reasons for so doing.

(3) Every person, accepting a tender under this section, shall be examined as a witness in the Court of the Magistrate taking cognizance of the offence, and, in the subsequent trial, if any.

(4) The Provisions of sections 339 and 339 A of the Code of Criminal Procedure, 1898\*, shall apply to the trial of a person to whom pardon has been tendered under this section as they apply to a person to whom pardon has been tendered under section 337 or section 338 of that Code. V of 1898\*.

*Explanation.*—For the purposes of sub-section (4), the reference to the Public Prosecutor, in Section 339 of the said Code shall include a reference to any officer conducting a prosecution under this Act.]

<sup>1</sup> This section was substituted for the original by Bom. 22 of 1960, s. 76.

<sup>2</sup> This section was inserted, *ibid.*, s. 77.

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

V of 1898\*. **117.** Saw as otherwise expressly provided in this Act, all investigations, arrests, detentions in custody and searches shall be made in accordance with provisions of the Code of Criminal Procedure, 1898\* :

Investigations, arrests, searches, etc. how to be made.

Provided that <sup>1</sup>\* \* \* \* no search shall be deemed to be illegal by reason only of the fact that witnesses for the search were not inhabitants of the locality in which the place searched is situated.

V of 1898\*. <sup>2</sup>[**118.** In the absence of any provision to the contrary in this Act, the provisions of the Code of Criminal Procedure, 1898\* with respect to cognizable offences shall apply to offences under this Act.

Procedure of Code of Criminal Procedure relating to cognizable offence to apply.

**119.** Offences under <sup>3</sup>[sections 65, 67, 67-A, 67-C, 68, 70, 72 and 83 shall be non-bailable].

Certain offences to be non-bailable.

<sup>4</sup>[**120.** The <sup>5</sup>[Commissioner], Collector or any Prohibition officer duly empowered in this behalf by the State Government, or any Police Officer may—

Power of entry and inspection.

(a) enter at any time by day or by night, any warehouse, godowns, shop, premises, house, building, vessel, vehicle or enclosed place in which he has reason to believe that any intoxicant, hemp, mhowra flowers, molasses, material or article liable to confiscation under this Act is manufactured, kept or concealed or that any still, utensil, implement or intoxicant contrary to the provisions of this Act;

(b) in case of resistance break open any door and remove any other obstacle to the entry into any such warehouse, godown, shop, premises, house, building, vessel, vehicle or enclosed place;

(c) seize any intoxicant, hemp, mhowra flowers, or molasses and any material used in the manufacture of any intoxicant and any still, utensil, implement, or apparatus and any other thing which he has reason to believe to be liable to confiscation under this Act and any document or other article which he has reason to believe may furnish evidence of the commission of any offence under this Act; and

(d) detain and search and if he thinks proper arrest any person who he has reason to believe to be guilty of any offence under this Act.]

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

1 The portion beginning with the words "in any local area" and ending with the words "State Government" was deleted by Bom. 26 of 1952, s. 46.

2 These sections were substituted for the original by Bom. 22 of 1960, s. 78.

3 These figures, letters and word were substituted for the words, figures and letter "sections 65, 67, 67-A and 68" by Mah. 52 of 2005, s. 37.

4 This section was substituted for the original, *ibid.*, s. 79.

5 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

Power to open packages, etc. **121.** (1) Any Prohibition officer duly empowered in this behalf by the <sup>1</sup>[State] Government or any Police Officer may open any package and examine any goods and may <sup>2</sup>[stop and search] for any intoxicant, hemp, mhowra flowers, or molasses any vessel, vehicle or other means of conveyance <sup>3</sup> [and may seize any intoxicant, hemp mhowra flowers, molasses or any other thing liable to confiscation or forfeiture under this Act or any other law for the time being in force relating to excise revenue found which making such search.]

(2) The unloading and carrying of goods, the bringing of them to the place appointed under sub section (3) for examination, the opening and repacking of them, where such operations <sup>3</sup> [are necessary for searches made] under this section and the removing of goods to and placing of them in the place appoint under sub-section (3) for examination or deposit], shall be performed by or at the expenses of the owner of such goods.

(3) The owner of goods or the persons-in-charge <sup>4</sup> of the goods shall if so required by any officer conducting the search, take the goods [to a place appointed in Greater Bombay by the Commissioner of Police Bombay and elsewhere, by the District Magistrate] for the purpose of examination or deposit.

<sup>7</sup>(4) The expenses incurred by the State Government for any of the purposes mentioned in sub-section (2) may be recovered from the owner, or as the case may be, the person in-charge, of the goods as arrears of land revenue.]

Power to require production of licences. <sup>8</sup>**122.** (1) The <sup>9</sup>[Commissioner] or Collector or any Prohibition officer duly empowered in his behalf by the State Government or any Police Office may—

(a) require a licensed manufacturer or vendor or tapper or drawer of toddy or a person in the employ of such manufacturer or vendor or tapper or drawer of toddy or acting with his express or implied permission on his behalf to produce the licence, permit pass or authorization issued under this Act under which he carries on the manufacture, storage or sale of any intoxicant, hemp mhowra flowers or molasses or taps toddy-producing trees or draws toddy therefrom;

(b) enter and inspect, at any time by day or by night, any land on which toddy-producing trees are growing, whether such trees are licensed for tapping or not and any warehouse, godown, shop or premises in which any licensed manufacturer or vendor manufacturers, stores, or sells any intoxicant, hemp, mhowra flowers or molasses and examine, test, measure or weigh any stock of any such articles or cause any such stock to be examined, tested measured or weighed.

(2) If any officer mentioned in sub-section (1) finds that the holder of a licence, permit, pass or authorization issued under this Act, or a person in the employ of such holder or acting with his express or implied permission on his behalf willfully does or omits to do anything, which is an offence under this Act, such officer may seize any intoxicant hemp, mhowra flowers or molasses or any material or article in respect of which the offence is committed and any document or other article which he has reason to believe may furnish evidence of the commission of an offence under this Act and send a report to his official superior for such action as he deems fit],

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 These words were added by Bom. 22 of 1960, s. 82.

3 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

4 These words were substituted for the word "confiscation" by Bom. 22 of 1960, s. 83 (a).

5 These words were added, *ibid.*, s. 83 (a).

6 These words were substituted for the words "any other thing", *ibid.*, 83 (b).

7 This sub-section was substituted for the original, *ibid.*, s. 80 (d).

8 This section was substituted for the original, *ibid.*, s. 81.

9 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.



**123.** (1) Any prohibition authorized by the <sup>1</sup>[State] Government in his behalf of any Police Officer may—

Arrest of offenders and seizure of contraband articles.

(a) arrest without warrant any person whom he has reason to believe to be guilty of an offence under this Act;

(b) seize and detain any intoxicant hemp, mhowra flowers or molasses or other articles which he has reason to believe to be liable to confiscation or forfeiture under this Act <sup>2</sup>[and seize any document or other article which he has reason to believe may furnish evidence of the commission of an offence under this Act.]

(2) Any Prohibition Officer authorized by the <sup>1</sup>[State] Government under this section who arrests any person under clause (a), or seizes and detains any article under clause (b), of sub-section (7) shall forward such person or article, as the case may be, without unnecessary delay to the officer-in-charge of the nearest Police Station.

**124.** (1) The <sup>3</sup>[Commissioner] or Collector or any Prohibition Officer specially empowered in this behalf by the <sup>1</sup>[State] Government or a Police Officer may, by order, require any person to furnish to any specified authority or person any such information in his possession concerning any intoxicant, hemp mhowra flowers or molasses as may be specified in the order.

Power to obtain information.

(2) If any person fails to furnish any information in compliance with the order made under sub-section (1) or furnishes false information, he shall on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

**125.** The <sup>3</sup>[Commissioner], Collector or any Prohibition Officer duly empowered in this behalf or any Police Officer may—

Power to seize intoxicants, etc.

(a) seize in any open place, or in transit any intoxicant, hemp mhowra flowers or molasses or any other thing which he has reason to believe to be liable to <sup>4</sup>[confiscation or forfeiture] under this Act or any other law for the time being in force relating to excise revenue and any document or other article which he has reason to believe may furnish evidence of the commission of any offence under this Act];

(b) detain any search any person whom he has reason to believe to be guilty of any offence under this Act or any other law for the time being in force relating to excise revenue, and if such person has any intoxicant hemp, Mhowra flowers, molasses or <sup>6</sup>[other thing] in his possession, arrest him.

**126.** The <sup>3</sup>[Commissioner], Collector or any Prohibition Officer duly empowered in his behalf by the <sup>1</sup>[State] Government or any Police Officer may arrest without an order from a Magistrate and without warrant any person who obstructs him in the execution of his duties under this Act or who has escaped or attempts to escape from custody in which he has been or is lawfully detained under this Act.

Arrest without warrant.

1 This word was substituted for the word "Provincial" by Adaptation of Laws Order, 1950.

2 These words were added by Bom. 22 of 1960, s. 82.

3 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

4 These words were substituted for the word "confiscation" by Bom. 22 of 1960, s. 83 (a).

5 These words were added, *ibid.*, s. 83 (a).

6 These words were substituted for the words "any other thing", *ibid.*, 83 (b).



Arrest of  
offenders  
failing to give  
names.

**127.** (1) When any person who in the presence of the <sup>1</sup>[Commissioner], Collector or any Prohibition Officer not below such rank as the <sup>2</sup>[State] Government may determine has committed or has been accused of committing an offence under this Act, refuses on demand of such officer to give his name and residence or gives a name and residence which such officer has reason to believe to be false, he may be arrested by such officer, in order that his name or residence may be ascertained.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond with or without sureties, to appear before <sup>3</sup>[a Magistrate having jurisdiction] when so required :

Provided that if such person is not resident in <sup>4</sup>[India], the bond shall be secured, by a surety or sureties residing in <sup>4</sup>[India].

(3) If the true name and residence of such person is not ascertained within twenty-four hours from the time of the arrest, or if he fails to execute the bond, or if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Issue of  
warrants.

**128.** (1) The <sup>1</sup>[Commissioner], Collector or any Prohibition Officer duly empowered in this behalf <sup>5</sup>[or in Greater Bombay, a Deputy Commissioner of Police or <sup>6</sup>[an Assistant Commissioner of Police] in-charge of a Division, or a Magistrate or <sup>7</sup>[a Superintendent of Police] or an Assistant or Deputy Superintendent of Police specially empowered by the <sup>2</sup>[State] Government in this behalf may issue a warrant—

(a) for the arrest of any person whom he has reason to believe to have committed an offence under this Act or any other law relating to the excise revenue for the time being in force;

(b) for the search whether by day or by night of any building, vehicle or place in which he has reason to believe that any intoxicant, hemp, <sup>8</sup>mhowra flowers or molasses are manufactured or sold or stored or that any toddy is drawn contrary to the provisions of this Act or that any intoxicant, hemp, <sup>9</sup>[mhowra flowers, molasses] or other thing liable to confiscation or forfeiture, under this Act or any other law for the time being in force relating to the excise revenue is kept or concealed <sup>10</sup>[and for the seizure of such intoxicant, hemp <sup>8</sup>mhowra flowers, molasses or such other thing found in such building, vehicle or place].

(2) All warrants issued under sub-section (1) shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, † by a Police Officer or a Prohibition Officer duly empowered in this behalf or if the Officer issuing warrant deems fit, by any other person. V of 1898.

1 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 These words were substituted for the words "a Magistrate" by Bom. 21 of 1954, s. 3, Second Schedule.

4 This word was substituted for the word "the Dominion of India" by the Adaptation of Laws Order, 1950.

5 These words were inserted by Bom. 26 of 1952, s. 48 (1).

6 These words were substituted for the words "a Superintendent of Police" by Mah. 46 of 1962, s. 3, Sch.

7 These words were substituted for the words "a District Superintendent of Police", *ibid.*

8 The word "opium" was deleted by Bom. 22 of 1960, s. 84.

9 These words were substituted for the words "or opium", *ibid.*, s. 85.

10 These words were inserted by Bom. 26 of 1952, s. 48 (2).

† See now the Code of Criminal Procedure, 1973 (2 of 1974).

<sup>1</sup>[128.A. The provisions of sections 80, 98, 99, 103(*I*), 104, 120, 121, 122, 123, 124, 125, 128, 135 and 139 shall apply to denatured spirituous preparations as they apply to any intoxicant under this Act.]

Certain provisions to apply to denatured spirituous preparations.

**129.** (*I*) The <sup>2</sup>[State] Government may empower any Prohibition Officer to investigate offences under this Act.

Prohibition Officers may be empowered to investigate offences.

(2) An officer empowered under sub-section (*I*) shall in the conduct of such investigation exercise the powers conferred by the Code of Criminal Procedure, 1898,<sup>†</sup> upon an officer-in-charge of a Police Station for the investigation of cognizable offences.

V of 1898.

(3) Any Prohibition Officer, to whom such officer is subordinate may, during the course of the investigation, take over the investigation himself or direct any other Prohibition Officer duly empowered to conduct the same. The Officer in conducting the investigation shall have the same powers under sub-section (*I*) and (2) as if he were the Prohibition Officer appointed for the area or for the purpose of investigating the said offence.

(4) If the Prohibition Officer conducting the investigation is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond with or without sureties, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence and shall make a full report of the case to his official superior and be guided by the order which he shall receive on such report.

(5) The powers of any officer empowered under this section shall be subject to such other modifications or restrictions as the <sup>3</sup>[State] Government may deem fit.

<sup>4</sup>[129 A. (*I*) Where in the investigation of any offence under this Act, any Prohibition Officer duly empowered in this behalf by the State Government or any Police Officer, has reasonable ground for believing that a person has consumed an intoxicant and that for the purpose of establishing that he has consumed an intoxicant or for the procuring of evidence thereof it is necessary that his body be medically examined, or that his blood be collected for being tested for determining the percentage of alcohol therein, such Prohibition Officer or Police Officer may produce such person before a registered medical practitioner (authorised by general or special order by the State Government in this behalf) for the purpose of such medical examination or collection of blood, and request such registered medical practitioner to furnish a certificate on his finding whether such person has consumed any intoxicant and to forward the blood collected by him for test to the Chemical Examiner or Assistant Chemical Examiner to Government, or to such other Officer as the State Government may appoint in this behalf.

Power to require persons to submit to medical examination etc.

(2) The registered medical practitioner before whom such person has been produced shall examine such person and collect and forward in the manner prescribed the blood of such person, and furnish to the Officer by whom such person has been produced, a certificate in the prescribed form containing the result of his examination. The Chemical Examiner or Assistant Chemical Examiner to Government, or other officer appointed under sub-section (*I*) shall certify the result of the test of the blood, forwarded to him, stating therein in the prescribed form, the percentage of alcohol, and such other particulars as may be necessary or relevant.

<sup>1</sup> Section 128A was substituted for the original by Bom. 22 of 1960, s. 85.

<sup>2</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>3</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>4</sup> Sections 129A and 129B were inserted by Bom. 12 of 1959, s. 16.

<sup>†</sup> See now the Code of Criminal Procedure, 1973 (2 of 1974).

(3) If any person offers resistance to his production before a registered medical practitioner under sub-section (1) or on his production before such practitioner to the examination of his body or to the collection of his blood, it shall be lawful to use all means reasonably necessary to secure the production of such person or the examination of his body or the collection of blood necessary for the test.

(4) If the person produced is a female, such examination shall be carried out by, and the blood shall be collected by or under the supervision of, a female registered medical practitioner authorised by general or special order by the State Government in this behalf, and any examination of the body or collection of blood, of such female shall be carried out or made with strict regard to decency.

(5) Resistance to production before a registered medical practitioner as aforesaid, or to the examination of the body under this section or to the collection of blood as aforesaid, shall be deemed to be an offence under Section 186 of the Indian penal Code. V of 1860.

(6) Any expenditure incurred for the purpose of enforcing the provisions of this section including any fees payable to a registered medical practitioner or the officer appointed under sub-section (1) shall be defrayed out of moneys provided by the State Legislature.

(7) If any Prohibition Officer or Police Officer vexatiously and unreasonably proceeds under sub-section (1) he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(8) Nothing in this section shall preclude that fact that the person accused of an offence has consumed an intoxicant from being proved otherwise than in accordance with the provisions of this section.

Documents of reports of registered medical practitioner, etc. as evidence.

**129B.** Any document purporting to be—

(a) a certificate under the hand of a registered medical practitioner, or the Chemical Examiner or Assistant Chemical Examiner to Government, under section 129 A or of an officer appointed under sub-section (1) of that section or

(b) a report under the hand of any registered medical practitioner, in any hospital or dispensary maintained by the State Government or a local authority or any other registered medical practitioner authorised by the State Government in this behalf, in respect of any person examined by him or upon any matter or thing duly submitted to him for examination or analysis and report, may be used as evidence of the facts stated in such certificate, or as the case may be, report in any proceedings under this act; but the Court may if it thinks fit, and shall, on the application of the prosecution or the accused person, summon and examine any such person as to the subject matter of his certificate or as the case may be report.]

Arrested persons and things seized to be sent to officer-in-charge of Police Station

**130.** Every person arrested and thing seized by a Prohibition Officer under this Act, shall be sent to the officer-in-charge of the nearest Police Station <sup>1</sup>[or to any other officer duly empowered under section 129 if the <sup>2</sup>[Commissioner] in any particular case has directed such officer to conduct the investigation of the offence].

Bail by Prohibition Officer.

**131.** (1) Any Prohibition officer empowered to investigate an offence under this Act shall have power to grant bail in accordance with the provisions of the Code of Criminal Procedure, 1898, to any person arrested without a warrant for an offence of under this Act. V of 1898.

(2) When any person has been arrested under section 126, a Prohibition officer empowered to investigate offence under this Act shall have power to grant bail in accordance with the provisions of the Code of Criminal Procedure, 1898.† V of 1898.

<sup>1</sup> This portion was added by Bom. 22 of 1960, s. 86.

<sup>2</sup> This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

† For this now see the Code of Criminal Procedure, 1972 (2 of 1974).

**132.** <sup>1</sup>[When anything has been seized under the provisions of this Act by a Prohibition Officer exercising powers under section 129 or by an Officer-in-charge of a Police Station], or has been sent to him in accordance with provisions of this Act, such officer, after such inquiry as may be deemed necessary,—

Articles seized.

(a) if it appears that such thing is required as evidence in the case of any person arrested, shall 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 such thing is liable to confiscation but is not required as evidence as aforesaid, shall send it with a full report of the particulars of seizure to the Collector.

(c) if no offence appears to have been committed shall return it to the person from whose possession it was taken.

**133.** Every officer of the <sup>2</sup>[Government] and every officer or servant of local authority, shall be <sup>3</sup>[legally bound to assist any Prohibition Officer or] Police Officer or person authorised in this behalf in carrying out the provisions of this Act.

Duty of <sup>4</sup>[officers of Government] and local authorities to assist.

<sup>5</sup>[**134.** Every village officer or servant useful to Government, every officer of the State Government, and (with the consent of the Central Government) every officer of the Customs and Central Excise Departments and every officer or servant of a local authority, and the *Sarpanch* of a village *Panchayat* constituted under the Bombay Village Panchayats Act, 1958, shall be bound—

Offices to be reported.

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(a) to give immediate information at the nearest Police Station or to any officer or person authorised in this behalf of the commission of any offence and of the intention or preparation to commit any offence under this Act which may come to their knowledge;

(b) To take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reasons to believe is about or likely to be committed.]

**135.** Every person who owns or occupies any land or building, or who is landlord of an estate residing in the village, and the agent of such owner, occupier or landlord of the land, building or estate, as the case may be, on or in which there has been any unlawful tapping of toddy-producing trees or unlawful manufacture of any liquor or intoxicating drug or unlawful cultivation or collection of hemp, and every owner of a vessel or vehicle in which liquor or intoxicating drug is manufactured contrary to the provisions of this Act, shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to a Prohibition Officer or to a Police Officer immediately the same shall have come to his knowledge.

Landlords and others to give information.

<sup>1</sup> These words were substituted for the words "When anything has been seized by a Prohibition Officer other than the Collector or Director under the provisions of this Act" by Bom. 22 of 1960, s. 87.

<sup>2</sup> This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

<sup>3</sup> These words were substituted for the words "legally bound to assist any" by Bom. 22 of 1960, s. 88 (a).

<sup>4</sup> These words were substituted for the words "officials of all departments", *ibid.*, s. 88 (b).

<sup>5</sup> Sections 134 and 135 were substituted for the original, *ibid.*, s. 89.

**136.** [Power to arrest and make orders detaining or restricting movements or actions of persons.] Deleted by Bom. 26 of 1952. s. 50.

## CHAPTER X

### Appeals and Revision

Appeals **137.** (1) All order passed by my Prohibition Officer other than the Collector or <sup>1</sup>[Commissioner] under this Act shall be appealable to the Collector at any time within sixty days from the date of the order complained of.

(2) All orders passed by the Collector and <sup>1</sup>[Commissioner] shall be appealable to the <sup>1</sup>[Commissioner] and the <sup>2</sup>[State] Government respectively at any time within ninety days from the date of the order complained of :

Provided that no appeal shall lie against an order passed by the <sup>1</sup>[Commissioner] on appeal.

(3) Subject to the foregoing provisions the rules which the <sup>2</sup>[State] Government may make in this behalf shall apply to appeals under this section.

Revision <sup>3</sup>**138.** The State Government may call for and examine the record of any proceeding before any Prohibition Officer including that relating to the grant or refusal of a licence, permit, or authorization under this Act for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed in, and as to the regularity of, any such proceeding and may when calling for such record, direct that the order be not given effect to pending the examination of the record. On examining the record, it may either annul, reverse, modify or confirm such order, or pass such other order as it may deem fit.]

## CHAPTER XI

### Miscellaneous

General powers of <sup>2</sup>[State] Government in respect of licences, etc. **139.** <sup>4</sup>[(1) Notwithstanding anything contained in this Act or the rules made thereunder, the <sup>2</sup>[State] Government may, by general or special order,—

(a) Prohibit the grant of any kind of licences, permits, passes or authorizations throughout the <sup>2</sup>[State] or in any area ;

(b) regulate the import, export, transport, possession sale, purchase, consumption or use of any intoxicant, hemp, mhowra flowers, molasses or any article which is likely to be used for the manufacture of an intoxicant with or without licence, permit, pass or authorization throughout the <sup>5</sup>[State] or within the limits of any local area subject to such conditions <sup>6</sup>[as it may impose] .

1 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 This section was substituted for the original by Bom. 22 of 1960, s. 90.

4 Section 139 was renumbered as sub-section (1), *ibid.*, s. 91 (1).

5 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.

6 These words were substituted for the words "and for such periods as it deems fit" by Bom. 22 of 1960, s. 91 (1) (a).

<sup>1</sup>[(c) exempt any person or institution or any class of persons or institutions from all or any of the provisions of this Act or from all or any of the rules, regulations or orders made thereunder or from all or any of the conditions of any licence, permit, pass or authorization granted thereunder, subject to such conditions as it may impose;

(d) exempt any intoxicant or class of intoxicants, denatured spirituous preparation, hemp, mhowra flowers or molasses from all or any of the provisions of this Act or from all or any of the rules, regulations or orders made thereunder subject to such conditions as it may impose;

(d1) remit or refund wholly or partially any fee in respect of any privilege, licence, permits, pass or authorization granted under this Act or any duty on toddy producing trees or any excise or countervailing duty or fee leviable under this Act on any intoxicant, hemp, mhowra flowers or molasses from any person or institution or from a class of persons or institution or exempt any person or institution or class of persons or institutions from the payment of such duty or fee subject to such conditions as it may impose;]

(e) prescribe the maximum number of licences, permits, passes or authorizations of any kind which may be granted in any area or to any class of persons;

(f) prescribe the number of places at which any intoxicant specified in such order <sup>2</sup>[denatured spirituous preparation], hemp, mhowra flowers or molasses may be sold in any area, the location of such places in any area, the days and hours during which such places may or may not be kept open, the number of such places in respect of which licences for sale may be granted and the number or such places which may be <sup>3</sup>[managed by the State Government departmentally];

(g) direct that no licence, permit, pass or authorisation of the kind specified in such order shall be granted without the previous approval of the <sup>4</sup>[State] Government or also direct any additions or alterations to be made to or in the conditions subject to which under any other provisions of this Act, such licence, permit pass or authorization can be granted;

(h) prescribe the maximum quantity of any intoxicant <sup>5</sup>[denatured spirituous preparation], hemp, mhowra flowers or molasses which may be sold in any area or at any place;

<sup>6</sup>[(i) prescribe in respect of any place or area, the maximum number of toddy producing trees for tapping which or for drawing toddy from which licence or licences may be granted;]

<sup>7</sup>[(j) prescribe the procedure for the disposal of any shop or shops authorised to sell any intoxicant, denatured spirituous preparation, hemp, mhowra flowers or molasses under this Act and the procedure to be followed before granting any licence or licences;]

1 Clauses (c), (d) and (d1) were substituted for the original clauses (c) and (d) by Bom. 22 of 1960, s. 91 (1)(b).

2 These words were inserted, *ibid.*, s. 91 (1) (c) (1).

3 These words were substituted for the words "managed by the Excise Department", *ibid.*, s. 91 (1)(c)(ii).

4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

5 These words were inserted by Bom. 22 of 1960, s. 91 (1)(d).

6 This clause was substituted for the original, *ibid.*, s. 91 (1)(e).

7 This clause was substituted for the original, *ibid.*, s. 91 (1)(f).



(k) direct that before granting licences, auctions may be held, tenders called for or offers received and that licences shall be granted <sup>1</sup>[subject to such conditions as may be prescribed] to persons whose bids, tenders or offers are accepted by the Collector;

(l) specify the persons or class of persons <sup>2</sup>[to whom licences may or may not be granted] and in cases in which auctions are held, the person or classes of persons who may or may not be permitted to offer bids at such auctions;

(m) direct that licences of the kind specified in such order shall be granted to persons specified in such order; and

(n) issue such other instructions in any matter pertaining to the grant or otherwise of licences, permits, passes or authorizations under this Act, as the <sup>3</sup>[State] Government may deem proper.

<sup>4</sup>(2) An order made under sub-section (l), shall, if it is of a general nature of affecting a class of persons, be notified in the *Official Gazette*.]

Power of  
<sup>3</sup>[ State]  
Government  
to prohibit,  
regulate or  
control  
Consumption  
or use of  
intoxicants  
etc., in public  
place.

**140.** The <sup>3</sup>[State] Government may, by general or special order, prohibit, regulate or control, subject to such conditions as may be specified in the order, the consumption or use of any intoxicant or hemp, in any public place.

Employment  
of additional  
Police.

**141.** (1) If the <sup>3</sup>[State] Government is satisfied that the inhabitants of any area are concerned in the commission or abetment of any of the offences punishable under sections <sup>5</sup>[65, 66, 66 A, 67, 67-A, 67-C, 68, 69 and 70] the <sup>3</sup>[State] Government may, by notification in the *Official Gazette*, direct the employment of additional police <sup>6</sup> [in that area] for such period as it thinks fit.

(2) The cost of such additional police shall, if the <sup>3</sup>[State] Government so directs, be either in whole or in part defrayed by a tax imposed on the persons hereinbelow mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate so imposed and assessed, and charged—

(a) either generally on all persons who are in habitants of the local area to which such notification applies; or

(b) specially on any particular section or sections or class or classes of such persons, and the <sup>3</sup>[State] Government may direct the proportions in which such tax or rate shall be charged.

1 These words were inserted by Bom. 22 of 1960, s. 91 (1)(g).

2 These words were substituted for the words "to whom licences may not be granted", *ibid.*, s. 91 (1)(h).

3 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4 This sub-section was added by Bom. 22 of 1960, s. 91 (2).

5 These figures, letters and words were substituted for the figures and words "65 to 69", *ibid.*, s. 92 (a).

6 These words were inserted, *ibid.*, s. 92 (b).

*Explanation.*—For the purposes of this section “inhabitants” shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rents or revenue direct from *rayats* or occupiers in such area, notwithstanding that they do not actually reside therein.

(3) It shall be lawful for the <sup>1</sup>[State] Government to extend for a term not exceeding in any case five years the period for the payment of such tax or rate beyond the period for which such additional police are actually employed.

Bom. XXII of 1951. <sup>2</sup>[(4) The provisions of sub-sections (4) to (7) of section 50 of the Bombay Police Act, 1951, shall apply *mutadis mutandis* to the recovery of such tax or rate.]

<sup>3</sup>[142. (1) If the Collector is of opinion that it is in the interest of public peace to close any place in which any intoxicant or hemp is sold it shall be lawful for the Collector by an order in writing to the person holding a licence for the sale of such intoxicant or hemp to require him to close such place at such time or for such period as may be specified in the order.

Power of Collector to close places where intoxicant or hemp is sold in certain cases.

(2) If a riot or unlawful assembly is imminent or takes place it shall be lawful for any Executive Magistrate or Police Officer who is present to direct that such place shall be closed and kept closed for such period as he thinks fit and in the absence of any Executive Magistrate or Police Officer the person referred to in sub-section (1) shall himself close such place.

(3) Any order given under this section shall be final.]

143. (1) The <sup>1</sup>[State] Government may make rules for the purpose of carrying out the provisions of this Act or any other law for the time being in force relating to excise revenues.

Power of [State] Government to make rules.

(2) In particulars and without prejudice to the generality of the foregoing provisions, the <sup>1</sup>[State] Government may make rules,—

(a) regulating the delegation of any powers by the <sup>4</sup>[Commissioner], by Collector or by any other Prohibition Officer ;

(b) regulating the import, export, transport, <sup>5</sup>[collection], sale purchase <sup>6</sup>[bottling], consumption, use or possession of any intoxicant, <sup>7</sup>[denatured spirituous preparation] or hemp, mhowra flowers or molasses;

(c) regulating the manufacture of any intoxicant <sup>8</sup>[or denatured spirituous preparation];

(d) regulating the cultivation and collection of hemp;

1 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

2 This sub-section was substituted for the sub-section (4) and (5) by Bom. 64 of 1954, s. 3.

3 This section was substituted for the original by Bom. 22 of 1960, s. 91.

4 This word was substituted for the word “Director” by Mah. 52 of 1973, s. 3, Sch.

5 This word was inserted by Bom. 26 of 1952, s. 61 (1).

6 This word was inserted by Bom. 22 of 1960, s. 94 (1)(a).

7 These words were inserted, *ibid.*

8 These words were added, *ibid.*, s. 94 (1)(ab).



(e) regulating the tapping of toddy- producing trees and drawing of toddy therefrom;

(f) regulating the grant, suspension or cancellation of licences, permits, passes or authorizations for the import, export, transport <sup>1</sup>[Collection, sale, purchase], possession, manufacture <sup>2</sup>[bottling], consumption, use or cultivation of any of the above articles mentioned in <sup>3</sup>[clause (b) and for the matters specified in clause (e)];

(g) regulating the periods and localities for which the licences may be granted for the wholesale or retail vend of any of the above articles mentioned in clause (b);

(h) providing for the consulting of public opinion and prescribing the procedure to be followed and the matters to be ascertained before any licence, permit, pass or authorization for the vend, consumption or use of any of the above articles mentioned in clause (b) is granted to any person or in any locality;

<sup>4</sup>[(h1) prescribing the restrictions under which and the conditions on which any licence, permit pass or authorization may be granted including—

(i) the prohibition of the admixture with any intoxicant of any substance deemed to be noxious or objectionable;

(ii) the fixing of the strength, price or quantity in excess of or below which any intoxicant or mhowra flowers shall not be sold or supplied, and the quantity in excess of which denatured spirit, denatured spirituous preparation or molasses shall not be possessed or sold and the prescription of a standard or quality for any intoxicant denatured spirituous preparation, mhowra flowers or molasses;

(iii) the prohibition of sale of any intoxicant, denatured spirituous preparation or hemp except for cash;

(iv) the prescription of the days and hours during which any licensed premises may or may not be kept open and provisions for the closure of such premises on special occasions;

(v) the prescription of the nature of the premises on which any intoxicant may be sold and the notices to be exposed at such premises;

(vi) the prescription of the accounts to be maintained and the returns to be submitted by licence-holders or permit-holders;

(vii) the regulation or prohibition of the transfer of licenses;

(viii) the writing of the names and addresses and the taking of signatures of purchasers in the register of sale of any intoxicant, hemp, mhowra flowers or molasses or any article the sale or purchases of which is regulated by clause (b) of sub-section (1) of section 139;

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1 These words were inserted by Bom. 26 of 1952, s. 51 (2)(a).

2 This word was inserted by Bom. 22 of 1960, s. 94 (1)(c).

3 These words, brackets and letters were substituted for the words, brackets and letters "clauses (b) and (e)" by Bom. 26 of 1952, s. 51 (2)(b).

4 Clauses (h1) and (h2) were inserted by Bom. 22 of 1960, s. 94 (1)(d).

(h2) (i) declaring the processes by which spirits shall be denatured in particular areas, or for particular purposes;

(ii) for causing such spirits to be denatured through the agency or under the supervision of the Government Officers and for the payments of charges for such supervision;

(iii) for ascertaining whether such spirits have been denatured.]

(i) Prohibiting and regulation the employment by the licence- holder of any person or classes of persons to assist him in his business in any capacity whatsoever ;

(j) prescribing the manner in which the juice from a coconut, brab, date or any kind of palm trees is to be treated for the purpose of preventing fermentation;

<sup>1</sup>[(k) prescribing the persons or classes of persons to whom any intoxicant, denatured spirituous preparation, hemp, mhowra flowers or molasses may or may not be sold or who may or may not be allowed to sell, purchase or use any of these articles;]

(l) for the prevention of drunkenness, gambling or disorderly conduct in or near any licensed premises and the meeting and remaining of persons of bad character on such premises;

<sup>2</sup>[(l<sup>1</sup>) Prescribing the occasions on which special orders may be granted for the sale by retail of larger quantities or liquor or intoxicating drugs, or opium than those which are prescribed in any notification issued under this Act and the conditions on which such sales may be made;

[(l<sup>2</sup>) prescribing the amount of security to be deposited by the holder of any licence, permit, pass or authorization for the performance of the conditions for the same ;

(l<sup>3</sup>) providing for the maintenance by the holders of licences, permits, passes or authorizations of the registers of sales, purchases, possession, consumption or use and the particulars to be entered in the register;]

<sup>3</sup>[(m) regulating the grant of rewards or expenses to officers, informants, or persons giving information or assistance in the detection or investigation of offences under this Act, and of compensation to persons charged with offences punishable under this Act and acquitted;]

(n) regulating the printing, publishing or otherwise displaying or distributing any advertisement or other matter <sup>4</sup>\* soliciting the use of, or offering any intoxicant <sup>5</sup>[or] hemp or calculated to encourage or incite any individual or class of individuals or the public generally to commit an offence under this Act or to commit a breach or evade the provisions of any rule or order made thereunder or the conditions of any licence, permit, pass or authorization issued thereunder ;

1 This clause was substituted for the original by Bom. 22 of 1960, s. 94 (1)(e).

2 Clauses (l 1), (l 2) and (l 3) were inserted, *ibid.*, s. 94 (1)(f).

3 This clause was substituted for the original, *ibid.*, s. 94 (7)(g).

4 The word "commending" was deleted by Bom. 26 of 1952, s. 51 (3)(a).

5 This word was inserted, *ibid.*, s. 51 (3)(b).

(o) regulating within the <sup>1</sup>[State] the circulation, distribution or sale of newspaper news-sheet, book, leaflet, booklet, or other publication <sup>2</sup>[printed and published] outside the <sup>1</sup>[State] containing any advertisement or matter which <sup>3</sup>\* \* \* solicits the use of, or offers any intoxicant, or hemp <sup>4</sup>\* \* \* \* \*

<sup>5</sup>[(p) imposing restrictions and conditions on buyers of intoxicant, denatured spirituous preparation, hemp, mhowra flowers or molasses or any article the purchase of which is regulated by clause (b) of sub-section (I) of section 139 including provision for compelling them to sign entries pertaining to the purchase by them of any of these article;]

<sup>6</sup>\* \* \* \* \*

(r) regulating the taking of samples of molasses;

<sup>7</sup>[(rI)prescribing the Constitution of Committees, Boards and Medical Boards or panels thereof and the procedure regarding their work ;]

(s) Prescribing the powers, function and duties of Prohibition Officers, <sup>8</sup>[boards, Committee] and <sup>9</sup>[Medical Boards or panels thereof] and the fees and allowances payable to the members of the <sup>8</sup>[boards, Committee] and <sup>9</sup>[Medical Boards or panels thereof];

<sup>10</sup>[(t) prescribing the procedure regarding the work of the Board of Experts ;

<sup>11</sup>[(tI) prescribing conditions of through transport under section 29;]

(u) prescribing the fees <sup>12</sup>[(including rent or consideration)] payable in respect of any privilege, licence, permit, pass or authorization granted or issued under this Act;

<sup>13</sup>[(uu) prescribing the other persons, other institutions or the circumstances under clause (b) of sub-section (3) of section 66];

(v) prescribing the period within which and the form in which a declaration under section 107A shall be submitted and the account shall be maintained];

<sup>14</sup>[(w) prescribing the manner of collecting and forwarding blood and prescribing the form of certificates, and the other particulars required to be stated therein under sub-section (2) of section 129A].

(3) The power to make rules under this section shall be subject to the condition of previous publication :

1 This word was substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 12 of 1959, s. 3.

2 These words were substituted for the words "whether printed or published" by Bom. 26 of 1952, s. 51 (4)(a).

3 The words "is prescribed or which commends" were deleted, *ibid.*, s. 51 (4)(b).

4 The word "to be forfeited to the State Government" were deleted, *ibid.*, s. 51 (4)(c).

5 This clause was substituted for the original by Bom. 22 of 1960, s. 94 (I)(h).

6 Clause (q) was deleted, *ibid.*, s. 94 (I)(i).

7 This clause was inserted, *ibid.*, s. 94 (I)(i).

8 These words were substituted for the words "Committees", *ibid.*, s. 94 (I)(k).

9 These words substituted for the words "Medical Boards", *ibid.*

10 Clauses (t) to (v) were substituted for the original clause (t) by Bom. 26 of 1952, s. 51 (5).

11 This clause was inserted by Bom. 22 of 1960, s. 94 (I)(l).

12 These words were inserted by Mah. 70 of 1981, s. 3.

13 This clause was inserted by Bom. 12 of 1959, s. 17 (a).

14 This clause was added, *ibid.*, s. 17 (b).

Provided that any such rules may be made without previous publication if the<sup>1</sup>[State] Government considers that they should be brought into force at once.

<sup>2</sup>[(4) All rules made under this Act shall be laid for not less than thirty days before each House of the State Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.]

**144.** (1) The <sup>3</sup>[Commissioner] may make regulations, not inconsistent with the provision of this Act, or rules,—<sup>3</sup>[Commissioner's] powers to make regulations.

(a) regulating, as the case may be, the <sup>4\*</sup> supply or storage of any intoxicant<sup>5</sup>[denatured spirituous preparation] or hemp, mhowra flowers or molasses including—

(i) the erection, inspection, supervision, management and control of any place for the manufacture, supply or storage of such article, and the fittings implements and apparatus to be maintained therein;

<sup>6</sup>\* \* \* \* \*

(b) regulating the depositing of any intoxicant, hemp, <sup>7\*</sup> mhowra flowers or molasses in a warehouse and the removal of such articles from any such warehouse or from any distillery or brewery;

<sup>8</sup>\* \* \* \* \*

(d) prescribing the scale of fees <sup>9</sup>[including rent or consideration] or the manner of fixing the fees payable in respect <sup>10\*</sup> \* \* \* of any storage of any intoxicant, hemp, <sup>7\*</sup> mhowra flowers or molasses;

(e) regulating the time, place and manner of payment of any duty or fees;

<sup>8</sup>\* \* \* \* \*

(h) providing for the destruction or other disposal of any intoxicant declared to be unfit for use;

(i) *regulating the disposal of confiscated or forfeited articles;*

<sup>8</sup>\* \* \* \* \*

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 This sub-section was inserted by Bom. 22 of 1960, s. 94 (2).

3 This word was substituted for the word "Director" by Mah. 52 of 1973, s. 3, Sch.

4 The word "manufacture" was deleted by Bom. 22 of 1960, s. 95 (a)(i).

5 These words were inserted, *ibid.*, s. 95 (a)(ii).

6 Sub-clauses (ii) to (v) were deleted, *ibid.*, s. 95 (a)(iii).

7 The word "opium" was deleted by Bom. 22 of 1960, s. 95 (b).

8 Clauses (c), (f), (g), (j), (k) and (l) were deleted, *ibid.*, s. 95 (c).

9 These words were inserted by Mah. 70 of 1981, s. 4.

10 The words beginning with the words "of any privilege" and ending with the words "authorisation or" were deleted by Bom. 26 of 1952, s. 52 (1).

(m) regarding any other matter which the <sup>1</sup>[State] Government may by notification in the *Official Gazette*, direct him to prescribe for the purposes of carrying out the provisions of this Act.

(2) The regulations made under this section shall be published in the *Official Gazette*.

Officers and persons acting under this Act to be public servants.

**145.** All officers and persons empowered to exercise any powers or to perform any function under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV  
of  
1860.

Bar of Proceedings.

**146.** No suit or proceeding shall lie against the <sup>2</sup>[Government] or against any Prohibition, Police, or other officers or against any person empowered to exercise powers or to perform functions under this Act, for anything in good faith done or purporting to be done under this Act.

Limitation of prosecutions suits against officers.

<sup>3</sup>**146A.** (1) All Prosecutions of any Prohibition, Police or other officers, or of any persons empowered to exercise powers or to perform functions under this Act, and all actions which may be lawfully brought against the Government or any of the aforesaid officers or persons, in respect of anything done or alleged to have been done in pursuance of this Act, shall be instituted within four months from the date of the act complained of and not afterwards; and any such action shall be dismissed—

(a) if the plaintiff does not prove that, previously to bringing such action he has presented all such appeals allowed by this Act, or any other law for the time being in force as within the aforesaid period of four months it was possible to present; or

(b) in the case of an action for damages, if tender of sufficient amends shall have been made before the action was brought, or if after the institution of the action a sufficient sum of money is paid into Court with costs, by or on behalf of the defendant

(2) Subject to the Provisions of section 197 of the Code of Criminal Procedure no Court shall take cognizance of an offence committed or alleged to have been committed by any Prohibition, Police or other officer or any person empowered to exercise powers or to perform functions under this Act, in regard to anything done under this Act, until the sanction of the Collector having jurisdiction has been obtained.

V of  
1898.

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 This word was substituted for the word "Crown", *ibid*.

3 Sections 146A and 146 B were inserted by Bom. 22 of 1960, s. 96.

**146B.** Save in so far as may be expressly provided in any rule, regulation or order made under this Act, nothing in this Act shall apply in respect of any intoxicant, denatured spirituous preparation hemp, mhowra flowers or molasses which are the property and in the possession of the Government.]

Provisions of Act not to apply to Government

**147.** For removal of doubts it is hereby declared that nothing in this Act shall be deemed to apply to any intoxicant or other article in respect of its import or export across the customs frontiers. <sup>1</sup>\* \* \* \* \*

Provisions of this Act not to apply to import or export across customs frontier.

**148.** (1) The enactments specified in Schedule I are hereby repealed to the extent specified in the fourth column thereof and those specified in Schedule are hereby amended to the extent specified in the fourth column thereof.

Repeal and amendments

(2) But nothing in this Act or any report or amendment made thereby shall affect or be deemed to affect—

(i) any right, title obligation or liability already acquired, accrued or incurred before the commencement of this Act;

(ii) any legal proceeding or remedy in respect of any right, title interest obligation or liability or anything done or suffered before the commencement of this Act and any such proceeding shall be continued and disposed of, as if this Act was not passed;

Bom. V of 1878. (iii) the levy of any duties under section 29A of the Bombay Abkari Act, 1878, and the recovery of any duties or fees leviable under any other provisions of the Acts hereby repealed, and all such duties or fees shall be levied or recovered, as the case may be, as if this Act was not passed.

(3) Any appointment, notification notice, order rule or form made or issue under any of the enactments repealed by this Act shall continue to be in force and deemed to have been made, granted or issued under the provisions of the Act, in so far as such appointment notification, notice order, rule or form is not inconsistent with the provisions of this Act, unless and until it is supersede by any appointment notification notice, order rule or form made or issued under this Act, notwithstanding the fact that the authority competent to make or issue such notification, notice, order, rule or form is different from that authorized in the enactments repealed and notwithstanding also that such notification notice, order, rule or form was made or issued in a different form or name.

(4) Any licence, permit, pass, authorisation or permission granted or issued under any of the enactments repealed by this Act shall continue to be in force and shall be deemed to have been granted or issued under the corresponding provisions of this Act.

<sup>1</sup> The word, "as defined by the Dominion Government" were deleted by Bom. 26 of 1952, s. 5.

Further repeals and savings consequent on commencement of Bom. XXV of 1949 in other areas of State.

<sup>1</sup>[149. <sup>2</sup>\* On the commencement of this Act in any area of the State to which it is extended by the Bombay Prohibition (Extension and Amendment) Act, 1959, the Acts mentioned in Schedule III and in force in that area, shall to the extent specified in the fourth column thereof, stand repealed;

Provided that such repeal shall not affect,—

(a) the previous operation of any Act so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any Acts so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Acts so repealed,

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if those Acts had not been repealed ;

Provided further that,—

(a) any licence, permit, pass, authorisation or permission granted or issued under any of the Acts so repealed shall continue to be in force and shall be deemed to have been granted or issued under the corresponding provisions of this Act, and

(b) notwithstanding the repeal of any of the Acts aforesaid, for all purposes in connection with the liability for, and the levy, assessment and collection or refund of, any tax, duty or fee (including any penalty) leviable,—

(i) under any provisions of section 27 A of the Central Provinces and Berar Excise Act, 1915, or

(ii) under section 112A of the Bombay Prohibition Act, 1949 as in force in the Saurashtra area, or

(iii) before the commencement of this Act in any area under any provisions of any of the Acts repealed by this section,

C. P. and Berar II of 1915. Bom. XXV of 1949.

the relevant Acts repealed (including all rules, regulations, notification, and orders made or issued thereunder) shall nevertheless continue in force for all such purposes; and all such taxes, duties and fees shall be levied, assessed, collected, refunded and penalty imposed and paid, as the case may be, as if those relevant Acts had not been repealed.]

1 This section was inserted by Bom. 12 of 1959, s. 18.

2 The brackets and figure "(1)" were deleted by Bom. 22 of 1960, s. 97.

<sup>1</sup>[ SCHEDULE I-A.  
[See section 1 (3) ]  
Outstill area of the Chanda District

(1) The whole of the Sironcha Tahsil;

(2) The following villages of the Gadchiroli Tahsil, namely :—

(a) (1) Chargaon, (2) Gonjalui, (3) Palasgaon, (4) Chimgaon, (5) Mendha, (6) Wadegaon, (7) Singapur, (8) Kodawahi, (9) Chatgaon, (10) Pander, (11) Mohandala, (12) Palakheda, (13) Suna Katizari, (14) Khutgaon, (15) Gatepalli, (16) Mendha, (17) Harikata, (18) Tohakupur, (19) Haldi, (20) Gadewahi, (21) Sakora, (22) Talodhi, (23) Karwafa, (24) Nawegaon, (25) Ghotevihir, (26) Rabhumi, (27) Jambli, (28) Ranmul, (29) Darasani, (30) Kusumghat, (31) Gattaguda, (32) Maroda, (33) Bandhona, (34) Nawargaon, (35) Gilgaon, (36) Bhandikanhar, (37) Gajanguda, (38) Sakhera, (39) Kanhargaon, (40) Karkapalli, (41) Raven-Jhola, (42) Saimra, (43) Pekinkasa, (44) Saterli, (45) Sowita, (46) Benoti, (47) Filekanar, (48) Fatri, (49) Ditantola, (50) Dewapur, (51) Dewada, (52) Gawama, (53) Rampur, (54) Potehaon, (55) Surgadevi, (56) Rajoli, (57) Tohagaon, (58) Ramada, (59) Kote-gaon, (60) Tulsi, (61) Tumrikasa, (62) Nagoli, (63) Karkusi, (64) Maler, (65) Kudegaon, (66) Rawanpalli, (67) Murmari, (68) Jogna, (69) Bhagbhir, (70) Jamar, (71) Pawlisan, (72) Pendri, (73) Budapur, (74) Ahapur, (75) Muranda, (76) Dehni, (77) Chichali, (78) Banachra, (79) Lengada, (80) Jamgaon, (81) Judegaon, (82) Tadgela, and (83) Kodsi;

(b) all the villages of the Purada Police Station area, except the following 24 villages, namely :—

(1) Chawada, (2) Ramtola, (3) Dhuldongri, (4) Naichrapalli, (5) Nawejhari, (6) Sattitola, (7) Khambada, (8) Sajena, (9) Kannichak, (10) Talegaon, (11) Muska, (12) Angara, (13) Palasgaon, (14) Saotala, (15) Khodki, (16) Solan, (17) Salebhatli, (18) Nimgaon, (19) Mendha, (20) Bhausi, (21) Bhankrundi, (22) Kulkuli, (23) Nawegaon, and (24) Tultuli;

(c) all the villages of the Ahiri Police station area, except the following 24 villages, namely :—

(1) Laggam, (2) Laggam-Chak, (3) Rampur, (4) Bori, (5) Kultha, (6) Rajura-Chak, (7) Tikepalli, (8) Chatuguntapateh, (9) Tymargunda, (10) Dampur, (11) Baudupalli, (12) Kolhari, (13) Marpalli, (14) Morarli, (15) Chichela, (16) Gomhim, (17) Albatpalli, (18) Fuski, (19) Mukdi, (20) Fuski-Chak, (21) Dhanu, (22) Yella, (23) Machhiigatta, (24) Naggawahi, (25) Singanpalli, (26) Chanudampalli, (27) Champrala, (28) Laggam Hatti, (29) Koperalli, (30) Singanpeth, (31) Machli, (32) Gommi-Chak, and (33) Kondegaon.]

SCHEDULE I  
(See section 148)

Year (1)	No. (2)	Short title (3)	Extent of repeal (4)
<sup>2</sup> *		*	*
1878	V	The Bombay Abkari Act, 1878	All the Provisions except section 29-A.
1947	XXX	The Bombay Molasses Act, 1947	The whole.

<sup>1</sup> Schedule I-A was inserted by Bom. 12 of 1959, s. 19 (J).

<sup>2</sup> This item was deleted, *ibid.*, s. 19 (2).



1 SCHEDULE—II  
(See section 148.)

Year (1)	No. (2)	Short title (3)	Extent of Amendment (4)
1890	IV	The Bombay District Police Act, 1890.	<p>1. In section 46— (a) in sub-section (4), for clauses (ii) and (iii), the following clauses shall be substituted, namely :— “(ii) section 65 or 68 of the Bombay Prohibition Act, 1949”; (b) in sub-section (6) for the words and figures “under the Bombay Abkari Act, 1878, or the Opium Act, 1878”, the words and figures “under the Bombay Prohibition Act, 1949” shall be substituted.</p> <p>2. Section 61 AA shall be deleted.</p>
1902	IV	The City of Bombay Police Act, 1902.	<p>1. In section 27— (a) In sub-section (2), for the words and figures “under the Bombay Abkari Act, 1878 or the Opium Act, 1878” the words and figure “under the Bombay Prohibition Act, 1949” shall be substituted; (b) in sub-section (2-A), for clauses (ii) and (iii), the following clause shall be substituted, namely :— “(ii) section 65 or 68 of the Bombay Prohibition Act, 1949”.</p> <p>2. Section 122A shall be deleted.</p>
<sup>1</sup> [1951	XXII	The Bombay Police Act, 1951	<p>In section 57— (a) in clause (b), in sub-clause (ii) the portion beginning with the words and figures “or under section 65 or 68 of that Act” and ending with the figures “1938” shall be deleted; (b) in clause (c), for the words “aforesaid Prohibition Acts” the words and figures “Bombay Prohibition Act, 1949” shall be substituted].</p>

<sup>1</sup> This entry was added by Bom. 22 of 1960, s. 98.

<sup>1</sup>[SCHEDULE III.  
(See section 149.)

Year	No.	Short title	Extent of repeal
(1)	(2)	(3)	(4)
1878	I	The Opium Act, 1878, in its application to the State of Bombay.	The whole.
1915	II	The Central Provinces and Berar Excise Act, 1915.	All the provisions except section 27A.
1938	VII	The Central Provinces and Berar Prohibition Act, 1938.	The whole.
1316F	IV	The Abkari Act	The whole.
1333F		The Hyderabad Intoxicating Drugs Act.	The whole.
1949	XXV	The Bombay Prohibition Act, 1949 as in force in the Saurashtra Area of the State of Bombay.	All the provisions except section 112-A.
1949	XXV	The Bombay Prohibition Act, 1949, as in force in the Kutch Area of the State of Bombay.	The whole].

<sup>1</sup> Schedule III was added by Bom. 12 of 1959, s. 19 (3).

**FORM M. F. - D**  
(See rule 7-A)

M. F. - II Licence No. ....

Monthly return furnished by ..... holder of a licence for the sale of mhowra flowers..

Receipts during the month										
Month and Date	Opening balance on the first day of the month	Quantity of mhowra flowers collected	Place from which quantity of mhowra flowers shown in column (3) collected	Quantity of mhowra flowers purchased	Name of person from whom quantity of mhowra flowers shown in column (5) purchased	Number and Date of transport permit which quantity of mhowra flowers shown in column (5) made	Quantity of mhowra flowers imported	Quantity of mhowra flowers which import of the quantity of mhowra flowers shown in column (8) made	Number and Date of import pass under which quantity of mhowra flowers shown in column (8) made	Total quantity of mhowra flowers [Total of columns (2), (3),(5) and (8)]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	Q. kg.
	Q.kg.	Q.kg.					Q.kg.			Q. kg.

Sales during the month										
Quantity of mhowra flowers sold in the State of Maharashtra	Number and Date of transport permit under which mhowra flowers for the purpose of sale in the State of Maharashtra	Quantity of mhowra flowers sold outside the State of Maharashtra	Place from which quantity of mhowra flowers shown in column (3) collected	Quantity of mhowra flowers purchased	Name of person from whom quantity of mhowra flowers shown in column (5) purchased	Number and Date of transport permit which quantity of mhowra flowers shown in column (5) made	Quantity of mhowra flowers imported	Quantity of mhowra flowers which import of the quantity of mhowra flowers shown in column (8) made	Number and Date of import pass under which quantity of mhowra flowers shown in column (8) made	Total quantity of mhowra flowers [Total of columns (2), (3),(5) and (8)]
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	Q. kg.
Q.kg..	Q.kg.	Q.kg.					Q.kg.			Q. kg.

Date .....  
 Signature of the licensee. ....

**FORM M. F. - C**  
(See rule 7-A)

M. F. - II Licence No. ....  
*Register of Account of Mhowra Flowers sold by ..... during the month of ..... 19*

Receipts during the month									
Date	Opening balance	Quantity of mhowra flowers collected	Place from which quantity of mhowra flowers shown in column (3) collected	Quantity of mhowra flowers purchased	Name of person from whom quantity of mhowra flowers shown in column (5) purchased	Number and Date of transport permit under which quantity of mhowra flowers shown in column (5) made	Quantity of mhowra flowers imported	Number and Date of import pass under which import of quantity of mhowra flowers shown in column (8) made	Total quantity of mhowra flowers [Total of columns (2), (3),(5) and (8)]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Q.kg.	Q.kg.		Q.kg.			Q.kg.	Q.kg.	
Sales during the month									
Quantity of mhowra flowers sold in the State of Maharashtra for sale in the State of Maharashtra	Number and Date of transport permit under which mhowra flowers transported for sale in the State of Maharashtra	Quantity of mhowra flowers sold outside the State of Maharashtra	Number and Date of export pass under which mhowra flowers exported for sale outside the State of Maharashtra	Total quantity of mhowra flowers sold within the prescribed limit of 5 kilograms	Total quantity of mhowra flowers sold [Total of columns (11), (13) and (15)]	Closing balance	Remarks, if any, and initials of the licensee		
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)		
Q.kg..		Q.kg.		Q.kg.	Q.kg.	Q.kg.			

Date.....  
 .....  
 Signature of the licensee.

**FORM M.F. -B**

(See rule 7-A)

Form M.F.-I Licence No. ....

Monthly return furnished by ..... holder of a licence for the possession of  
..... Mhowra Flowers.

Receipts during the month				
Month and year	Opening balance on the first day of the month	Quantity of mhowra flowers collected	Place from which quantity of mhowra flowers shown in column (3) collected	Quantity of mhowra flowers purchased
(1)	(2)	(3)	(4)	(5)
	Q.kg.	Q.kg.		Q.kg.

Receipts during the month			
Name of person from whom quantity of mhowra flowers shown in columns (5) purchased	Number and Date of the transport pass under which transport of the quantity of mhowra flowers shown in column (5) made	Quantity of mhowra flowers imported	Number and Date of import pass under which import of the quantity of mhowra flowers shown in columns (8) made
(6)	(7)	(8)	(9)
		Q.kg.	

Receipts during the month			
Total quantity of mhowra flowers [Total of columns (2),(3)(5) and (8)]	Quantity of mhowra flowers used during the month	Closing balance on the last day of the month	Remarks if any
(10)	(11)	(12)	(13)
Q.kg.	Q.kg.	Q.kg.	

Date .....

.....

Signature of the licensee.

<sup>1</sup> [FORM M.F. -A

(See rule 7-A)

M.F. -I Licence No. ....

*Register of Account of Mhowra Flowers in the possession of*  
 ..... during the months of .....

Receipts during the month					
Date	Opening balance	Quantity of mhowra flowers collected	Place from which quantity of mhowra flowers shown in column (3) collected	Quantity of mhowra flowers purchased	Name of person from whom quantity of mhowra flowers shown in column (5) purchased
(1)	(2)	(3)	(4)	(5)	(6)
	Q. kg.	Q. kg.		Q. kg.	

Receipts during the month						
Number and Date of the transport permit under which transport of the quantity of mhowra flowers shown in column (5) made	Quantity of mhowra flowers imported	Number and Date of import pass under which import of the quantity of mhowra flowers shown in column (8) made	Total quantity of mhowra flowers [Total of columns (2), (3),(5) and (8)]	Quantity of mhowra flowers used during the months	Closing balance [Columns (10) minus Columns (11)]	Remarks and initials of licensee
(7)	(8)	(9)	(10)	(11)	(12)	(13)
	Q.kg.		Q.kg.	Q.kg.	Q.kg.	

Date .....

.....  
Signature of the licensee

<sup>1</sup> Forms M.F. -A to M.F.-D were added by G.N. of 13.5.1963.

**FORM M.F. -VII***(See rule 21)**Pass for the export of Mhowra Flowers*

Pass No. \_\_\_\_\_, dated \_\_\_\_\_

1. Name and Address of the pass-holder.
2. Number and Date of the import authorization or no objection certificate issued by the authority of place to which the mhowra flowers are to be exported.
3. Name of person authorised to export mhowra flowers.
4. Quantity of mhowra flowers to be exported.
5. Places from and to which mhowra flowers are to be exported.
6. Route by which mhowra flowers are to be exported.
7. If, the mhowra flowers are purchased, Name and Address of the person from whom mhowra flowers are purchased and the number of the licence held by such person.
8. The period for which the pass shall be valid.

This pass is granted on payment of a fee of \_\_\_\_\_ subject to the following conditions, namely:-

- (1) The pass- holder shall pay, in advance, such cost of the Prohibition and Excise staff as the Collector may consider necessary to provide for the escort of the consignment of mhowra flowers under export;
- (2) The bulk of the consignment of mhowra flowers shall not be broken in transit;
- (3) The pass-holder shall comply promptly with all orders and directions relating to the export of mhowra flowers which may be issued to him by the Collector under the Bombay Prohibition Act, 1949, and the orders framed thereunder.

Collector of \_\_\_\_\_

**FORM M.F.-V**

(See rule 15)

*Permit for the transport of mhowra flowers*

Permit No. \_\_\_\_\_, dated \_\_\_\_\_

1. Name and Address of the permit holder.
2. Number of the licence for the possession or sale of mhowra flowers held by the permit holder.
3. Name of the person authorised to transport mhowra flowers.
4. Quantity of mhowra flowers to be transported.
5. Places from and to which mhowra flowers are to be transported.
6. Route by which mhowra flowers are to be transported.
7. Name and Address of the licensee from whom mhowra flowers are to be purchased and the number of his licence.
8. The period for which permit shall be valid. This permit is granted on payment of a fee of \_\_\_\_\_ subject to the following conditions:-
  - (i) The permit holder shall pay, in advance, such cost of the Prohibition and Excise staff as the Collector may consider necessary to provide for the escort of the consignment of mhowra flowers under transport; or
  - (ii) The bulk of the consignment of mhowra flowers shall not be broken in transit;
  - (iii) The permit holder shall comply promptly with all orders and directions relating to the transport of mhowra flowers which may be issued to him by the Collector under the Bombay Prohibition Act, 1949, and the rules and orders framed thereunder.

Collector or other Officer  
(issuing the permit).

**FORM M.F.-VI**

(See rule 18)

*Pass for the Import of Mhowra Flowers*

Pass No. \_\_\_\_\_, dated \_\_\_\_\_

1. Name and Address of the pass-holder.
2. Name of person authorised to import mhowra flowers.
3. Quantity of mhowra flowers to be imported.
4. Places from and to which mhowra flowers are to be imported.
5. Route by which mhowra flowers are to be imported.
6. Name and address of the person from whom mhowra flowers are to be imported.
7. The period for which the pass shall be valid. This pass is granted on payment of a fee of \_\_\_\_\_ subject to the following conditions namely :-
  - (1) The pass-holder shall pay, in advance, such cost of the Prohibition and Excise staff as the Collector may consider necessary to provide for the escort of the consignment of mhowra flowers under import;
  - (2) The bulk of the consignment of mhowra flowers shall not be broken in transit;
  - (3) The pass-holder shall comply promptly with all orders and directions relating to the import of mhowra flowers which may be issued to him by the Collector under the Bombay Prohibition Act, 1949, and the rules and orders framed thereunder.

Collector of



**FORM M.F.-IV**

(See rule 13)

*Permit for the Purchases of Mhowra Flowers*

Permit No ..... date .....

This permit is granted to .....  
of ..... holding M.F.-I/M.F.-II licence No. .... at  
.....<sup>1</sup>[Taluka/Tahsil] ..... ,district .....  
on payment of a fees of ..... authorising him under and subject to  
the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), to buy  
.....<sup>2</sup>[quintals kilograms] of Mhowra Flowers from ..... of .....  
holding a licence for the sale of mhowza flowers at .....<sup>1</sup>[Taluka/Tahsil]  
..... , district ..... ,\*and to transport them from the place of  
purchase to his licensed place at ..... by ..... (route).

This permit is granted subject to the following conditions :-

1. The permit holder shall pay, in advance, such cost of the Prohibition and Excise staff as the Collector may consider necessary to provide for the escort of the consignment of mhowra flowers during its transport;
  2. The bulk of the consignment of mhowra flowers shall not be broken in transit.
- The permit shall be valid upto the sunset of

\*(Signature and designation of the Officer granting the Permit)

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\* The portion in asterisk should be struck off when the mohwra flowers are to be exported outside the province after their purchase.

1 Subs. by G. N. of 25.7.1963

2 Subs. by G.N. of 13.5.1963

Collector orders the withdrawal of any *nokarnama* issued by the licensee, the *nokarnama* shall be forthwith withdrawn. For every *nokarnama* issued by him, the licensee shall pay such fee as may from time to time be prescribed for this privilege by the Commissioner under clause (d) of sub-section (1) of section 144 of the Act. No *nokarnama* shall be issued to any person under 21 years of age, and no such *nokarnama* if issued, shall be valid.

17. [Deleted].

18. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall entirely be within the discretion of the Collector to permit or not the assignee of the holder of the licence in case of sale or transfer, or the heir or legal representative of the holder of the licence in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

19. This licence may be suspended or cancelled by the Collector in accordance with the provisions of section 54 or 56 of the Act.

Granted this \_\_\_\_\_ Day of \_\_\_\_\_ 19 \_\_\_\_ .

Seal of the  
Collector

Collector of \_\_\_\_\_

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**FORM M.F.-III**

(See rule 10)

*Permit for the collection of mhowra flowers*

Permit No. \_\_\_\_\_, dated \_\_\_\_\_

This permit is granted to \_\_\_\_\_

of \_\_\_\_\_ on payment of a fee of Rs. \_\_\_\_\_

Authorizing him, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), to collect mhowra flowers from the trees situated in undermentioned Survey Numbers and to transport them from the said Survey Numbers to his premises at \_\_\_\_\_ in the <sup>1</sup>taluka / tahsil] of \_\_\_\_\_ of the district of \_\_\_\_\_

Number of trees	Survey No., Village and <sup>1</sup> [Taluka/Tahsil] where the trees are situated	Name of the owner of the trees

This permit will be in force from \_\_\_\_\_ to \_\_\_\_\_

Collector of \_\_\_\_\_

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<sup>1</sup> Subs. by G.N. of 25-7-1963.

8. The licensee shall furnish the Prohibition and Excise Officer of the ..... in which the said premises are situated, not later than the fifth day of each month, with a return in the form prescribed by the <sup>1</sup>[State Government] under the Act.

9. The licensee's premises, vats and other receptacles used by him for the storage of mhowra flowers and the accounts and registers maintained by him under condition 7 shall at all times be open to inspection by the <sup>2</sup> [Commissioner] Collector or any Officer duly authorised in that behalf.

10. The licensee shall keep his premises, vats and other receptacles for the storage of mhowra flowers clean and in good condition.

11. Except with the permission of the Collector, the licensee shall not sell, transfer or sub-let the right conferred upon him by this licence nor shall he, in connection with the exercise of the said right, enter into any agreement or arrangement which, in the opinion of the Collector, is of the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease, the decision of the Collector on such question shall be final and binding on the licensee.

12. No person shall be recognized as the partner of the licensee for the purposes of this licence unless the partnership has been disclosed to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of this licence; unless the Collector agrees on application made to him to alter to licence and to add the name or names of the partner or partners in the licence.

13. The licensee shall maintain at the said premises a "Visit Book" paged and sealed with the seal of the Collector, <sup>2</sup> [Mamlatdar, Tahsildar] Mahalkari or any other officer authorised in that behalf by the Collector in which visiting officers may record any remarks when inspecting the said premises. The licensee shall, on the termination of the period of this licence, deliver up the said book, the accounts and the licence to the Prohibition Officer in whose jurisdiction the said premises are situated.

14. The licensee shall comply with all rules, orders or directions which may be made or issued by the State Government or any Competent Officer under the Bombay Prohibition Act, 1949, from time to time, during the currency of the licence.

15. The licensee shall exhibit in a conspicuous place in the said premises a signboard bearing the following inscription in legible characters in English and in the language of the district in which the said premises are situated :

"Name-

Licensed to sell mhowra flowers-

Authorised opening hours - 6-00 a.m. (S.T.).

Authorised closing hours - 6-00 p.m. (S.T.)".

16. The licensee shall carry on the business of this shop either personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* signed and countersigned by a Prohibition Officer not lower in rank than a sub-Inspector of Prohibition and Excise, provided that any such *nokarnama* signed by the licensee shall not be invalid unless and until countersignature is refused. If, for any reason, the

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1. Subs. by G.N. of 13.5.1963.

2. Subs. by G.N. of 25.7.1963

**LICENCE FORM M.F-II***(See rule 5)*

No.

*Licence for the Sale of mhowra flowers*

Licence is hereby granted to

(hereinafter called "the licensee") on payment in advance of a fee of Rs.

(Rupees \_\_\_\_\_) authorizing him to possess and sell mhowra flowers under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), hereinafter referred to as "the Act") and the rules, regulations and orders made thereunder at \_\_\_\_\_ (hereinafter referred to as "the said premises") during the period from \_\_\_\_\_ to \_\_\_\_\_ (both days inclusive), subject to the following conditions, namely :

*Conditions*

1. The total quantity of mhowra flowers sold by the licensee during the currency of the licence together with the unsold balance of mhowra flowers shall not exceed <sup>1</sup>[quintals] at any time.
2. The licensee shall not store or keep the mhowra flowers in any place other than the said premises.
3. The licence shall not use mhowra flowers for any purpose other than sale.
4. The licensee shall not possess nor sell under this licence any mhowra flowers other than those which are collected, purchased or imported by him in accordance with the provisions of the Bombay Mhowra Flowers Rules, 1950.
5. The licensee shall not, without permission from the Collector, sell mhowra flowers to any person except-
  - (a) in the <sup>2</sup>[State of Maharashtra] to a person holding a valid licence for the possession or sale of mhowra flowers under the Bombay Mhowra Flowers Rules, 1950, and a permit for the purchase or transport of the same under the said rules; and
  - (b) outside the <sup>2</sup> [State of Maharashtra] to a person holding an import authorisation or a no-objection certificate from a duly authorised officer of the place where mhowra flowers are to be sent and valid permits for the purchase and export thereof under the said rules.
6. The licensee shall not, except with the permission of the Collector, effect any sales of mhowra flowers before 6-00 a.m. (S.T.) or after 6-00 p.m. (S.T.).
7. The licensee shall maintain from day to day a true and correct account in the form prescribed by the <sup>1</sup> [State Government] under the Act. The account shall be clearly written in a book, paged and sealed with the seal of the Collector, <sup>2</sup>[Mamlatdar, Tahsildar] Mahalkari or any other officer authorised in that behalf by the Collector.

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1. Subs. by G.N. of 13.5.1963.

2. Subs. by G.N. of 25.7.1963

11. The licensee shall maintain at the said premises a "Visit Book" paged and sealed with the seal of the Collector, <sup>1</sup>[Mamlatdar, Tahsildar] Mahalkari or any officer authorised in that behalf by the Collector in which Visiting Officers may record any remarks when inspecting the said premises. The licensee shall, on the termination of the period of this licence, deliver up the said book, the accounts and the licence to the Prohibition Officer in whose jurisdiction the said premises are situated.

12. The licensee shall comply with all rules, orders or directions which may be made or issued by the State Government or any Competent Officer under the Bombay Prohibition Act, 1949, from time to time during the currency of the licence.

13. *Deleted.*

14. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall entirely be within the discretion of the Collector or the Authorised Officer to permit or not the assignee of the holder of the licence in case of sale or transfer, or the heir or legal representatives of the holder of the licence in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

15. This licence may be suspended or cancelled by the Collector in accordance with the provisions of section 54 or 56 of the Act.

Granted this                      day of      20

Seal of the  
Officer granting  
the licence

Signature and Designation of  
the Officer granting the Licence.

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1. Subs. by G.N. of 25.7.1963.

*Conditions*

1. The licensee shall not have in his possession more than ..... <sup>1</sup>[quintals] of mhowra flowers at any one time. He shall not obtain or use more than ..... <sup>1</sup>[quintals] during any year/calendar month.

2. The licensee shall not store or keep the mhowra flowers in any place other than the said premises.

3. (i) The licensee shall not use the mhowra flowers for any purpose, other than that specified below :

(Here specify the purpose or purposes in terms of paragraph 1 of Government Order No. 5735/49, dated 27<sup>th</sup> June 1950.)

(ii) The licensee shall not sell any mhowra flowers to any person.

4. The licensee shall not possess nor use under this licence any mhowra flowers other than mhowra flowers which are collected, purchased or imported by him under the Bombay Mhowra Flowers Rules, 1950.

5. The licensee shall maintain from day to day a true and correct account in the form prescribed by the <sup>1</sup>[State Government] under the Act. The account shall be clearly written in a book, paged and sealed with the seal of the Collector, <sup>2</sup>[Mamlatdar, Tahsildar, Mahalkari or any officer authorised in that behalf by the Collector.

6. The licensee shall furnish the <sup>2</sup>[Prohibition and Excise Officer] of the ..... in which the said premises are situated, not later than the fifth day of each month with a return in the form prescribed by the <sup>1</sup>[State Government] under this Act.

7. The licensee's premises, vats and other receptacles used by him for the storage of mhowra flowers and the accounts maintained by him under condition 5 shall, at all times, be open to inspection by the <sup>2</sup>[Commissioner,] Collector or any officer duly authorised in that behalf.

8. The licensee shall keep his premises, vats and other receptacles for the storage of mhowra flowers clean and in good condition.

9. Except with the permission of the Collector or the authorised officer, the licensee shall not sell, transfer or sublet the right conferred upon him by this licence nor shall he in connection with the exercise of the said right enter into any agreement or arrangement which in the opinion of the Collector, or the authorised officer, is of the nature of a sub-lease. If any question arises whether any agreement or arrangements is in the nature of sub-lease, the decision of the Collector on such question shall be final and binding on the licensee.

10. No person shall be recognized as the partner of the licensee for the purpose of this licence unless the partnership has been disclosed to the Collector or the authorised office before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of this licence unless the Collector or the authorised officer agrees on application made to him to alter the licence and to add the names of the partner or partners in the licence.

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1. Subs. by G. No. of 13-5-1963.

2. Subs. by G.N. of 25.7.1963.

- (d) the place from and to which mhowra flowers are to be exported;
- (e) the route by which mhowra flowers will be exported ;
- (f) the name and address of the person to whom the mhowra flowers are to be exported;
- (g) the period for which the pass is required to be valid;
- (h) the number and date of the import authorisation or no objection certificate granted by the Excise Authority of the place to which mhowra flowers are to be exported.

21. (1) On receipt of an application under rule 20, the Collector shall make inquiries for verification of the particulars given in the application and also such other inquiries as he deems necessary. If the Collector is satisfied that there is no objection to grant the pass applied for, '[he may] grant such pass in Form M.F.-VII <sup>2</sup>[on payment of a fee of "Rs. 10]

(2) The pass shall contain four parts, which shall be dealt with as under :

Part I shall be retained on the record of the officer issuing the pass;

Part II shall be sent to the person supplying the mhowra flowers;

Part III shall be send to the officer of the place to which mhowra flowers are to be exported and who has issued the import authorisation or no-objection certificate; and

Part IV shall accompany the consignment of the mhowra flowers and thereafter it may be kept by the person to whom the mhowra flowers are sent.

22. Nothing in the aforesaid rules shall apply to the collection, transport, sale, purchase or possession of mhowra flowers permitted under the first proviso to sub-section (2) of section 60 of the Act or to the transport by rail of such flowers permitted under the second proviso to the said sub-section (2).

### LICENCE FORM M. F.-I

(See rule 5)

No.

#### *Licence for the possession of Mhowra Flowers*

Licence is hereby granted to \_\_\_\_\_ (hereinafter referred to as "the licensee") on payment in advance of a fee of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) authorising him to possess mhowra flowers under and subject to the provisions of the Bombay Prohibition Act, 1949 (hereinafter referred to as "the Act") and the rules, regulation and orders made thereunder at \_\_\_\_\_ (hereinafter referred to as "the said premises") during the period commencing from \_\_\_\_\_ to \_\_\_\_\_ (both days inclusive), subject to the following conditions, namely :

- 
1. Subs. by G.N. of 27-9-1960.
  2. Subs. by G.N. of 16-3-1988.

- (c) the quantity of mhowra flowers authorised for possession under the licence or without a licence, as the case may be;
- (d) the quantity of mhowra flowers to be imported;
- (e) the place from and to which mhowra flowers are to be imported;
- (f) the route by which the mhowra flowers will be imported;
- (g) the name and address of the person from whom the mhowra flowers are to be imported;
- (h) the purpose or purposes for which the mhowra flowers are to be imported;
- (i) the period for which the pass is required to be valid.

18. (1) On receipt of an application under rule 17, the Collector shall make inquiries for verification of the particulars given in the application and also such other inquiries as he deems necessary. If the Collector is satisfied that there is no objection to grant the pass applied for, he may grant such pass in Form M.F. – VI <sup>1</sup>[on payment of a fee of “Rs. 10]

(2) The pass shall contain four parts, which shall be dealt with as under :

Part I shall be retained on the record of the officer issuing the pass :

Part II shall be sent to the person from whom the mhowra flowers are to be imported;

Part III shall be sent to the Prohibition and Excise Authority of the place from which mhowra flowers are to be imported; and

Part IV shall be handed over to the applicant and it shall accompany the consignment under import and thereafter be kept with the applicant.

19. No pass for the export of mhowra flowers shall be granted to any person unless such person holds a licence for the possession or sale of mhowra flowers or a permit for buying mhowra flowers :

Provided that, such pass may be granted to other persons provided the quantity to be exported does not exceed the prescribed limit in weight under sub-section (2) of section 60 of the Act.

20. Any person desiring to export mhowra flowers shall make an application to the Collector for a pass to export such flowers. The application shall be accompanied by an import authorisation or a no-objection certificate issued by an officer duly authorised in this behalf of the place to which mhowra flowers are to be exported and shall contain the following particulars, namely :

- (a) the name and address of the exporter;
- (b) the number of the licence for the possession or sale of mhowra flowers held by the applicant or the number of permit for buying mhowra flowers, if any, held by him;
- (c) the quantity of mhowra flowers to be exported;

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1. Subs. by G. N. of 16-3-1988



14. Any person desiring to transport mhowra flowers shall make an application to the Collector or the Authorised Officer for a permit to transport mhowra flowers. The application shall contain the following particulars, namely :

- (i) the name and address of the applicant;
- (ii) the number of the licence for the possession or sale, as the case may be of mhowra flowers held by the applicant;
- (iii) the quantity of mhowra flowers to be transported;
- (iv) the place from and to which the mhowra flowers are to be transported;
- (v) the route by which the mhowra flowers will be transported;
- (vi) the name and address of the person from whose premises mhowra flowers will be removed;
- (vii) the number of licence held by the vendor;
- (viii) the period for which the permit is required to be valid.

15. (1) On receipt of an application under rule 14, the Collector or the Authorised Officer shall make inquiries for verification of the particulars given in the application and also such other inquiries as he deems necessary. If the Collector or the Authorised Officer, as the case may be, is satisfied that there is no objection to grant the permit applied for, he may grant such permit in Form M.F.-V on payment of a fee in the case of a member of a Scheduled Tribe <sup>1</sup>[of Rs. 2 and in any other case, of Rs. 5.]

(2) The permit shall contain four parts, which shall be dealt with as under:

Part I shall be retained on the record of the officer issuing the permit;

Part II shall be sent to the person supplying the mhowra flowers;

Part III shall be sent to the Prohibition and Excise Officer in whose jurisdiction the place of business of the permit-holder is situated; and

Part IV shall accompany the consignment and mhowra flowers and thereafter shall be kept by the permit-holder.

16. No pass for the import of mhowra flowers shall be granted to any person unless such person holds a licence for the possession or sale of mhowra flowers :

Provided that, such pass may be granted to other person provided the quantity to be imported does not exceed the prescribed limit in weight under sub-section (2) of section 60 of the Act and mhowra flowers are to be used for *bona fide* scientific, agricultural, educational, medicinal or domestic purpose.

17. Any person desiring to import mhowra flowers shall make an application to the Collector for a pass to import mhowra flowers. The application shall contain the following particulars, namely :

- (a) the name and address of the importer :
- (b) the number of the licence for the possession or sale, as the case may be, of mhowra flowers held by the applicant ;

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1. Subs. by G. N. of 16-3-1988

(2) The permit shall contain four parts which shall be dealt with as under:—

Part I shall be retained on the record of the officer issuing the permit;

Part II shall be given to the applicant;

Part III shall be sent to the Prohibition and Excise Officer of the place, where mhowra flowers trees are situated;

Part IV shall be sent to the Prohibition and Excise Officer at the place where mhowra are to be transported after collection.

11. No permit for the purchase or transport of mhowra flowers shall be granted to any person unless such person holds a licence for the possession or sale of mhowra flowers.

12. Any person desiring to purchase mhowra flowers shall make an application to the Collector or the authorised officer of the place where mhowra flowers are to be purchased for a permit to purchase such flowers. The application shall contain the following particulars, namely :

(1) the name and address of the applicant;

(2) whether the applicant holds a licence for the possession or sale of mhowra flowers and its number and the place in respect of which such licence is held;

(3) the quantity of mhowra flowers to be purchased;

(4) the name and address of the person from whom the mhowra flowers are to be purchased;

(5) the place where the mhowra flowers will be transported after purchase;

(6) the route by which the mhowra flowers will be transported;

(7) the period for which the permit is required to be valid.

13. (1) On receipt of an application under rule 12, the Collector or the Authorised Officer shall make inquiries for verification of the particulars given in the application and also such other inquiries as he deems necessary. If the Collector or the Authorised Officer is satisfied that there is no objection to grant the permit applied for, he may grant such permit in Form M.F. – IV on payment of a fee in the case of a member of a Scheduled Tribe<sup>1</sup> of Rs. 2 and in any other case, of Rs. 5]

(2) The permit shall contain four parts which shall be dealt with as under :

Part I shall be retained on the record of the officer issuing the permit;

Part II shall be given to the applicant;

Part III shall be sent to the officer of the place where mhowra flowers are to be transported after purchase; and

Part IV shall be sent to the vendor from whom the mhowra flowers are to be purchased.

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1. Subs. by G. N. of 16-3-1988

7. Every licence shall be granted for one year commencing on the 1<sup>st</sup> day of April and ending on the 31<sup>st</sup> day of March next following and may be renewed thereafter for a period of one year on each occasion : <sup>1</sup>[on payment of fees prescribed in sub-rule (1) of rule 4 and sub-rule (2) of rule 5].

Provided that a licence granted for the first time under these rules may be granted at any time after the 1st day of April up to the 31st March next following :

Provided further that a licence for the possession of mhowra flowers may be granted or renewed for a period of less than one year, as the Collector or the authorised officer deems fit.

<sup>2</sup>[7.A. (1) The accounts to be maintained by a person holding a licence for the possession of mhowra flowers shall be in Form M.F. -A, and the monthly return to be furnished to the Prohibition and Excise Officer by such person shall be in Form M.F.-B.

(2) The accounts to be maintained by a person holding a licence for the sale of mhowra flowers shall be in Form M.F.-C, and the monthly return to be furnished to the Prohibition and Excise Officer by such person shall be in Form M.F.-D].

8. No permit for the collection of mhowra flowers shall be granted to any person unless —

- (a) the mhowra flowers are the produce of trees belonging to him; or
- (b) such person is lawfully entitled to the ownership of mhowra flowers of trees not belonging to him.

9. Any person desiring to collect mhowra flowers make an application to the Collector of the place where mhowra flower trees are situated for a permit to collect such flowers. The application shall contain the following particulars, namely :—

- (i) the name and address of the applicant;
- (ii) the situation of the trees from which mhowra flowers are to be collected, *i.e.* survey number, village <sup>3</sup>[taluka or tahsil and district;]
- (iii) the number of trees;
- (iv) the name and address of the owner of trees;
- (v) the place where the mhowra flowers will be transported after collection;
- (vi) whether the applicant has got any licence for the possession or sale of mhowra flowers at the above place; if so, its number and date;
- (vii) the period for which the permit is required to be valid.

10. (1) On receipt of an application under rule 9, the Collector shall make inquiries for the verification of the particulars given in the application and also such other inquiries as he deems necessary. If the Collector is satisfied that there is no objection to grant the permit applied for, he may grant such permit in Form M.F-III on payment of a fee <sup>4</sup>[of rupees two]

1. Sub. by G. N. of 25-7-1963.

2. Subs. by G. N. of 13-5-1963.

3. Sub. by G. N. of 16-3-1988

4. Added by G. N. of 16-3-1988.

4. (1) Any person desiring to possess or sell mhowra flowers shall make an application <sup>1</sup>[accompanied by a challan evidencing payment of a fee of Rs. 10 per such application] to the Collector or the authorised officer.

(2) An application for a licence to possess mhowra flowers shall contain the following particulars, namely -

- (i) the name and address of the applicant;
- (ii) the correct address of the place where mhowra flowers will be stored or used;
- (iii) the quantity of mhowra flowers which will be required for use per year in case of distillers and per month in the case of other persons;
- (iv) the period for which the licence is required;
- (v) the details of the use or uses to which the mhowra flowers will be put.

(3) An application for a licence to sell mhowra flowers shall contain the following particulars, namely :-

- (i) the name and address of the applicant;
- (ii) the correct address of the place where mhowra flowers will be kept for sale;
- (iii) the total quantity of mhowra flowers to be stocked for sale during the course of the licence period;
- (iv) period for which the licence is required;
- (v) whether the applicant is a trader or owner of mhowra trees or a recognized body.

5. (1) On receipt of an application under rule 4, the Collector or the authorised officer shall make inquiries of verification of the particulars given in the application and such other inquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence applied for he may grant the applicant the licence on payment of the fee <sup>2</sup>[(inclusive of consideration)] prescribed under sub-rule (2). The licence for the possession of mhowra flowers shall be in Form M.F.-I and the licence for the sale thereof shall be in Form M.F.-II.

[(2) The fees <sup>2</sup>[(inclusive of consideration)] in respect of licences granted under sub-rule (1) shall be as specified in the Schedule appended to these rules].

6. Before granting any licence under rule 5 the Collector or the authorised officer shall, after making such enquiries as he deems necessary, fix the maximum quantity of mhowra flowers which the licensee may possess —

- (i) during the period of the validity of the licence or at any one time; and
- (ii) in the case of a licence to be granted for the possession of mhowra flowers for *bona fide* use other than use in distillation, during any one month.

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1. Subs. by G. N. of 21-6-1982.

2. Ins. by G. N. of 16-3-1988.

**CHAPTER III**  
**MHOWRA FLOWERS**

**{16} THE BOMBAY MHOWRA FLOWERS RULES, 1950**

**G.N.,R.D., No. 5735/49 (a), dated 22<sup>nd</sup> June 1950**

**(B.G., Pt. IV-B p. 1451)**

*Amended by G.N.,R.D., No. 1084/45 (h), dated 21<sup>st</sup> September 1950 (B.G., Pt. IV-B, p. 1923)*

*Amended by G.N., R.D. No. 5735/49, dated 31<sup>st</sup> May 1954 (B.G., Pt. IV-B, p. 715)*

*Amended by G.N.,—D., No. MFL. 1160/9436-III, dated 27<sup>th</sup> September 1960 (M.G., Pt. IV-B, p. 235)*

*Amended by G.N.—D. No. BPA, 1062/35280-III, dated 13<sup>th</sup> May 1963 M.G., Pt. IV-B, p. 608)*

*Amended by G.N.,—D, No. BPA, 1059/55336-III, dated 25<sup>th</sup> July 1963 (M.G. Pt. IV-B, p. 1239)*

*Amended by G.N.,—D., No. BPA 1081/21(IX)-PRO-2, dated 21<sup>st</sup> June 1982 (M.G. Pt. IV-B, p.652)*

*Amended by G.N.,— D. No. BPA. 1088/XVIII-PRO-2, dated 16<sup>th</sup> March 1988 (M.G. Pt. IV-B p. 291-93)*

In exercise of the powers, conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notifications, Revenue Department, No. 1985-B, dated the 16<sup>th</sup> March 1893 and No. 10800/45 (a), dated the 23<sup>rd</sup> May 1949 and the Commissioner of Excise, Bombay's Notification No. 23A-8/49, dated the 4<sup>th</sup> June 1949, the Government of Bombay is pleased to make the following rules, namely :-

1. (1) These rules may be called the Bombay Mhowra Flowers Rules, 1950.

<sup>1</sup>[(2) They extend to the whole of the State of Maharashtra]

2. In these rules unless there is anything repugnant in the subject or context —

(a) “Act” means the Bombay Prohibition Act, 1949;

(a-1) “Authorised Officer” means an officer duly authorised by the Commissioner.

(b) “Form” means a form appended to these rules;

(c) “Recognised body” means a person or a body of persons or an institution whether incorporated or not, recognized by the [Commissioner] as such for the purposes of these rules.

3. A licence for the possession or sale of mhowra flowers may be granted to a person who is eligible for the grant of such licence under Government Order in the Revenue Department No. 5735/49, dated the 27<sup>th</sup> June 1950.

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1. Subs. by G. N. of 25-7-1963.

(2) When the losses or drayage in storage or in transit are upto 1 per cent, the licensee shall report them to the local Prohibition and Excise Officer.

15. The Commissioner may, subject to such conditions as he may specify, exempt any licensee from all or any of the provisions of these regulations for a period not exceeding six months, regard being had to the circumstances prevailing at the producer's sugar factory, or the premises of the holder of a licence in form M-III, as the case may be.

**{15} The Director of Prohibition and Excise, M.S., Bombay's Order No. MLS. 1365/A-I, dated 8<sup>th</sup> July 1965** : In exercise of the powers conferred by rule 41 of the Bombay Molasses Rules, 1955 and in suppression of his Order No. 17-5/55 (DQ) dated the 24<sup>th</sup> September 1955, the Commissioner hereby specifies 2.5 kilograms as the permitted quantity of molasses (including bago molasses for domestic purposes, local area comprised in Phaltan Taluka of the Satara District).

(2) All drums, tins or other receptacles used for the storage of molasses shall be painted or labeled adequately showing the tare weight, capacity and the actual weight of molasses in the container.

5. No supplies of molasses shall be made to any person unless the weight is ascertained by actual weighment or by working out its volume and density.

6. For the purpose of weighment all licensees shall maintain a weighing machine or scale.

#### ADDITIONAL REGULATIONS FOR FACTORIES

7. A producer of molasses shall store molasses in leak-proof tanks or pits which shall be kept in good condition. All storage tanks and pits shall be completely covered. All openings, doors and windows leading to the storage tanks or pits shall be fitted with expanded metal and secured with excise locks, the keys of which shall be kept by the Officer appointed by the Commissioner for supervision (hereinafter referred to as "the Officer").

Provided that the Commissioner may, on such conditions as he may impose according to the circumstances prevailing at the producer's sugar factory, permit a producer of molasses to store molasses in Kutchha Pits, if such a producer has a stock of molasses in excess of an estimated production of molasses of one season.

8. The producer of molasses shall weigh molasses before it is stored in the storage tanks or pits. If a weighing machine as provided by regulation 6 is not maintained, weight may be ascertained by volume and density of molasses.

9. The tanks for measuring or weighing molasses at the factory shall be covered by expanded metal lids and locked with excise locks. Molasses for measurement or weighment shall be pumped to the measuring or weighing tanks after it is separated by centrifuges. The end portions of the troughs and receiving tanks shall be covered by expanded metal so that molasses cannot be easily reached at.

10. Molasses from the measuring or weighing tanks shall be run to the storage tanks through a closed conduct. Any fittings and connections for steam pipe on this closed pipe shall be properly sealed or locked with excise locks.

11. The storage tanks shall have only one or two inlets for receiving molasses and only one outlet for issuing molasses. The inlets and outlets shall be locked with excise locks.

12. If molasses be supplied in tank wagons by a producer of molasses, he may install overhead, underground or surface closed tanks for loading tank wagons. He shall keep tanks in good condition to prevent leakage or deterioration of molasses. The inlet and outlet connections of such tanks shall be secured with excise locks.

13. The key of excise locks in all the above cases shall remain with the officers.

14. (1) The licensee shall not admit losses or dryage of molasses in storage or in transit.

(i) without the sanction of the Collector, when the losses or drayage exceed 1 per cent, and

(ii) without the sanction of the Commissioner, when such losses or drayage exceed 2 per cent.

storage in the State or from the boundary of the State for the purpose of export across the customs frontier shall be under the supervision of such excise staff as the Commissioner of Prohibition and Excise may direct in that behalf from time to time and the supervision charges towards the cost of such supervisory staff at the rate of Rs. 50 (Rs. Fifty only) per metric tonne of molasses to be exported/transported shall be levied and collected from each exporter/transporter of molasses while obtaining the permit for export or transport under rules 14 to 21 of the Bombay Molasses Rules, 1955, or under sub-clause (ii) of clause (b) of sub-rule (1) of rule 3 of the Maharashtra Through Transport Rules, 1962.

**{14} The Maharashtra Molasses Storage and Supply Regulations, 1965.**

**The Director of Prohibition and Excise, M.S. Bombay's Notification No. MLS. 1365/A-I dated 8<sup>th</sup> July 1965 :-** In exercise of the powers conferred by clauses (a) and (b) of sub-section (1) of section 144 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in suppression of the Bombay Molasses Storage and Supply Regulations, 1959, the Director of Prohibition and Excise, Maharashtra State, Bombay, hereby makes the following regulations, namely –

1. (1) These regulations may be called the Maharashtra Molasses Storage and Supply Regulation, 1965.
- (2) They extend to the whole of the State of Maharashtra.
- (3) They shall come into force at once.
2. In these regulations, unless the context otherwise requires, -
  - (a) "Act" means the Bombay Prohibition Act, 1949.
  - (b) "Factory" means a place where sugar or gur is manufactured.
  - (c) "Licensee" mean a person holding a licence in Form M-I, M-II of M-III under the Bombay Molasses Rules, 1955.
  - (d) "Producer of molasses" means the owner or a person in-charge of a factory where molasses is produced in the process of manufacture of sugar of gur.

**STORAGE AND SUPPLY**

3. Every licensee shall store molasses in a manner which shall prevent its leakage and deterioration by admixture with water or any other extraneous substance.

4. (1) All storage tanks or pits of molasses shall be gauged and their capacities found out for every centimeter of their height. Gauge rods showing the volume for every centimeter of height shall be prepared for all tanks and pits. No storage tank or pit shall be used unless it is so gauged and unless gauging tables, as in the case of spirit, are prepared showing dimensions and volume in litres per centimeter of height;

Provided that, the Commissioner may, subject to such conditions as he may think fit to impose, permit molasses to be stored in storage tank or pit of molasses, which are not gauged, regard being had to the circumstances prevailing at the producer's sugar factory or the premises of the holder of licence, in Form M-III, as the case may be.



**{9} G. O.H.D. No. BPA 1093/I/PRO-2, dt. 16<sup>th</sup> October 1993****(MG. Pt. – B. Page 424.)**

In exercise of the powers conferred by sub-section (2) of section 6 of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), the Government of Maharashtra hereby invests all persons who are producers of molasses and holding a licence in FORM M-I for possession and sale of molasses or their authorised agents, under the Bombay Molasses Rules, 1955 with the powers to issue transport permits in FORM M-VI under rule 19 of the said Rules from the premises of the persons holding a licence in FORM M-I for possession and sale of molasses under rule 3 of the said Rules.

**{10} G.O.H.D. No. BPA 1093/II/Exc-2, dt. 16<sup>th</sup> Oct. 1993.****(MG. Pt. IV-B. Page Eo—424)****Order**

In exercise of the powers conferred by clause (c) of sub-section (I) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts all persons holding permit in, FORM M-VI granted under rule 19 of the Bombay Molasses Rules, 1955, from the provisions of rule 21 of the said Rules.

**{11} G. N.,H.D. No. MLS. 1667/40157-III, dated 24<sup>th</sup> April 1968****(M.G. pt. IV-B, p. 480)**

In exercise of the powers conferred by clause (c) of sub-section (I) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts the distilleries in the State of Maharashtra from the provisions of section 61 of the Act in so far as they relate to the sale of molasses (including fermented liquids from fermentation chambers, washing and sludge) to the Executive Engineer, Field Unit Division, Bombay or any member of his staff as may be authorised by him in this behalf.

**{12} G.N.,H.D. No. MLS 1667/40157-III****dated 24<sup>th</sup> April 1968 (M.G. pt. IV-B, p. 480)**

In exercise of the powers conferred by clause (c) of sub-section (I) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts the Executive Engineer, Field Unit Division, Bombay and the staff working under him (being staff duly authorised by him in this behalf and notified to the Distillery Officer), from the provisions of section 27 of the Act, in so far as these provisions relate to the removal of molasses (including fermented liquids from fermentation chambers, washing and sludge) from any distillery situated in the State of Maharashtra.

**{13} (A) G.O.H.D. No. BPA 1091/3014/VIII-PRO-3****dated 21<sup>st</sup> June 1992 (M.G. pt IV-B. Eo., dt. 21-6-1992 p. 421)****{13} (B) G.N.H.D. MLS 1595/E/Exc-2, dated 25<sup>th</sup> July 1996****{13} (C) G.O.H.D. No. MLS 1995/5/Exc-2****dated 6<sup>th</sup> December 1996**

In exercise of the powers conferred by section 58-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification, Home Department No. MLS/1595/5/Exc-2, dated 25th July, 1996 the Government of Maharashtra hereby directs that the export of molasses outside the State as well as across the customs frontier including the transport from any Sugar Factory or from any other place of

**FORM M-G**

[See rule 40 (4)]

Name of the M-III Licensee .....

*Monthly statement of molasses received, sold and in balance for the month of**..... 19*

Opening balance	Received	Total	Issued			Closing balance	Remarks
			Sold	Destroyed	Dryage or wastage		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	

Dated.....19

(Signature).....

Licensee.

**FORM M-F**

[See rule 40(3)]

District .....Name of the Licensee (M-III) .....

*Form of Account to be maintained by the holder of the licence in Form M-III (other than producer of molasses) for possession and/or sale of molasses*

Date	Opening balance	Receipts			Transit		Total (Columns 2 plus 6)	
		Name of the sugar factory from which purchased	No. of Permit with date	Quantity advised	Quantity received	Loss		Gain
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Q. Kg.			Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.

Issued by sales to a holder of

M-III Licence	M-II Licence M-III A licence	No. and date of transport permit if any	Quantity issued	Losses, Dryage and wastage	Total balance (columns 13 plus 14)	Closing balance (Columns 9 minus 15)	Remarks
(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
			Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	

Shri

Shri

Shri

**FORM M-E**

[See rule 39(5)]

Name of the M-II Licensee .....

Monthly statement of molasses, received and issued during the month of  
 ..... 19

Opening balance	Received	Total	Issues		For destruction	Dryage or Wastage	Closing balance	Remarks
			For sale if any as directed by the State Government	For the purpose specified in the licence				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	

Dated.....19

(Signature).....

Licensee.



**FORM M-C-Contd.**

Storage accommodation for molasses at the Sugar Factory				Details of quantity of closing balance in each pit		
Pit No.	Dimension of the pit	In Cubic metres	In Quintals	In cubic metres	In Quintals	Year of production
<hr/>						
<hr/>						
Sale for export outside the Maharashtra State (Column No. 17)						
Collector's sanction Letter No. and date				Quantity of molasses sold		
<hr/>						

## FORM M-C

[See rule 38(4)]

Name of the M-I Licensee .....

Monthly statement of molasses received and issued during the month  
of ..... 19.

Opening balance	Quantity of molasses produced during the month	Receipts from other factory, if any	Gains due to admixture of water for any cause	Gains due to other causes	Total (Columns 1,2,3,4 and 5)				
(1)	(2)	(3)	(4)	(5)	(6)				
Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.				
Quantity used at the Sugar Factory for									
Distillation	Manure	Fuel	Cattle-feed	Other purposes allowed by the Collector	Total (Columns 7, 8, 9, 10 and 11)				
(7)	(8)	(9)	(10)	(11)	(12)				
Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.				
Issued by sales to									
M.I. Licensees or M.III licensees	M.II. Licensees or M.III A licensees	Chitali Distillery	Total (Columns 13,14 and 15)	*Sale for export outside the Maharashtra State I.	Total of Columns 12,16 and 17	Losses due to evaporation, percolation [for other reason]	[Other losses including any quantity of molasses destroyed]	Total (Columns 18,19 and 20)	Closing balance (Columns 6-21)
(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.

\* Details of Column No. 17 see on reverse.

1. Subs. by G.N. of 21.8.1968

**FORM M-B**

[See rule 38(3)]

*Total stock register of molasses*Total Number of Storage,  
Tanks of Receptacles :

Name of the M-I Licensee .....

(N.B. : Separate entry should be made for each tank or receptacle if the operations of receipt or issue relate to more than one tank or receptacle on any day)

Date	Opening balance	Received		Tank Receptacle No. in which received	Total
		From the Sugar / Gur Factory as a by product	From outside		
	Q. Kg.	Q. Kg.	Q. Kg.		Q. Kg.

Issued				
For sale	For distillation of rectified spirit or for manufacture of power Alcohol	For other purposes specified in licence	For use in the process at the Sugar/Gur factory	For destruction
Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.	Q. Kg.

Dryage or wastage	Tank Receptacle No. from which issued	Closing balance	Initials of the licensee or his authorised servant	Initials of the officer	Remarks
Q. Kg.		Q. Kg.			



## [FORM M-A]

[See rule 38(3)]

## Account of molasses

Molasses Storage  $\frac{\text{Tank}}{\text{Receptacle}}$  No. Name of the M-I Licensee .....

Height :

Date	Opening Balance		Received		Reference to the No. and date of the permit or licence in the case of receipt from outside.
	Height of molasses in Metres / Decimetres	Corresponding weight in Quintals Kgs.	From the Sugar / Gur Factory as a bye-product	From outside	
		Q. Kg.	Q.Kg.	Q.Kg.	

Total					Issues		
Height of Molasses in Metres – Decimeters	Corresponding weight in Quintals Kgs.	For distillation of Rectified Spirit	For manufacture of Power Alcohol	For other uses as specified in the licence	For use in the process at the Sugar / Gur factory	For destruction	No. and date of the transport permit or application for such issue
	Q. Kg.	Q. Kg.	Q. Kg.	Q.Kg.	Q.Kg.	Q. Kg.	

Closing balance

Dryage wastage	or	Height of molasses in Meter-Decimeters	Corresponding weight in Quintals –Kgs.	Initials of the licensee or his authorised servant	Initials of the officer	Remarks
Q.kg.			Q.kg.			

**FORM M-VI***(See rule 19)**Permit for the transport of molasses*

\*(Part )

No. \_\_\_\_\_ dated \_\_\_\_\_

1. Name and address of the permit-holder.
2. Kind of the licence held by the permit-holder under the Bombay Molasses Rules, 1955, and its number.
3. Quantity of molasses to be transported (in '[Quintals]).
4. (a) Place from which molasses is to be transported.  
(b) Place to which molasses is to be transported.
5. Name of the person authorised to transport molasses.
6. Name and address of the person from whom molasses is obtained.
7. Route (state also the places from and to which transport of molasses will be by road).
8. Date up to which the permit shall be valid.

This permit is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder on payment of a fee of Rs. .... authorising the above transport of molasses subject to the following conditions, namely :-

*Conditions*

- (1) Whole quantity of molasses shall be transported in one consignment only and its bulk shall not be broken in transit.
- (2) The licensee shall pay in advance such cost of excise escort as the Collector may decide.
- (3) The permit-holder shall give an undertaking in writing to the Collector or the officer granting the permit to abide by the above conditions.

Seal

(Signature)

Collector of .....

or .....

(State here the designation of the officer granting the permit)

---

\* Prepare four parts and write here-

Part I- For record in the officer of the Collector or the officer granting the permit.

Part II- To be sent to the person supplying molasses.

Part III- To be handed over to the applicant for sending with the consignment and for record thereafter with the accounts.

Part IV- To be forwarded to the <sup>2</sup>[ Prohibition and Excise Officer] of the place to which molasses is to be transported.

1. Subs. by G.N. of 9.9.1965.

2. Subs. by G.N. of 25.7.1963.

**FORM M-V**

(See rule 15)

*Licence for the export of molasses*

\*(Part            )

No.

dated

1. Name and address of the licensee.
2. Quantity of molasses to be exported (in <sup>1</sup>[Quintals]).
3. Name and address of the person to whom molasses is exported.
4. Place to which molasses is to be exported.
5. Place from which molasses is to be exported.
6. Route (state also the place up to which removal of molasses will be by road during its transit in the <sup>2</sup>[State of Maharashtra]).
7. Date up to which this licence shall be valid.

This licence is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder on payment of a fee of rupee one authorizing the above export of molasses subject to the following conditions, namely :-

*Conditions*

- (1) The whole quantity of molasses shall be exported in one consignment only and its bulk shall not be broken in transit :  
 Provided that the Collector may, by special permission in writing and subject to such conditions as he may deem fit to impose, allow the consignment to be exported in parts under cover of transport permits in respect of each such part issued by duly authorised officer.
- (2) The licensee shall pay in advance such cost of the excise escort as the Collector may decide.
- (3) The licensee shall give an undertaking in writing to the Collector to abide by the above conditions.

Seal

Collector of .....

\* Prepare four parts and write here-

Part I- For record in the officer of the Collector granting the licence.

Part II- To be kept by the person supplying molasses for record with his accounts.

Part III- To be handed over to the applicant for sending with the consignment and thereafter to be kept by the person receiving molasses.

Part IV- to be forwarded to the Collector or Chief Prohibition and Excise Authority of the Place from which molasses is to be exported.

1. Subs. by G.N. of 9.9.1965.

2. Subs. by G.N. of 25.7.1963.

**FORM M-IV***(See rule 13)**Licence for the import of molasses*

\*(PART            )

No.

dated

1. Name and address of the licensee.
2. Quantity of molasses to be imported in <sup>1</sup>[Quintals]
3. Name and address of the person from whom molasses is purchased.
4. Place from which molasses is to be imported.
5. Place to which molasses is to be removed.
6. Route (state also the place from which removal of molasses to its destination will be by road in the State).
7. Date up to which this licence shall be valid

This licence is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder on payment of a fee of rupee one authorizing the above import of molasses subject to the following conditions, namely :-

*Conditions*

- (1) The whole quantity of molasses shall be imported in one consignment only and its bulk shall not be broken in transit :  
  
Provided that, the Collector may, by special permission in writing and subject to such conditions as he may deem fit to impose, allow the consignment to be imported in parts under cover of transport permits in respect of each such part issued by a duly authorised officer.
- (2) The licensee shall pay in advance such cost of the excise escort as the Collector may decide.
- (3) The licence-holder shall give an undertaking in writing to the Collector to abide by the above conditions.

Seal

Collector of .....

\*Prepare four parts and write here-

Part I- For record in the officer of the Collector granting the licence.

Part II- To be sent to the person supplying molasses.

Part III- To be handed over the applicant for sending with the consignment and for record thereafter with the accounts.

Part IV- To be forwarded to the Collector or Chief Prohibition and Excise Authority of the Place from which molasses is to be imported.

1. Subs. by G. N. of 9.9.1965.

- 7. The licensee shall provide suitable office accommodation, with sanitary arrangements, for the Prohibition and Excise Officer or such staff as may be appointed by the Commissioner within the licensed premises and shall supply such furniture and other articles for the use of the officer as the Collector may consider necessary. The licensee shall afford the officer all reasonable facilities and assistance as may be required by him for carrying out his duties of supervision and inspection.
- 8. This licence may be suspended or cancelled on accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Granted ..... day ..... 19 .

Seal

Collector of

**FORM M-III-A**

(See rule 6)

*Licence for purchase, possession or use of Bago molasses for purposes of cattle-feed*

- 1. Licence No. Date .....
- 2. Name and address of the licensee.
- 3. Number of working bullocks, milch buffaloes and milch cows possessed.
- 4. (i) Maximum quantity of bago molasses allowed to be used for cattle-feed in a calendar month;  
(ii) Maximum quantity of bago molasses allowed to be possessed at any one time for cattle-feed.
- 5. The name of the licensee from whom bago molasses may be purchased.
- 6. The period for which the licence shall be valid.
- 7. This licence is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder on payment of a fee Re. 1 subject to the following conditions :-

*Conditions*

- (i) That the consignments of bago molasses is not broken in transit from the licensed premises of a M-I or M-III licensee to the premises of the licensee.
- (ii) That the licensee complies promptly with all orders and directions which may be issued to him by the Collector under the Bombay Prohibition Act, 1949, and the rules framed thereunder.
- (iii) That the licensee shall not use bago molasses for any purpose other than cattle-feed.

Seal of the  
Officer granting  
The licence.

(Signature and designation of officer  
granting the licence.)

**FORM M-III**

(See rule 5)

Licence No. ....

*Licence for the sale of molasses*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder, to ..... residing at ..... (hereinafter called "the licensee" on the payment of a fee of Rs. .... in advance into the Government Treasury at ..... authorizing him to sell, and to have in his possession for sale, molasses, at his premises situated at ..... in the district of ..... (hereinafter referred to as "the licensed premises") during the period from ..... To .....

*Conditions*

1. The licensee shall not, except with the written permission of the Collector, keep, or sell molasses at any place other than the licensed premises.
2. The licensee shall not have in his possession at any one time molasses exceeding ..... <sup>1</sup>[Quintals].
3. (1) The aggregate of the opening balance of molasses held by the licensee at the commencement of this licence and the quantities of molasses received by him from time to time during the course of the period of this licence shall not exceed ..... <sup>1</sup>[Quintals].  
(2) The licensee shall not sell, in all, molasses exceeding ..... <sup>1</sup> [Quintals] during the term of his licence.
4. (1) The licensee shall not sell molasses -
  - (i) except to a person who holds a licence in form M-II, M-III or M-III-A; or
  - (ii) exceeding the permitted quantity prescribed under rule 41 of the Bombay Molasses Rules, 1955, to a person requiring it for a domestic purpose.
 (2) The licensee shall not sell molasses at a price in excess of the maximum selling price which may be fixed by the State Government from time to time under any law for the time being in force.  
(3) Notwithstanding anything contained in sub-conditions (1) and (2), the licensee shall, when directed by the State Government under any law for the time being in force, sell molasses held by him in accordance with the terms of the direction.
5. The licensee shall not, except under a licence in form M-II or M-III-A, use molasses for any purpose other than sale.
6. The licensee shall pay to the State Government in advance at the beginning of each quarter commencing from the date of the licence such cost of the Prohibition and Excise staff as may be fixed by the Commissioner.

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1. Subs. by G.N. of 9-9-1965.

- (vi) The *bona fide* agricultural purpose of .....<sup>1</sup> [Quintals] per year.  
(here state the purpose)
- (vii) The *bona fide* educational purpose of .....<sup>1</sup>[Quintals] per year.  
(here state the purpose)
- (viii) Any Government purposes, viz., .....<sup>1</sup>[Quintals] per year.
- (ix) Sample purpose, .....<sup>1</sup> [Quintals] per year.

5. The licensee shall pay to the State Government in advance of the beginning of each quarter commencing from the date of the licence such cost of the Prohibition and Excise staff appointed within the licensed premises as may be fixed by the Commissioner.
6. The licensee shall provide suitable office accommodation, with sanitary arrangements, for the Prohibition and Excise Officer or such staff as may be appointed by the Commissioner within the licensed premises and shall supply such furniture and other articles for the use of the officer as the Collector may consider necessary. The licensee shall afford the officer all reasonable facilities and assistance as may be required by him, for carrying out his duties of supervision and inspection.
7. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Granted this ..... day of .....19 .

Seal

Collector of .....

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\* The inapplicable entries should be struck off.  
1. Subs. by G. N. of 9-9-1965.

**FORM M-II**

(See rule 4)

Licence No. ....

*Licence for possession of molasses to persons other than Producers of Molasses.*

Licence is hereby granted, under the subject to the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and order made thereunder, to ..... residing at ..... (hereinafter called "licensee") on payment of a fee of Rs. .... in advance into the Government Treasury at ..... authorizing him to have in his possession molasses at his premises situated at ..... in the district of ..... (hereinafter referred to as "the licensed premises") during the period from ..... To ..... subject to the following conditions, namely :-

*Conditions*

1. The licensee shall not, except with the written permission of the Collector, keep molasses at any place other than the licensed premises.
2. The licensee shall not have in his possession more than ..... <sup>1</sup> [Quintals] of molasses at any one time and he shall not use more than ..... <sup>1</sup> [Quintals] of molasses in any calender month during the period of this licence.
3. The aggregate of the opening balance of molasses held by the licensee at the commencement of this licence and the quantities of molasses received by him from time to time during the course of the period of this licence shall not exceed ..... <sup>1</sup> [Quintals].
4. The licensee shall not use the molasses removed from the storage tanks or receptacles for any purpose except for the following purposes only in quantities not exceeding those specified against them, namely :-
  - \* (i) Distillation of spirit in a distillery established or licensed under the Bombay Prohibition Act, 1949, ..... <sup>1</sup> [Quintals] per year.
  - \* (ii) Manufacture of power alcohol in a distillery established or licensed under the Bombay Prohibition Act, 1949, ..... <sup>1</sup> [Quintals] per year.
  - <sup>2</sup> [(ii-a) Cattle feed ..... <sup>1</sup> [Quintals] per year.
  - (iii) Any medicinal purpose, viz., ..... <sup>1</sup> [Quintals] per year.
  - \* (iv) The *bona fide* scientific purpose of ..... <sup>1</sup> [Quintals] per year.  
(here state the purpose)
  - (v) The *bona fide* industrial purpose of ..... <sup>1</sup> [Quintals] per year.  
(here state the purpose)

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\* The inapplicable entries should be struck off.

1. Subs. by G. N. of 9-9-1965.
2. Ins. by G. N. of 14-1-1960.



- \*(v) The *bona fide* industrial purpose of .....  
(here state the purpose)
- \*(vi) The *bona fide* agricultural purpose of .....  
(here state the purpose)
- (vii) The *bona fide* educational purpose of .....  
(here state the purpose)
- \*(viii) Any medicinal purpose, viz., .....  
(here state the purpose)
- \*(ix) Sample purpose, .....
- \*(x) Cattle-feed .....

(2) Nothing in sub-condition (1) shall apply to molasses removed from storage tanks or receptacles for purpose of sale.

5. The licensee shall pay to the State Government in advance at the beginning of each quarter commencing from the date of the licence such cost of the Prohibition and Excise staff as may be fixed by the Commissioner.

6. (1) The licensee shall provide suitable office accommodation, with sanitary arrangements, for the Prohibition and Excise Officer or such staff as may be appointed by the Commissioner within the licensed premises and shall supply such furniture and other articles for the use of the officer as the Collector may consider necessary. The licensee shall afford the officer all reasonable facilities and assistance as may be required by him for carrying out his duties of supervisions and inspection.

(2) The licensee shall provide the Prohibition and Excise Staff so appointed residential quarters as approved by the Collector in this behalf near the licensed premises and shall also provide the following sub-sidiary services if available, namely, sanitary, electric and water-supply, and may charge rent not exceeding ten percent of the pay of the staff for the quarters, and also reasonable charges for the water supply, sanitary and electric supply services provided by the licensee. In case of dispute as to whether the charges are reasonable or not, the Commissioner shall decide the question and his decision shall be binding on the licensee and the staff.

7. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Granted this ..... day of ..... 19

Seal

Collector of .....

\* The inapplicable entries should be struck off.  
1. Subs. by G.N. of 9-9-1965.

**FORM M-I**

(See rule 3)

Licence No. ....

*Licence for possession and sale of molasses by a producer of molasses.*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder, the ..... Residing at ..... (hereinafter called "the licensee") on payment of a fee of Rs. .... in advance into the Government Treasury at ..... authorizing him to possess and sell molasses produced at his sugar/gur factory situated at ..... in the district of ..... (hereinafter referred to as "the licensed premises") during the period from ..... to ..... Subject to the following conditions, namely :-

*Conditions*

1. The licensee shall not, except with the written permission of the Commissioner keep or sell molasses at any place other than the licensed premises.
2. Except with the written permission of the Commissioner the licensee shall not receive or keep at his licensed premises any molasses other than those produced at the said premises.
3. (1) The licensee shall not sell molasses. -
  - (i) except to a person who holds a licence in Form M-II, M-III or M-III A, or
  - (ii) exceeding the permitted quantity prescribed under rule 41 of the Bombay Molasses Rules, 1955, to a person requiring it for a domestic purpose.
- (2) The licensee shall not sell molasses at a price in excess of the maximum selling price which may be fixed by the State Government from time to time under any law for the time being in force.
- (3) Notwithstanding anything contained in sub-conditions (1) and (2), the licensee shall, when directed by the State Government under any law for the time being in force sell molasses held by him in accordance with the terms of the direction.
4. (1) The licensee shall not use the molasses removed from the storage tanks or receptacles for any purpose except for the following purposes in quantities not exceeding \_\_\_<sup>1</sup>[(Quintals)] in the aggregate during the licence period :-
  - \* (i) Distillation of spirit in a distillery established or licensed under the Bombay Prohibition Act, 1949;
  - \* (ii) Manufacture of power alcohol in a distillery established or licensed under the Bombay Prohibition Act, 1949;
  - \* (iii) Any Government purposes, viz .....
  - \* (iv) The *bona fide* scientific purpose of .....

(here state the purpose)

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\* The inapplicable entries should be struck off.

1. Subs. by G.N. of 9-9-1965.

40. *Special rule for licensee holding a licence in Form M-III* – (1) The licensee holding a licence in Form M-III shall not receive his supplies of molasses from any person other than -
- (i) a person who holds in the <sup>1</sup>[State of Maharashtra] a licence in Form M-I or M-III;
  - (ii) a person who is directed by the State Government, the Commissioner or the Collector to sell molasses to him;
  - (iii) a person outside the <sup>1</sup>[State of Maharashtra].
- (2) All molasses received by the licensee at his premises shall be covered by a valid transport permit if brought from a place in the <sup>1</sup>[State of Maharashtra] or by a valid import licence if brought from any place outside the <sup>1</sup>[State of Maharashtra].
- <sup>2</sup>(3) The licensee shall in a book paged and sealed with the seal of the Collector or Mamledar or Tahsildar maintain day to day a true and correct account of receipts, sales and balances of molasses in Form M-F.
- (4) The licensee shall submit a statement in Form M-G on or before the 7<sup>th</sup> day of every month showing the opening balance, receipts, sales and closing balance of molasses during the preceding month, to the Superintendent or the District Inspector of Prohibition and Excise through the local Prohibition and Excise Officer.]
41. Possession or transport for domestic purpose. Notwithstanding anything contained in the foregoing rules, it shall be lawful for any person to possess or transport without a licence or permit, as the case may be, molasses not exceeding such quantity as the Commissioner or Collector may specify for any local area as the permitted quantity for domestic purposes.

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1. Subs. by G.N. of 25-7-1963.

2. Subs. by G.N. of 9-9-1965.

- <sup>2</sup>[(3) The licensee shall, in a book paged and sealed with the seal of the Collector or Mamledar or Tahsildar, maintain day to day a true and correct account of molasses –
- (a) separately stored by him in each storage tank, pit or receptacle in Form M-A, and
  - (b) stocked by him at his licensed premises in Form M-B.
- (4) The licensee shall submit a statement in Form M-C on or before the 7<sup>th</sup> day of every month showing the opening balance, receipts, issues and closing balance of molasses during the preceding month, to the Superintendent or the District Inspector or Prohibition and Excise through the –
- (a) Prohibition and Excise Officer-in-charge of the distillery attached to the factory, or
  - (b) Central Excise Inspector-in-charge of the factory where there is no such distillery, or
  - (c) Prohibition and Excise Officer in whose jurisdiction the factory is situated if there is no such prohibition and Excise Officer, or
  - (d) Central Excise Inspector-in-charge of the distillery or factory.]
39. *Special rule for licensees holding a licence in Form M-II* – (1) The licensee shall not receive his supplies of molasses from any person other than -
- (i) a person who holds in the [State of Maharashtra] a licence in Form M-I or M-III; or
  - (ii) a person who is directed by the State Government to sell molasses to him; or
  - (iii) a person outside the <sup>2</sup>[State of Maharashtra].
- (2) All molasses received by the licensee at his premises shall be covered by a valid transport permit if brought from any place in the <sup>2</sup>[State of Maharashtra] or by a valid import licence if brought from any place outside in the <sup>2</sup>[State of Maharashtra].
- (3) Except as directed by the State Government under any law for the time being in force, the licensee holding a licence in Form M-II shall not sell or transfer any molasses possessed by him under the licence.
- <sup>1</sup>[(4) The licensee shall, in a book paged and sealed with the seal of the Collector or Mamledar or Tahsildar, maintain day to day a true and correct account of molasses held by him at his licensed premises in Form M-D.
- (5) The licensee shall submit a statement in Form M-E on or before the 7<sup>th</sup> day of every month showing the opening balance, receipts, issues and closing balance of molasses during the preceding month, to the Superintendent or the District Inspector of Prohibition and Excise through the local Prohibition and Excise Officer.]

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1. Subs. by G.N. of 9-9-1965.

2. Subs. by G.N. of 25-7-1963.

32. The licensee shall maintain at his licensed premises a visit book paged and stamped with the seal of the Collector <sup>1</sup>[or the <sup>2</sup>[Mamledar or Tahsildar] or the Mahalakari or any other officer authorised in that behalf by the Collector] in which Inspecting Officers may record their remarks. The licensee shall, on the termination of the licence, deliver up the visit book, the licence, the accounts and the permits to the Local Prohibition and Excise Officer.
33. Except with the permission of the Collector, the licensee shall not sell, transfer or sub-let the right conferred upon him by his licence nor shall he, in connection with the exercise of the said right, enter into any agreement which, in the opinion of the Collector, is of the nature of a sub-lease.
34. No person shall be recognised as a partner of the licensee for the purpose of his licence, unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence or, if the partnership is entered into after the granting of the licence, unless the Collector agrees, on application made to him, to alter the licence and to add the name or names of the partner or partners in the License.
35. The licensee, his heirs and assignees shall have no claim whatsoever to the continuance or renewal of his licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector whether to permit or not to permit the heir, in case of death, or the assignee of the licensee, in the case of sale or transfer, to have the benefit of the licence for the unexpired portion of the licence period.
36. (1) The licensee shall abide by the provisions of the Act and rules, regulations and orders made thereunder from time to time.
- (2) The licensee shall comply with all lawful orders and directions issued to him by the Commissioner or Collector within such time as may be specified by the Commissioner or the Collector in the order or direction.
37. The licensee shall give an undertaking in writing to the Collector to abide by the provisions of the Act, the rules, regulations and orders made thereunder and the conditions of his licence.
38. *Special rules for licensees holding a licence in Form M-I -*
- (1) The licensee holding a licence in Form M-I shall leave sufficient space in the cover of the tanks or receptacles to scoop out samples.
- (2) Molasses from the storage tanks or other receptacles required for use in any process at the factory or for use in the distillery attached to the factory shall be taken there through pipe connections under the supervision of the officers; but before doing so the licensee shall give an intimation to the officer stating the quantity of molasses so required, the tank or receptacle from which required and also the time when required.

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1. Ins. by G. N. of 26-7-1957.

2. Subs. by G. N. of 25-7-1963.

26. (1) The licensee shall maintain at his licensed premises a register containing the names of the manager and all other persons employed by him for carrying on the operation of receipt, storage, issue, removal or use of molasses and shall furnish in writing to the Superintendent or District Inspector of Prohibition and Excise the list of persons so employed for carrying on the said operations.
- (2) Every person either permanently or temporarily employed by the licensee shall be provided with a round badge bearing a consecutive number and the name of the licensee. The licensee shall issue instructions to all persons employed by him to show, on demand, their badge to the Superintendent or District Inspector of Prohibition and Excise or the Sub-Inspector of prohibition and excise or any other prohibition officer.
27. (1) The Commissioner may appoint such supervisory staff as in his opinion is necessary for the proper supervision of all arrangements and operations connected with the receipt, storage, issue, removal and use of molasses.
- (2) No molasses shall be received into or issued by the licensee from the storage tanks or other receptacles except under the supervision of the officer, if any such officer is appointed by the Commissioner. All storage tanks and receptacles of molasses, in that case, shall be locked by the licensee and the officer with separate locks;
- Provided that nothing contained in this sub-rule shall apply to the carrying on of operations by the holder of a licence in Form M-I connected with receipt and storage of molasses which are produced at his factory.
28. The licensee shall not, except with the previous permission of the Superintendent or District Inspector of Prohibition and Excise, or the supervisory staff, appointed under sub-rule (1) of rule 27 above, carry on any operations connected with the receipt, storage, issue or removal of molasses on Sundays and public holidays sanctioned by Government nor on any day before or after the working hours fixed by the Commissioner for this purpose.
- Provided that nothing contained in this rule shall apply to the carrying on of operations by the holder of a licence in Form M-I connected with receipt and storage of molasses which are produced at his factory.
29. In case the licensee wants to wind up his business, he shall give one clear calendar month's notice to the Commissioner through the Collector of his intention to do so.
30. The licensee shall allow the officer appointed to supervise his operations or any other inspecting officer to take samples of molasses, free of cost, from any place, tank or receptacle, whenever he considers it necessary, for the purpose of chemical analysis by <sup>2</sup>[Western Maharashtra Development Corporation limited, Pune or Messers. Vasantdada Sugar Institute, Pune or Chemical Analyser] to the Government of India to test the purity of molasses to determine its quality.
31. The licensee shall display his licence conspicuously at his licensed premises.

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1. Subs. by G.N. of 19-8-1969.

2. Subs. by G.N. of 30-11-2009.

19. (1) On receipt of an application under rule 18, the Collector or the authorised officer may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the permit applied for, he may grant a permit in Form M-VI on payment of a fee <sup>3</sup>[at the rate of rupee one per metric ton of molasses to be transported]  
<sup>5</sup>[\*]
- (2) The permit shall be in four parts and shall be dealt with as under :-  
Part I shall be kept on the record in the office of the Collector or the officer granting the permit.  
Part II shall be sent to the person supplying molasses.  
Part III shall be handed over to the applicant for sending with the consignment and for record thereafter with his accounts.  
Part IV shall be forwarded to the prohibition and Excise Officer of the place to which molasses are to be transported.
20. No permit for the transport of molasses shall be granted unless it is required by a person holding a licence for the possession or sale of molasses.
- <sup>2</sup>[21. The permit-holder shall transport molasses under excise escort during its transit by road (except in case of molasses, transported by a fixed route in tankers locked with revenue locks, the loading and unloading and locking and unlocking of tanks being made under the supervision of the Central or State Excise Officers as the case may be)].
22. *Rules for licensee* holding a licence in Form M-I, M-II or M-III – All storage tanks or receptacles of molasses shall be serially numbered by the licensee.
23. The licensee shall keep his premises, tanks and other receptacles for the storage of molasses clean and in good condition and shall take all reasonable precautions to prevent deterioration of the quality of molasses through admixture with water or any extraneous substance. He shall destroy or dispose of the deteriorated molasses. <sup>1</sup>[in the manner ordered by the Collector].
24. The premises, tanks, or other receptacles used of the storage of molasses, accounts, permits, licences and the stocks of molasses shall, at all times, be open to inspection by the Collector or any officer duly empowered in that behalf. The licensee shall explain any discrepancy or irregularity noticed by the inspecting officer and shall comply with the orders issued by the Collector in connection therewith. He shall if so required by the inspecting officer weigh or measure molasses by any method which may be suitable or practicable.
25. The licensee shall not remove nor shall he permit any person to remove any molasses from the storage tanks or receptacles except under a valid transport permit

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1. Subs. by G.N. of 24-12-1960.  
2. Subs by G.N. of 25-8-1962.  
3. Subs by G.N. of 21-5-1990  
4. Added by G.N. of 22-3-94.  
5. Deleted by G. N. 12-7-1999.

- (2) The application shall be accompanied by an import-permit or no-objection certificate granted by the Collector or Chief Excise Authority of the place of import <sup>2</sup>[and by a certificate granted by the Director of Industries, Bombay, to the effect that there is no objection to allow the applicant to export molasses as stated in his application].
15. (1) On receipt of an application under rule 14, the Collector may make such inquiries as he deems necessary and of he is satisfied that there is no objection to grant the licence applied for, he may grant a licence in Form M-V on payment of a fee <sup>3</sup>[of rupees fifty]
- (2) The licence shall be in four parts and shall be dealt with as under :
- Part I shall be kept on the record in the office of the Collector granting the licence.
- Part II shall be kept by the person supplying molasses.
- Part III shall be handed over to the applicant for sending with the consignment and thereafter shall be kept by the person receiving molasses.
- Part IV shall be forwarded to the Collector or Chief Excise Authority of the place to which molasses are to be exported.
16. No licence in Form M-IV or M-V shall be granted unless it is required by a person holding a licence for the possession or sale of molasses.
17. The person holding a licence in Form M-IV or M-V shall remove molasses under excise escort during its transit by road through the limits of the <sup>1</sup>[State of Maharashtra].
18. Transport – Any person desiring to transport molasses, shall make an application to the Collector or any other authorised officer under sub-section (3) of section 61 of the Act for a permit in that behalf. The application shall contain the following particulars, namely :-
1. Name and address of the applicant;
  2. Kind of the licence held in respect of molasses by the applicant and its number and date;
  3. Quantity of molasses permitted for possession at any one time under the above licence (in <sup>4</sup>[Quintals]);
  4. Balance of molasses on hand on the date of application (in <sup>4</sup>[Quintals]);
  5. Quantity of molasses to be transported in (in <sup>4</sup>[Quintals]);
  6. (a) Place from which molasses is to be transported;  
(b) Place to which molasses is to be transported;
  7. Name of the person authorised to transported;
  8. Name and address of the person from whom molasses will be obtained;
  9. Route (state also the place from and to which transport of molasses will be by road) ;
  10. Period for which the permit is required.

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1. Subs. by G.N. of 25-7-1963.

2. Added by G.N. of 1-2-1960.

3. Subs. by G.N. of 16-3-1988.

4. Subs. by G.N. of 9-9-1965.



12. *Import* – Any person desiring to import molasses shall make an application to the Collector for a licence in that behalf. The application shall contain the following particulars, namely :-
1. Name and address of the applicant;
  2. Kind of licence in respect of molasses held by the applicant and its number and date;
  3. Quantity of molasses permitted for possession at any one time under the licence held by him (in <sup>1</sup>[Quintals]) ;
  4. Balance of molasses on hand on the date of application (in <sup>1</sup> [Quintals]) ;
  5. Quantity of molasses to be imported (in<sup>1</sup>[Quintals]);
  6. Place from which molasses is to be imported;
  7. Name and address of the person;
  8. Route (state the place from which removal of molasses to its destination will be by road in the State);
  9. Period for which the licence is required;
  10. Reasons for importing molasses.
13. (1) On receipt of an application under rule 12, the Collector may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may grant a licence in Form M-IV on payment of a fee<sup>2</sup> [of rupees fifty]
- (2) The licence shall be in four parts and shall be dealt with as under :
- Part I shall be kept on the record in the office of the Collector granting the licence.
- Part II shall be sent to the person supplying molasses.
- Part III shall be handed over to the applicant for sending with the consignment and for record thereafter with his accounts.
- Part IV shall be forwarded to the Collector or Chief Excise Authority of the place from which molasses are to be imported.
14. *Export*. – (1) Any person desiring to export molasses shall make an application to the Collector for a licence in that behalf. The application shall contain the following particulars, namely :
- (a) Name and address of the applicant;
  - (b) Kind of the licence held by the applicant and its number and date;
  - (c) Quantity of molasses to be exported (in <sup>1</sup>[Quintals]);
  - (d) Place to which molasses is to be exported;
  - (e) Name and address of the person to whom molasses is to be sent.
  - (f) Route (state the place up to which removal of molasses will be by road during its transit in the State);
  - (g) Period for which the licence is required;
  - (h) Reasons for exporting molasses.

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1. Ins. by G.N. of 14-1-1960.

2. Added by G.N. of 16-3-1988.

6. (1) Notwithstanding anything contained in the foregoing rules any person other than a producer of molasses desiring to purchase, possess and use bago-molasses for purposes of cattle-feed only shall make an application in that behalf stating the quantity of such molasses required by him per month.
- (2) On receipt of an application under sub-rule (1), the Collector shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may grant the applicant a licence in Form M-III-A on payment of a fee <sup>3</sup>[(inclusive of consideration) of rupees five]
7. The Collector shall -
- (i) in the case of licence in form M-I fix for the licence period the aggregate quantity of molasses which may be allowed to the licensee for all the uses to which molasses is to be put and.
- (ii) in the case of licence in Form M-II, fix-
- (a) the maximum quantity of molasses which the licensee may be allowed to possess under the licence at any one time and to use in a month;
- (b) the aggregate of the quantity of molasses at the commencement of the licence and of the quantities of molasses to be received by the licensee from time to time during the period of the licence.
8. No licence in Form M-I shall be granted unless such licence is required by a producer of a molasses in respect of molasses produced in his factory as a by-product in the process of manufacture of sugar or gur.
9. No licence in Form M-II shall be granted unless such licence is required for molasses to be used for any of the following purposes, namely :-
- (i) distillation of spirit in a distillery established or licensed under the Act;
- (ii) Manufacture of power alcohol in a distillery established or licensed under the Act;
- <sup>1</sup>[(ii-a) cattle feed;]
- (iii) any Government purpose;
- (iv) any *bona fide* scientific, industrial, agricultural, educational, medicinal, or sample purpose.
10. No licence in Form M-I, M-II or M-III shall be granted for a period beyond the 31<sup>st</sup> day of March next following the date of the commencement of the licence;
- <sup>2</sup>[Provided that a licence in Form M-I or a licence in Form M-II for the purposes specified in items (iii) and (iv) of rule 9 may be granted or renewed for a period not exceeding three years at a time, so however as not to extend beyond the 31<sup>st</sup> day of March according to the duration for which the licence is granted.]
11. No person shall sell molasses unless he is holding a licence Form M-I or M-III.

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1. Ins. by G.N. of 14-1-1960.

2. Sub. By G.N. of 4-4-1963.

3. Sub. by G. No. of 16-3-1988.

	Rs.
(a) does not exceed 1000M. Tons.	100
(b) exceeds 1000M. Tons but does not exceed 5000M. Tons	500
(c) exceeds 5,000 M. Tons but does not exceed 10,000 M. Tons	1,000
(d) exceeds 10,000 but does not exceeds 15,000 M. Tons	5,000
(e) exceeds 15,000 but does not exceed 20,000 M. Tons	7,500
(f) exceeds 20,000 M. Tons	10,000]

<sup>1</sup>[*Explanation* – For the purpose of charging the fee, the fraction of a year shall be reckoned as one complete year.]

<sup>3</sup>[4 .A. *Renewal of Licence* – Any licence granted under sub-rule (2) of rule 4 shall be renewed for a period not exceeding one year at a time on payment of application fee of Rs. 5 and licence renewal fee same as prescribed in sub-rule (2) of rule 4, unless there has been a breach of any terms and conditions of the licence, and/or that the licensee has not been working the licence properly.]

5. (1) Any person other than a producer of molasses desiring to possess and sell molasses shall make an application to the Collector for a licence in that behalf. The application <sup>3</sup>["shall be accompanied by a Challan evidencing payment of a fee Rs. 10 for such application and] shall contain the following particulars, namely :-
- (a) Name and address of the applicant;
  - (b) Place where molasses will be kept and sold and the name of the village, taluka and district;
  - (c) Special reasons, if any, why the licence should be granted;
  - (d) Approximate number of licensees to whom molasses will be supplied by the applicant;
  - (e) Approximate total quantity of molasses intended for sale during the period of the licence (in <sup>2</sup>[Quintals]);
  - (f) Period for which the licence is required.
- (2) On receipt of an application under sub-rule (1), the Collector may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may grant a licence in Form M-III on payment of a fee <sup>4</sup>[" (inclusive of consideration) of Rs. 500] in advance and shall fix the total quantity of molasses which the license may be allowed to sell during the period of the licence.

<sup>4</sup>[(3) Any licence granted under sub-rule (2) shall be renewed for a period not exceeding one year at a time on payment of application fee of Rs. 5 and licence renewal fee same as prescribed in sub-rule (2), unless there has been a breach of any of the terms and conditions of the licence, and/or there is reasons to believe that the licensee has not been working the licence properly".]

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1. Added by G.N. of 4-4-1963.  
 2. Subs. by G.N. of 9-9-1965.  
 3. Ins. by G.N. of 16-3-1988.  
 4. Subs *ibid*.

	Rs.
1. Does not exceed 5000 Metric Tons	500
2. exceeds 5000 but does not exceed 10,000 Metric Tons	1,000
3. exceeds 10,000 but does not exceed 15,000 Metric Tons	5,000
4. exceeds 15,000 but does not exceed 20,000 Metric Tons	7,500
5. exceeds 20,000 Metric Tons	10,000]

<sup>3</sup>[*Explanation*, - For the purpose of charging the fee, the fraction of a year shall be reckoned as one complete year.]

<sup>4</sup>[3A. *Renewal of Licence* – Any licence granted under sub-rule (2) of rule 3 shall be renewed for a period not exceeding one year at a time, on payment of application fee of Rs. 5 and renewal licence fee same as prescribed in sub-rule (2) of rule 3 unless there has been a breach of any of the terms and conditions of the licence, and/or that the licensee has not been working the licence properly.”]

4. (1) Any person other than a producer of molasses desiring to possess and use molasses shall make an application to the Collector for a licence in that behalf. The application <sup>4</sup>“shall be accompanied by a challan evidencing payment of a fee of Rs. 10 for such application and] shall contain the following particulars, namely :-
- (a) Name and address of the applicant;
  - (b) Place where molasses will be kept and used and the name of the village, taluka and district in which such place is situated;
  - (c) Approximate stock of molasses on the commencement of the required licence (in <sup>1</sup>[Quintals]);
  - (d) Total quantity of molasses that would be received during the term of the licence (in [Quintals]);
  - (e) Maximum quantity of molasses to be possessed at any one time (in [Quintals]);
  - (f) (i) Detail of purposes for which molasses will be used;  
(ii) Quantity required annually for each such purpose (in <sup>1</sup>[Quintals]);
  - (g) Period for which the licence is required.
- (2) On receipt of an application under sub-rule (1), the Collector may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may grant a licence in form M-II <sup>3</sup>[on payment of the annual fee] <sup>5</sup>[(inclusive of consideration)] as specified below :-
- (i) Licence for any Government purpose or educational, scientific, medicinal or sample purpose <sup>6</sup>[Rs. 10.]
  - (ii) Licence for an agricultural purpose (subject to the condition that the molasses possessed under this licence shall be mixed with liquid tar to the extent of at least 10 per cent) <sup>6</sup>(Rs. 10)  
<sup>2</sup>[(ii-a) licence for cattle feed] <sup>6</sup>[Rs. 100]  
<sup>6</sup>[(iii) licence for any other purpose where the quantity of molasses-

1. Subs. by G.N. of 9-9-1965.

2. Ins. by 14-1-1960.

3. Subs. by G.N. of 4-4-1963.

4. Inst. By G.N. of 16-3-1988.

5. Ins. by G.N. of 16-3-1988.

6. Subs *ibid*.

1. (1) These Rules may be called the Bombay Molasses Rules, 1955.  
<sup>1</sup>[(2) They extend to the whole of the State of Maharashtra.]
2. (1) In these Rules, unless there is anything repugnant in the subject or context, -
  - (a) "Act" means the Bombay Prohibition Act, 1949;
  - (b) "Factory" means a place where sugar or gur is manufactured;
  - (c) "Form" means a form appended to these Rules;
  - (d) "Licensed premises" means premises in respect of which a license is granted under these Rules;
  - (e) "Licensee" means a person holding a licence in Form M-I, M-II or M-III under these Rules;
  - (f) "Producer of Molasses" means the owner or a person in charge of a factory where molasses is produced in the process of manufacture of sugar or gur.
 (2) Words and expression not defined in these rules shall have the meaning respectively assigned to them in the Act.
3. *Possession and sale of molasses* – (1) Any person who is a producer of molasses and desires to possess and sell molasses shall make an application to the Collector for a licence in that behalf. The application <sup>2</sup> [shall be accompanied by a challan evidencing payment of a fee of Rs. 10 for such application and ] shall contain the following particulars, namely :-
  - (a) Name and address of the applicant;
  - (b) Name of the Sugar / Gur factory;
  - (c) Exact location of the Sugar / Gur factory, and the name of the village, taluka and district in which such factory is situated;
  - (d) Whether the applicant is the owner or a person in-charge of the factory;
  - (e) (i) Details of the use or uses which molasses will be put to;  
 (ii) Quantity required annually for each of such uses in <sup>3</sup> [Quintals] ;
  - (f) Details of arrangements for the storage of molasses whether pucca built tanks or steel tanks are provided for the storage;
  - (g) Period for which the licence is required.  
<sup>4</sup>[(h)total quantity of molasses expected to be produced during the year".]
 (2) On receipt of an application under sub-rule (1), the Collector may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may, with the previous approval of the Commissioner grant the applicant a licence in Form M-1 on payment of a fee <sup>5</sup> [Inclusive of consideration] as per the scale prescribed below, per annum, in advance -

Where the quantity of molasses mentioned in the application which is expected to be produced-

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1. Subs. by G.N. of 25-7-1963.
2. Subs. by G.N. of 9-9-1965.
3. Inst. by G.N. of 16-3-1988.
4. Added *ibid*.
5. Subs. *ibid*.

## CHAPTER II

**THE BOMBAY MOLASSES RULES, 1955****{8} G.N., R.D. No. 1169/51 dated 22<sup>nd</sup> July 1955**

(B.G., Pt. IV-B, p. 1516)

1. Amended by G. N., R. D. No. MLS. 1155, dated 8<sup>th</sup> June 1956 (B.G. Pt. IV-B, p.782).
2. Amended by G. N., R. D. No. BPA. 1056, dated 26<sup>th</sup> July 1957 (B.G. Pt. IV-B., p. 1537).
3. Amended by G. N., R. D. No. MLS 1059/146154-J, dated 14<sup>th</sup> January 1960 (B. G., Pt. IV-B, p. 83).
4. Amended by G. N., R. D. No. MLS 1059/14154-J, dated 1<sup>st</sup> February 1960 (B. G. Pt. IV-B, p. 147).
5. Amended by G. N., H. D. No. MLS 1060/35611-III, dated 24<sup>th</sup> December 1960 (M. G., 1961 Pt. IV-B, p. 3).
6. Amended by G. N., H. D. No. MLS. 1159/192740-III, dated 25<sup>th</sup> August 1962 (M. G., Pt. IV-B, p. 3).
7. Amended by G. N., H. D. No. SMP. 1261/61106-III, dated 4<sup>th</sup> April 1963 (M. G., Pt. IV-B. p. 1239).
8. Amended by G. N., H. D. No. BPA. 1059/55336-III, dated 25<sup>th</sup> July 1963 (M. G. Pt. IV-B,p.1239).
9. Amended by G. N.,H. D. No. MLS. 1962/32533-III, dated 9<sup>th</sup> September 1965 (M. G., Pt. IV-B, p. 1628).
10. Amended by G. N., H.D. No. BPA. 1059/55336-III, dated 12<sup>th</sup> March 1968 (M. G., Pt. IV-B, p. 392).
11. Amended by G. N., H.D. No. MLS. 1067/40724-III, dated 21<sup>st</sup> August 1968 (M. G. Pt. IV-B, p. 1299).
12. Amended by G. N., H.D. No. MLS. 1668/36645-III, dated 19<sup>th</sup> August 1969 (M. G. Pt. IV-B, p. 1304).
13. Amended by G. N., H. D. No. BPA. 1088/XIX-PRO-2, dated 16<sup>th</sup> March 1988 (M. G. Pt. IV-B, p. 294-95).
14. Amended by G. N., H. D. No. BPA. 1090/IV/PRO-3 dated 21<sup>st</sup> March 1990 (M.G. Pt. IV-B. p. 723).
15. Amended by G.N.H.D. No. MLS. 1094/1/V/ Exc-2, dated 22<sup>nd</sup> March 1994. (M.G. 1994 Pt. IV-B p. 543-44).
16. Amended by G.N.H.D. No. MLS. 1595/5/Exc-2, dated 25<sup>th</sup> July 1996 (M.G. Pt. IV-B p. ).
17. Amended by G.N.H.D. No. MLS. 1995/5/Exc-2, dated 6<sup>th</sup> December 1996 (M.G. Pt. IV-B p. 272 ).
18. Amended by G.N.H.D. No. MLS. 1096/III/Exc-II, dated 12<sup>th</sup> July 1999 (M.G. Pt. IV-B p. 297 ).
19. Amended by G.N.H.D. No. MPL. 0209/C.R. 72/ Exc-2, dated 30<sup>th</sup> November 2009 (M.G. Pt. IV-B p. 3 ).

In exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in suppression of the Bombay Molasses Rules, 1947, the Government of Bombay is pleased to make the following Rules, namely :-

**{5} G.N.,H.D. No. BPA 1161/11487 (a) dated 28<sup>th</sup> March 1961**

(M.G.pt. IV-B, p. .312)

In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby appoints the 1<sup>st</sup> day of April 1961 to be the date on which the said Act shall come into force in the outstill area of the Chanda District.

**{6} G.N.,H.D. No. EST.0172/I/III dated 14th January 1974**

(M.G pt. IV-B, p. .215)

In exercise of the powers conferred by sub-section (2) of section 1 of the Maharashtra Director of Prohibition and Excise (Change in Designation) Act, 1973 (Mah. L.II. of 1973), the Government of Maharashtra hereby appoints the 14<sup>th</sup> day of January 1974 to be the date on which the said Act shall come into force.

**{7} G.N.,H.D. No. BPA 0174-III dated 1<sup>st</sup> February 1974**

(M.G.pt. IV-B, p. 208)

In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Prohibition (amendment) Act, 1972 (Mah. XXXIII of 1972), the Government of Maharashtra hereby appoints the 11<sup>th</sup> day of February 1974 to be the date on which the Act shall come into force.

**PART – II**  
**RULES, REGULATIONS, NOTIFICATIONS AND ORDERS**  
**ISSUED UNDER THE BOMBAY PROHIBITION ACT, 1949**

CHAPTER I

**DATE OF APPLICATION OF THE ACT**

**{1} G.N.,R.D. No. 10484/45 (v), dated 16<sup>th</sup> June 1949**

(B.G,Pt. IV-B, p. 1323)

In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), shall apply to the partially excluded areas in the Province of Bombay.

**{2} G.N.,R.D. No. 19484/45, dated 16<sup>th</sup> June 1949**

(B.G, Pt. IV-B, p. 1276)

In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to specify the 16<sup>th</sup> June 1949 as the date on which the said Act shall come into force.

**{3} G.N.,R.D. No. BPA 1059/40722 (c) dated 1<sup>st</sup> April 1959**

(B.G pt. IV-B, p. 551)

In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay hereby appoints the 1st April 1959 as the date on which the said Act shall come into force in those areas (except the out stilled area of the Chanda District) of the State of Bombay to which the said Act is extended by the Bombay Prohibition (extension and Amendment) Act, 1959 (Bom. XII of 1959).

**{4} G.N.,R.D. No. BPA 1058/169383-J dated 30<sup>th</sup> April 1960**

(B.G.pt. IV-B, p. 712)

In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Prohibition (Amendment) Act, 1959 (Bom. XXII of 1960), the Government of Bombay hereby appoints 30<sup>th</sup> April 1960 to be date on which the said Act shall come into force.



<sup>1</sup>[SCHEDULE]  
[Sub-rule (2) of rule 5]

Purpose of the licence and quantity of Mhowra flowers	Licence fee per annum	Fee for each additional storage in a village or town.
(1)	(2)	(3)
	Rs.	Rs.
(A) The scales of fees in respect of licences for the possession of Mhowra flowers, when Mhowra flowers are required for use—		
(a) in distillation by distilleries licenced under the Act.		
When the total Quantity allowed for use during the year—		
(i) does not exceed 1,000 quintals	100	..
(ii) exceeds 1,000 quintals but does not exceed 5,000 quintals.	500	..
(iii) exceeds 5,000 quintals	1,000	..
(b) for <i>bona fide</i> industrial purpose in a factory as defined in the Factories Act, 1948;	100	..
(c) for <i>bona fide</i> industrial purpose in any other industrial concern;	50	..
(d) for <i>bona fide</i> scientific agricultural, educational or medicinal purpose;	50	..
(e) <i>bona fide</i> domestic use such as for food or fodder for cattle, by a member of a Scheduled Tribe;	2	..
(f) <i>bona fide</i> domestic use such as use for food or fodder for cattle by any other person;	5	..
(B) The scales of fees in respect of licences for the sale of Mhowra flowers granted to a person who has lawfully collected or purchased them for the purpose of sale but who is not the owner of trees of which the said flowers are the produce;		
When the total quantity allowed for sale during a year—		
(a) does not exceed 500 quintals	300	100
(b) exceeds 500 quintals but does not exceeds 1,500 quintals	500	100
(c) exceeds 1,500 quintals	1,000	100
(C) The scales of fees in respect of licences for the sale of Mhowra Flowers granted to the owner thereof who is also the owner of trees of which the said flowers are the produce;		
When the total quantity allowed for sale during a year—		
(a) does not exceed 100 quintals	75	..
(b) exceeds 100 quintals but does not exceeds 500 quintals	300	100
(c) exceeds 500 quintals but does not exceed 1,500 quintals.	500	100
(d) exceeds 1,500 quintals	1,000	100

Provided that the fee in respect of a licence for the sale of Mhowra Flowers granted to a recognized body shall be rupees fifty”]

<sup>1</sup> Subs. by G. N. of 16-3-1988.

**{17} G.N.,R.D. No. 5735/49 dated 27<sup>th</sup> June 1950.****(B.G., Pt. IV-B, p. 1450)***Amended by G.N.,R.D.,No. 10800/45, dated 14<sup>th</sup> April 1964**Amended by G.N.,—D.,No. BPA. 1059/53336-III, dated 30<sup>th</sup> November 1961.*

In exercise of the powers conferred by section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Order, Revenue Department, No. 10800/45, dated the 23<sup>rd</sup> May 1949, the Government of Bombay is pleased to make the following order, namely:-

1. No licence for the possession of mhowra flowers exceeding the prescribed limit in weight under sub-section (2) of section 60 of the said Act shall be granted to any person other than -

- (a) a person in charge of a distillery licensed under the said Act for his use in distillation.
- (b) a person requiring Mhowra Flowers for use for *bona fide* industrial, agricultural, scientific, medicinal, educational or domestic purpose; or
- (c) an owner of Mhowra Flowers which are the produce of trees, belonging to such owner.

2. (1) No licence for the sale of Mhowra Flowers exceeding the prescribed limit in weight under sub-section (2) of section 60 of the said Act shall be granted to any person other than-

- (a) a person who has lawfully collected or purchased Mhowra flowers for the purpose of sale.
- (b) an owner of Mhowra Flowers which are the produce of trees belonging to such owner, or
- (c) a recognized body.

2. Such licences shall not be granted except for sale to persons -

- (i) holding a licence for possession or sale of Mhowra flowers; or
- (ii) holding a pass for the export of Mhowra flowers.

*Explanation* – In this order, the expression “recognized body” means a person or a body of persons or an institution, whether incorporated or not, recognised by the 1[Commissioner of Prohibition and Excise], Bombay, for the purpose of this Order.

**{18} G.N.,R.D., No. 10800/41, dated 11<sup>th</sup> December 1951**

In exercise of the powers conferred by the second proviso to sub-section (1) of section 60 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to direct that a pass shall be necessary for the transport by rail of any quantity of Mhowra Flowers exceeding one Bengal maund through any area which has no vacation period or the vacation period of which has expired at the time when the transport takes place.

**{19} G.N.,R.D., No. 1048/45, dated 17<sup>th</sup> February 1953****(B.G.Pt. IV-B, p.370)**

*Amended by G.N.H.D., No. M.F.L. 1259/146159-III, dated 3<sup>rd</sup> December 1960 (M.G., P. IV-B, p. 365)*

In exercise of the powers conferred by sub-section (1) of section 143 of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), and in supersession of the Government Notification, Revenue Department, No. 10484/45 (i), dated 16<sup>th</sup> June 1949, the Government of Bombay is pleased to make the following rule, namely:-

The prescribed limit in weight for the purpose of sub-section (2) of section 60 of the said Act shall be five seers (each seer being equal to 80 tolas):

<sup>1</sup>[Provided that, for a period of one year commencing on the 1<sup>st</sup> December 1960, the prescribed limit in weight for purposes of collection, transport or possession of Mhowra flowers shall, in the case of a person residing in any area of the Bhandara District (such area not being within the limits of any municipality constituted under the Central Provinces and Berar Municipalities Act, 1922) and possessing a pair of bullocks for agricultural operations, be five Bengali maunds.

*Explanation* – For the purposes of this rule, if a question arises whether the bullocks are possessed for agricultural operations or not, the decision of the Collector of Bhandara on the question shall be final.

**{20} THE BOMBAY PROHIBITION (MHOWRA FLOWERS)****(PRESCRIBED LIMIT IN WEIGHT) RULES, 1963****G.N., H.D., No. MFL-1062/35280 (a)-III, dated 13<sup>th</sup> May 1963****(M.G., Pt. IV-B, p.608)**

*Amended by G.N., H.D., No. BPA.0876/836-PRO-3, dated 9<sup>th</sup> June 1981 (M.G., Pt. IV-B, p.466)*

In exercise of the powers conferred by sub-section (1) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the said section 143:-

1. *Short title* – These Rules may be called the Bombay Prohibition (Mhowra Flowers) (Prescribed Limit in Weight) Rules, 1963.

2. *Limit for purposes of section 60 (2)* – The prescribed limit in weight for the purpose of sub-section (2) of section 60 of the Act shall be five kilograms :

<sup>2</sup>[Provided that, such prescribed limit shall be twenty-five kilograms in respect of tribals residing in the tribal areas of the State specified in column 2 of the Schedule hereto annexed and who distill or brew their own local traditional drinks from Mhowra Flowers, specified in column 3 thereof, for the purpose of consumption, use or offering or distribution of the liquor for mutual accommodation for personal and social purposes but not for commercial purpose:

Provided further that, if any such tribal possesses Mhowra Flowers more than twenty-five kilograms but not exceeding seventy-five kilograms he shall make a declaration of the exact quantity possessed by him to the Gram-Panchayat of his village.

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1 Added by G.N. of 3-12-1960.

2 Added by G.N. of 9-6-1981.

## SCHEDULE

District	Name of the Tribal Area	Name of drink
(1)	(2)	(3)
Thane	Mokhada Tahsil – Talasari Tahsill (excluding the area Borigaon Terf Deheri). Jawhar Tahsil (excluding the following areas):- Jawahar Municipal Council, Shil, Aпти Khurd, Shelpada.	Bevada or Rasi distilled or brewed from Mhowra Flowers and dried skins of mosambi and other fruits.
Nashik	Surgana Tahsil (excluding Surgana), Peint Tahsil (excluding the area within the limits of the village Panchayat of Peint).	Gawthi daru distilled or brewed from Mhowra Flowers.
Dhule	Nawapur Tahsil (excluding the following areas):- Nawapur, Khandbara, Chinchpada, Taloda Thasil (excluding the following areas):- Taloda Municipal Council, Halapur, Chinode, Ranzani, Pratapur, Taide, Mhide, Gondale, Astetarfe Borad, Mod. Morwad, Kharwad, Khedle. Akkalkuwa Tahsil (excluding the following areas):- Akkalkuwa, Pimpalkhita, Barisurgas, khodasbara Katsakhai, Kolvi Khapur, Akkalkuwa Khd., Vanyvavihir Khd. Akrani Tahsil (excluding following areas) :- Goradi, Borsisa, Kumbhari, Shikka, Numgavhan, Kukalat.	Horo distilled or brewed from Mhowra Flowers.
Amravati	Melghat Tahsil (excluding following areas):- Dharni and chikhaldia hill Station Municipal Council, Salona, Masondi, Ghatang, Shapur, Lawanda, Baire, Churni (F.V.) Aladoh, Motha, Chikhali, Belkund, Churni, Palaspani, Gangarkheda. Jalida, Jira, Kakadhari, Pipadari, Kulgana Bk., Wastapur, Chinchakheda, Kalamkhar, Dharni, Kusumkot Bk., Ghutiya, Dhodra, Tatra, Dadara, Ranugaon, Golai, Mokkheda, Shivazari, Dudhane, Bairgad, Kotha Harisal, Kot, Chithari.	Siddu Liquor distilled or brewed from Mhowra Flowers.
Chandrapur	Scheduled areas of Sironcha Tashil (excluding the following areas):- Alapalli, Aheri, Sironcha, Umanur, Kannepalli, Kamalapur, Gundapuri, Charpall, Chinchgundi Kh., Diddvi, Nagopalli M., Pusakpalli, Bramhanpalli, Birhandgjat, Marpalli, Mahagaon BK., Pirmali Modumadga, Moduamtura, Yedampalli, Etapalli, Yechali, Yeleram, Wenkatapur S., Wenkatrao Peeta, Sundamagudam Sewari S., Welgur. Scheduled areas of Gadchiroli Tahsil excluding the following areas:- Andhali (near Gurunuli), Antargaon, Bethkathi (near Zaparagar), Gewardha, Gilgaon, Gothangaon, Botekasa, Chincholi, Chikhali, Chetakanhar, Dewoolgaon (near Gunjanwadi), Dhanora, Dhanegaon, Dhanori, Dongargaon, (near Sonsor) Dudhamala, Jalher, Jambhurkheda Jambhali (near Ranmul), Jogana, Joshitola, Kaneri, Karwapa, Khanargaon (Kakadyeli), Kharri, Khedegaon, Khedegaon (near Katantola), Kharadi, Kochinara, Koregaon, Kumbhitola, Kurkheda, Malewada, Mareda, Mendhatola Michgaon (near Kachakal), Mohargaon (near Pulakhal), Mohali, Murmuri, Navargaon (near Yeraadi), Navegaon (Pathargota), Palasgaon (near Kharanji), Pandribhatal, Pekinmurza, Pendhari, Pipalgaon, Pisewaddha, Potegaon, Pulkhal, Rajoli, Kajkoli (near Rotegaon), Rampur, Rangi, Sindewahi, Talegaon, Tekabedal, Thakri, Umari, Yengalkheda, Yerkadi.	Mhowra, Shindi, Toddy and Goraga liquor distilled or brewed from Mhowra Flowers or juice Shindi, Toddy or Goraga trees.

*Explanation* – In this schedule, the expression “Scheduled area” means the area declared to be a scheduled area by the president under the scheduled Areas (Part A States) Order, 1950 made under sub-paragraph (1) of paragraph 6 of the Fifth Schedule to the constitution of India.

**{21} G.N.,H.D.,No. MFL., 1171-XXIX-PR, dated 13<sup>th</sup> May 1976****(M.G., Pt. IV-B, p. 636)**

*Amended by G.N.,H.D., No. MFL.1171-XXIX-PR, dated 30<sup>th</sup> October 1976 (M.G.,Pt. IV-B, p.1369).*

*Amended by G.N.,H.D., No. MFL. 0280/2461-PRO-3, dated 2<sup>nd</sup> December 1980 (M.N., Pt.IV-B, P.1655).*

*Amended By G.N., H.D. No. MFL. 0280/2461-PRO-3, dated 29<sup>th</sup> April 1981 (M.G.Pt.IV-B,p.1046, sub-page 366).*

In exercise of the powers conferred by the first proviso to sub-section (2) of section 60 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby notifies, with effect from the 1<sup>st</sup> day of June 1976 and in supersession of Government Notification, Home Department, No. MFL., 1171-III dated the 26<sup>th</sup> March 1976, the areas specified in column 1 of the schedule hereto within which and the periods respectively specified against them in column 2 of the said schedule as the periods during which, no licence, permit or pass shall be necessary for the collection, transport, sale, purchase or possession of any quantity of Mhowra Flowers which shall be the produce of that year and of that area.

**SCHEDULE**

Area (1)	Period (2)
1. Dhule District	1 <sup>st</sup> March to 31 <sup>st</sup> May (both days inclusive) in each year.
2. Jalgaon District	
3. Baglan and Kalwan Talukas and Peint and Surgana Mahals of Nasik District	
4. Sudhagad Peta and Karjat Talukas of Kulaba District.	
5. Aurangabad District	
6. Nanded District	
7. Parbhani District	
8. Udgir and Ahemdpur Talukas of Osmanbad District	
9. Nagpur District except Ramtek and Umrer Talukas.	
10. Akola District	
11. Buldhana District	
12. Amravati District except Melghat Taluka.	
13. Yavatmal District except Yevatmal, Wani and Kelapur Taluka.	
14. <sup>1</sup> * * * *	
15. Melghat Taluka of Amravati District	16 <sup>th</sup> February to 30 <sup>th</sup> September (both days inclusive) in each year.
16. Bhandara District	
17. Chandrapur District	
18. Ramtek and Umrer Talukas of Nagpur District	15 <sup>th</sup> March to 30 <sup>th</sup> April (both days inclusive in each year]
19. Yevatmal, Wani and Kelapur Talukas of Yevatmal District	
<sup>2</sup> [20. Thana District.	

<sup>3</sup>[Provided that, in respect of the year 1981, the period shall be 15<sup>th</sup> March 1981 to 30<sup>th</sup> June 1981 (both days inclusive)].

<sup>1</sup> Deleted by G.N. of 30-10-1976.

<sup>2</sup> Added by G.N. of 2-12-1980.

<sup>3</sup> Added by G.N. of 29-4-1981.

**{22} G. O. H. D. No. MFL 1196-14-Exc-3, dated 27<sup>th</sup> August, 1997**

In exercise of the powers conferred by clause (b) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby directs that no pass in form MF-VI for import of Mhowra Flowers prescribed by the Bombay Mhowra Flowers Rules, 1950, shall be granted by the Collector without the prior approval of the Commissioner of State Excise, Maharashtra State, Mumbai.

**CHAPTER IV-Neera****THE BOMBAY NEERA. RULES, 1951****(23) G. N., R. D. No. 3838/45, dated 26th June 1951 (B.G., Pt. IV-B, p. 1796)**

- (1) Amended by G. N., R. D. No. NRA. 1053-dated 8th December 1953 (B. G., Pt. IV-B p. 2504).
- (2) Amended by G. N., R. D. No. NRA. 1154-dated 9th July 1955 (B. G., Pt. IV-B p. 1426)
- (3) Amended by G. N., R. D. No. NRA. 2060/2308-J dated 1st March 1960 (B. G., Pt. IV-B, p. 251).
- (4) Amended by G. N., II. D. No. NER. 1062/28207-III, dated 14th March 1963 (M. G., Pt. IV-B, p. 366).
- (5) Amended by G. N., II. D. No. NER. 1162/56352-III, dated 30th April 1963 (M. G., Pt. IV-B, p. 484).
- (6) Amended by G. N., II. D. No. BPA. 1059/55336-III, dated 25th July 1963 (M. G., Pt. IV-B, p. 1239).
- (7) Amended by G. N., II. D. No. NER. 1062/46095-III, dated 30th January 1965 (M. G., Pt. IV-B, p. 520).
- (8) Amended by G. N., II. D. No. NER. 1162/56352-III, dated 6th May 1965 (M. G., Pt. IV-B, p. 1035).
- (9) Amended by G. N., II. D. No. NER. 1465/80972-III, dated 19th April 1967 (M. G., Pt. IV-B, p. 1213).
- (10) Amended by G. N., II. D. No. NER. 1468-III, dated 7th February 1969 (M. G., Pt. IV-B, p. 207).
- (11) Amended by G. N., II. D. No. NER. 1068-III, dated 25th February 1970 (M. G., Pt. IV-B, p. 542).
- (12) Amended by G. N., II. D. No. NER. 1867/617941-III, dated 4th January 1972 (M. G., Pt. IV-B, p. 166).
- (13) Amended by G. N., II. D. No. NER. 1070/1753-III, dated 4th January 1972 (M. G., Pt. IV-B, p. 167).
- (14) Amended by Corrig., II. D., No. NER. 1068-III, dated 10th April 1972 (M. G., Pt. IV-B, p. 677).
- (15) Amended by G. N., II. D. No. NER. 0273/3-III, dated 9th October 1974 (M. G., Pt. IV-B, p. 1130).
- (16) Amended by G. N., II. D. No. NER. 0279/100/PRO-3, dated 16th January 1980 (M. G., Pt. IV-B, p. 95).
- (17) Amended by G. N., II. D. No. NER. 0279/100/PRO-3, dated 11th September 1981 (M. G., Pt. IV-B, p. 1965).
- (18) Amended by G. N., II. D. No. NER. 0279/100/4859/PRO-3, dated 14th March 1984 (M. G., Pt. IV-B, p. 346).

- (19) Amended by G. N., H. D. No. NER. 0881/139(1)PRO-3, dated 12th June 1984 (M. G., Pt. IV-B, p. 924).
- (20) Amended by G. N., H. D. No. NER. 0285/1/PRO-3, dated 5th December 1985. (M. G., Pt. IV-B, p. 2894).
- (21) Amended by G. N., H. D. No. 0285/1/PRO-3, dated 15th April 1989. (M. G., Pt. IV-B, p. 543).
- (22) Amended by G. N., H. D. No. NER. 0285/1/PRO-3, dated 16th February 1991. (M. G., Pt. IV-B, p. 317).
- (23) Amended by G. N., H. D. No. NER. 0265/1/EXC-3, dated 12th October 1992. (M. G., Pt. IV-B, p.).
- (24) Amended by G. N., H. D. No. NER. 0285/1/EXC-3, dated 7th February 1994. (M. G., Pt. IV-B, p. 294).

In exercise of the powers conferred by Section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification in the Revenue Department No. 3838/45, dated the 21st January 1949, the Government of Bombay is pleased to make the following rules, namely :

1. *Short title.*—These rules may be called the Bombay Neera Rules, 1951.
2. *Definitions.*—In these rules, unless there is anything repugnant in the subject of context,—
  - (a) “Act” means the Bombay Prohibition Act, 1949;
  - (b) “Form” means a form appended to these rules;
  - (c) “Inspector of Prohibition and Excise” includes a <sup>1</sup>[Sub-Inspector of Prohibition and Excise in charge of a taluka, Tahsil, Petha or Mahal] or any other officer specially appointed for the purpose;
  - (d) “licence” means a licence granted under these rules;
  - <sup>2</sup>[(da) “Neera of standard quality” means the Neera which is—
    - (i) transparent,
    - (ii) syrupy,
    - (iii) sweet in smell and taste,
    - (iv) without the slightest foam on its surface,
    - (v) without any tings, and
    - (vi) without any acid or alcoholic fermentation;]
  - (e) “tree” means a neera-producing tree.
3. *Application for licence.*—Any person desiring,—
  - (i) to tap trees and draw neera therefrom—
    - (a) for the manufacture of gur or any other article which is not an intoxicant, or
    - (b) for the supply of neera—
      - (i) to persons licensed to manufacture gur or any other article which is not an intoxicant from neera ; or
      - (ii) to persons licensed to sell neera by retail for consumption on premises, or

<sup>1</sup> Subs. by G. N. of 25-7-1963.

<sup>2</sup> Ins. by G. N. of 14-3-1963.



(c) for domestic consumption with the prior permission of the <sup>1</sup>[Commissioner of Prohibition and Excise;]

(ii) to sell neera by retail for consumption on premises, may make an application in the form appended hereto for a licence to the Collector at least one month before the date of tapping a tree or the sale of Neera, as the case may be. An application for tapping trees situated on any Government land shall be accompanied by a certificate from the Government Department concerned to the effect that the applicant has been granted permission to tap the trees. The Collector may either grant or refuse the licence. In case of refusal, the Collector shall record his reasons in writing for refusing the licence. If the Collector decides to grant a licence, he shall issue the same in the appropriate form ordinarily within one month from the date of the receipt of the application; but he may for any special reasons to be record by him in writing issue the same after the expiry of the said period.

3A <sup>2</sup>\* \* \* \* \*

4. *Period of licence.*—A licence shall ordinarily be granted for a period of one year from the 1st day of July to the 30th day of June next following (both days inclusive) :

Provided that, the licence granted on a date subsequent to the 1st day of July shall be granted only for the period from such date to the 30th day of June next following.

5. <sup>2</sup>\* \* \* \* \*

6. *Place of manufacture or of sale.*—(1) The manufacture of gur or any other article which is not an intoxicant shall be carried on at the place specified in the licence (hereinafter called “the place of manufacture”). Neera shall be sold at the place mentioned in the licence (hereinafter called “the place of sale”). The licensee shall not tap any trees in excess of the number which he is licensed to tap.

(2) No licence for the taping of trees beyond a radius of half a mile from the place of manufacture shall be granted :

Provided that, the Collector may in his descretion grant licence for the tapping of trees beyond such radius if he is satisfied that for any special reasons such licence is necessary.

7. *Ineligibility for licence.*—No licence to tap trees and draw, supply or sell neera shall be issued to any one who holds or has any direct or indirect interest in any toddy shop or booth.

8. *Condition of tapping.*—No tree, which is less than <sup>3</sup>[152 cms.] in height from the ground level, shall be tapped nor neera drawn therefrom. No tree shall be tapped nor shall any pot be attached to any tree for the purpose of drawing neera therefrom until the licence therefor has been issued and until the trees have been marked and numbered by the licensee in the manner specified in Rule 9. Juice from any coconut, brab, date or any kind of palm tree shall not be drawn except in receptacle. Such receptacle before it is used for drawing and collecting neera shall be washed with a freshly prepared solution of permanganate of potash and water. After it is so washed it shall be washed again with pure water in order to make it absolutely clean. After the receptacle is washed and rewashed as provided above, fresh milk of lime shall be put in such receptacle in the proportion of 3 cubic centimetres for every <sup>3</sup>[900 ml.] of neera to be drawn therein.

1 Subs. by G. N. of 25-7-1963.

2 Deleted by G. N. of 4-1-1972.

3 Subs by G. N. of 14-3-1963.



*Explanation.*—In this rule—

(i) “milk of lime” means the solution of water and pulp of quicklime in the proportion of 4:1; and

(ii) “pulp of quicklime” means the pulpy precipitate obtained by the gradual addition of water to quicklime.

9. *Making and numbering of trees.*—(1) No tree shall be tapped unless it is marked by blue with <sup>1</sup>[23 cms.] square in which shall be prominently painted in white the number of the tree, the licence year and the appropriate figures as provided in sub-rule (2). The marking and numbering should be at a height of <sup>1</sup>[76 cms.] measured from the bottom of the tree, and on the northern or southern side of the trunk of the tree as the tapping will be done on the eastern or western side of the crest of the trees :

<sup>2</sup>[Provided that, the marking and numbering on a coconut, palmyra or brab tree may be on any side of the trunk of the tree].

(2) The licensee shall paint the figures specified in column (2) of the table below according as the tree is intended to be tapped for any of the purposes specified against them in column (1) of the said table.

*Table*

(1)	(2)
Manufacture of gur or any other article which is not an intoxicant	.. I
Domestic consumption	.. .. II
Sale of Neera	.. .. III
Supply of Neera	.. .. IV

10. <sup>3</sup>[*Authorisation Certificate.*].—<sup>4</sup>[(1)] Every agent or tapper employed by the licensee in connection with his licence shall be provided with an <sup>5</sup>[authorisation certificate] signed and dated by the licensee. The name of such employee together with the date on which he is appointed shall be communicated forthwith in writing by the licensee to the Inspector of Prohibition and Excise having charge of the area in which the place of manufacture or place of sale, as the case may be, is situated. <sup>5</sup>[Within two months of the date of appointment of such employee, the licensee shall get such <sup>3</sup>[authorisation certificate] countersigned by the said Inspector of prohibition and Excise and if he fails to do so, such <sup>3</sup>[authorisation certificate] shall cease to be valid. No <sup>3</sup>[authorisation certificate] shall be issued to any person under 21 years of age, and no such <sup>3</sup>[authorisation certificate] if issued shall be valid.

(2) Notwithstanding anything contained in the Bombay Prohibition (Privileges Fees) Rules, 1954, no fee shall be chargeable for any <sup>3</sup>[authorisation certificate] issued by a licensee holding a licence for any of the purposes specified in <sup>3</sup>[rule 31].

11. *Time.*—No neera shall be drawn or lowered down from trees <sup>3</sup>[before 4-00 a.m. or after sunset,] unless otherwise sanctioned by the Commissioner of Prohibition and Excise.

12. *Use of Neera.*—No neera drawn from trees tapped under a licence and intended to be utilised in the manufacture of gur or any other article which is not an intoxicant shall be kept at the place of manufacture <sup>6</sup>[beyond the day on which it is drawn unless it is kept in cold storage under the temperature at or below 4°C or unless] it is boiled and no such boiled neera shall be kept for more than 24 hours from the time it is boiled.

13. *Transport of Neera.*—Neera drawn under the licence shall not be mixed or adulterated with toddy or <sup>6</sup>[any substance or liquid which is injurious to human health

1 Subs. by G. N. of 14-3-1963.

3 Subs by G. N. of 1-3-1960.

5 Added, *ibid.*

2 Added by G. N. of 25-2-1970.

5 Ins. by G. N. of 9-7-1955.

6 Subs. by G. N. of 25-2-1970.

which is likely to cause fermentation in the neera] or taken to any place except under a valid transport pass :

Provided that, no such pass shall be necessary to the holder of a licence in Form N-II for the removal of the neera drawn by him from the licensed trees to the place of his residence.

14. *Inspection of trees.*—Any person tapping trees for drawing neera under these rules shall bring down the receptacles attached to any of the trees so tapped for inspection on demand by any officer of the Prohibition and Excise, Revenue or Police Department, above the rank of a constable.

<sup>1</sup>[15. (1) *Registers.*—A person holding a licence in Form N-I, N-III and N-IV shall maintain registers in Forms—

N=I	N=III		N=IV
—	—	and	—
R	R		R

respectively and write therein true accounts from day today of all neera transactions :

(2) A person holding a licence in Form N-IV shall also maintain a register of persons holding a licence in Form N-I and N-III and neera supplied to them from day to day in Form N-IV/NR.

(3) The pages of registers maintained under sub-rules (1) and (2) above shall be serially numbered and sealed with the seal of the Mamlatdar or Mahalkari, Tahsildar or Naib-Tahsildar.

(4) A person holding a licence in Form N-I, N-III or N-IV shall submit to the local Inspector of Prohibition and Excise not later than the 7th of each month, monthly returns in Forms N-I/S, N-III/S and N-IV/S respectively showing the abstract of all neera transactions for the preceding month.]

16. *Inspection of the place of Manufacture or sale.*—The place of manufacture or the place of sale as well as the registers shall be open to inspection by any officer of the Prohibition and Excise Department not lower in rank than that of a Sub-Inspector or any other officer or person duly authorised in this behalf. The officer or the authorised person shall record his observations in the inspection book maintained by the licensee.

17. *Penalty.*—In the event of any breach of any of the provisions of these rules or of any of the terms or conditions of the licence granted under these rules, the licence shall be liable to be cancelled or suspended under section 54 or 56 of the Act, without prejudice to any penalty to which the licensee may be liable under the said Act or any other law for the time being in force.

#### FORM N-I

*Licence for the tapping of neera-producing trees and drawing neera therefrom for the manufacture of gur or any other article which is not an Intoxicant*

(No fee leviable)

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions of this licence to Shri ..... (hereinafter called "the licensee") residing at ..... authorising him during

<sup>1</sup> Subs. by G. N. of 14-3-1963.

the period commencing from ..... to .....  
 (both days inclusive) to tap and draw neera for the manufacture of gur or any other article  
 which is not an intoxicant at ..... (hereinafter called “the  
 place of manufacture”) from the trees specified in the Schedule hereinafter appended  
 (hereinafter referred to as “the said trees”) growing within the limits of the village of  
 ..... in <sup>1</sup>[taluka/tahsil] ..... of  
 ..... the district of ..... and in the  
 survey numbers specified in the said Schedule.

This licence is granted subject to the following conditions, namely;

*Conditions*

1. The licensee shall not tap any trees other than the said trees nor shall he allow any  
 neera drawn under this licence to ferment.

2. Each of the said trees shall be marked and numbered at the expense of the licensee  
 either by the licensee or by any agent duly authorised by him in this behalf in the manner  
 specified in rule 9 of the Bombay Neera Rules, 1951. The licensee shall not tap or cause  
 to be tapped any of the said trees or draw or cause to be drawn neera therefrom until the  
 said trees are marked and numbered as aforesaid. Juice from any coconut, brab, date or  
 any kind of palm tree shall not be drawn except in a receptacle. Such receptacle before  
 it is used for drawing and collecting neera shall be washed with a freshly prepared  
 solution of permanganate of potash and water. After it is so washed it shall be washed  
 again with pure water in order to make it absolutely clean. After the receptacle is washed  
 and rewashed as provided above, fresh milk of lime shall be put in such receptacle in the  
 proportion of 3 cubic centimetres for every <sup>2</sup>[900 ml.] of neera to be drawn therein.

*Explanation.*—In this condition—

(i) “Milk of lime” means solution of water and pulp of quicklime in the proportion of  
 4:1; and

(ii) “pulp of quicklime” means the pulpy precipitate obtained by the gradual addition  
 of water to quicklime.

3. The licensee shall convey the entire quantity of the neera drawn by him from the  
 said trees under this licence to the place of manufacture by a direct route and to no other  
 place.

<sup>3</sup>[4. No neera shall be kept at the place of manufacture beyond the day on which it is  
 drawn unless it is kept in cold storage under the temperature at or below 4°C or unless it’s  
 boiled, and no such boiled neera shall be kept for more than 24 hours from the time it is  
 boiled.]

5. The licensee shall carry on the business either personally or by an agent duly  
 authorised by him in this behalf by written <sup>4</sup>[authorisation certificate] signed by himself.  
 The name of each agent and the date of his appointment shall be communicated forthwith  
 in writing by the licensee to the Inspector of Prohibition and Excise having charge of the  
 area in which the place of manufacture is situated. The licensee shall be responsible for  
 the breach of any of the conditions of this licence by any persons so authorised.

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1. Subs. by G. N. of 25-7-1963.  
 2. Subs. by G. N. of 14-5-1963.  
 3. Subs. by G. N. of 25-2-1970.  
 4. Subs. by G. N. of 11-3-1960.

6. The licensee shall abide by the conditions of the licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

7. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licence, in case of sale or transfer, or the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

8. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

#### SCHEDULE

*Particulars of Trees in respect of which the licence is granted*

Village and Survey No.	Description of field or garden	No. and kind of trees licensed to be tapped Coconut, Brab, Date, Sago Palm	Remarks
(1)	(2)	(3)	(4)

Granted this                      day of                      19                      .

Seal of the  
Collector

Collector.

**FORM N-II***Licence to tap Neera-producing Trees and draw Neera therefrom for Domestic Consumption*

(No fee leviable)

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions of this licence to Shri ..... (hereinafter called "the licensee") residing at ..... authorising him during the period commencing from ..... to ..... (both days inclusive) to tap for and draw neera from the ..... trees specified in the Schedule hereinafter appended (hereinafter referred to as "the said trees") growing within the limits of the village of ..... in the <sup>1</sup>[taluka/ tahsil] of ..... and in the Survey Number specified in the said Schedule for the purpose of using the neera for domestic consumption only by the licensee and the persons of his household.

This licence is granted subject to the following conditions, namely;

*Conditions*

1. Each of the said trees hereby licensed to be tapped shall be marked and numbered by the licensee at his own expense in the manner specified in the Bombay Neera Rules, 1951. The licensee shall not tap or cause to be tapped any of the said trees or draw or cause to be drawn neera therefrom, until the said trees shall have been marked and numbered as aforesaid.

The licensee shall not tap, or cause to be tapped or draw neera from any trees not licensed to be tapped by him. Juice from any coconut, brab, date or any kind of palm tree shall not be drawn except in a receptacle. Such receptacle before it is used for drawing and collecting neera shall be washed with a freshly prepared solution of permanganate of potash and water. After it is so washed it shall be washed again with pure water in order to make it absolutely clean. After the receptacle is washed and rewashed as provided above, fresh milk of lime shall be put in such receptacle in the proportion of 3 cubic centimetres for every 900 ml. of neera to be drawn therein.

*Explanation.*—In this condition—

(i) "milk of lime" means solution of water and pulp of quick-lime in the proportion of 4:1; and

(ii) "pulp of quicklime" means the pulpy precipitate obtained by the gradual addition of water to quicklime.

2. The licensee shall convey the entire quantity of the neera drawn by him under this licence to his place of residence by a direct route. The licensee shall not draw neera from the said trees <sup>2</sup>[before 4.00 a.m.] or after sunset and shall not convey the neera from the said trees after sunset. The licensee shall not convey or allow to be conveyed any neera drawn under this licence, to any place other than his place of residence. He shall use such neera only for the purpose of domestic consumption and shall not sell or supply neera to others. The unconsumed balance of neera may be used for the manufacture of gur or any other article which is not an intoxicant before it is fermented. Neera which is fermented shall be destroyed forthwith. No Neera shall be kept till the day following that on which it is drawn unless it is boiled, provided that no such boiled neera shall be kept for more than 24 hours.

<sup>1</sup> Subs. by G. N. of 25-7-1963.

<sup>2</sup> Subs. by G. N. of 1-3-1960.

3. The licensee shall not sell neera to anybody, nor shall he give it to anybody except to a person belonging to his household for such person's personal consumption only.

4. The licensee may, by a written <sup>1</sup>[authorisation certificate] signed by him, authorise any other person to tap the trees hereby licensed and to transport the neera drawn from them. The licensee shall communicate such person's name and date of his appointment to the Inspector of Prohibition and Excise having charge of the area in which the said trees are situated.

5. The licensee shall abide by the conditions of the licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

6. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licence, in case of sale or transfer or the heir or legal representative or the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

7. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

*Explanation.*—For the purposes of this licence, a household shall mean a group of persons residing and messing jointly as the members of one domestic unit.

*Schedule*

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No. and kind of trees to the tapped	No. and situation of part of Plantation/Village	No. of part of Plantation/Survey No.	Owner's name
(1)	(2)	(3)	(4)

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Granted this ..... day of ..... 19 .. .

Seal of the Collector

Collector.

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<sup>1</sup> Subs. by G. N. of 1-3-1960.

## FORM NA-III

1\* \* \* \* \*

## FORM N-III

*Licence for the retail sale of neera for consumption on premises*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions of this licence to Shri ..... (hereinafter called "the licensee") residing at .....<sup>1\*</sup> \* \* \* authorising him during the period commencing from..... to ..... (both days inclusive) to sell neera by retail for consumption on his premises situated at ..... (hereinafter called "the said place of sale").

This licence is granted subject to the following conditions, namely :

*Conditions*

1. The licensee shall not sell or keep for sale neera unless—

<sup>2</sup>[(i) it is neera of standard quality;]

(ii) it has been obtained from a supplier approved and licensed by the Collector and at a rate not exceeding that <sup>2</sup>[prescribed by the Government] from time to time under the Act.

2. The licensee shall not keep, sell or expose for sale neera, which has begun to ferment or <sup>3\*</sup> \* \* \* \* \*<sup>4</sup>which is adulterated.

The licensee shall forthwith destroy all neera which is not in accordance with the standard prescribed and he shall not be entitled to any compensation therefor.

<sup>4</sup>["3. The licensee shall sell Neera at a rate not exceeding—

(i) Rupees 3.00 per 200 millilitres in the areas within the limits of Municipal Corporation and in the areas within the limits of Municipal Council of Lonavala and of the Hill Stations of Matheran and Mahabaleshwar.

(ii) Rupees 2.50 per 200 millilitres in any other areas in the State".]

4. The licensee shall not keep or store neera in any place other than the said place of sale nor shall he allow anyone to remove any quantity of neera from the said place.

Provided that the unsold neera may be removed to the place of manufacture of gur or any other article which is not intoxicant (if a separate place is approved for the purpose) and stored thereafter it is boiled, in the manner prescribed :

<sup>5</sup>[Provided further that, the licensee, may under a transport pass, remove neera to any other place of sale in respect of which a licence in Form N-II is granted.]

5. The licensee shall not stock or sell neera in a fermented state.

<sup>6</sup>[6. No neera shall be sold or served <sup>7</sup>[outside the said place of sale, except in such quantities at a time as does not exceed the quantity of neera which the State Government

1 Deleted by G. N. of 4-1-1972.

3 Deleted by G. N. of 25-2-1970.

5 Added by G. N. of 25-2-1970.

7 Subs. by G. N. of 12-6-1984.

2 Subs. by G. N. of 14-3-1963.

4 Subs. by G. N. of 7-2-1994.

6 Subs. *ibid.*

may direct that any person may possess and transport without any one hour before sunrise and after sunset at any other place of sale. No neera which is not of standard quality or which is fermented shall be sold. The unsold balance or neera may be used for manufacture of gur or any other article, which is not an intoxicant before it is fermented. Neera which is fermented shall be destroyed forthwith. No neera shall be kept beyond the day on which it is received at the place of sale, unless it is preserved in good condition in cold storage under the temperature not exceeding 16°C or unless it is boiled and no such boiled neera shall be kept for more than 24 hours from the time it is boiled.]

7. The licensee shall be bound to supply at his cost sample of neera, received or sold by him whenever required for analysis. The result of the analysis shall be binding on him for the purposes of dealing with him, either under the conditions of this licence or under the Bombay Prohibition Act, 1949 or Rules framed thereunder.

8. The licensee shall provide himself with all the requisite receptacles, vessels, containers and glasses and standard measures of such metal and capacity as may be prescribed by the Commissioner of Prohibition and Excise. All the copper and brass pots used in the storage or selling shall be properly tinned from inside and kept clean.

9. This licence shall be huge up in a conspicuous position in the said place of sale and a sign-board of the size and description specified by the Commissioner of Prohibition and Excise shall be affixed on the outside of the said place of sale. On such sign-board the following words in the regional language of the district and in Hindi shall be painted :  
“LICENSED TO SELL NEERA BY RETAIL”.

10. The licensee shall enter every day in the book of the supplier the quantity of neera received by him daily from such supplier and shall sign his name under such entry in token of his having received such quantity of neera. Similarly, the licensee shall enter such quantity in the book maintained by him and obtain below such entry the signature of the supplier or his authorised agent in token of his having supplied such quantity of neera.

11. The licensee shall not sell neera except at the premises previously approved by the Collector. Such premises, all stocks of neera contained therein and all accounts relating to the sale of neera shall, at all reasonable times, be open to inspection by an officer of the Prohibition and Excise Department not below the rank of a Sub-Inspector or any other officer or person duly authorised in this behalf.

12. The licensee shall maintain such accounts as may be prescribed by the Commissioner of Prohibition and Excise under the Act. He shall also maintain a visit-book serially pagged for the remarks of the inspecting officers.

13. The licensee shall submit returns as may be prescribed by the Commissioner of Prohibition and Excise under the Act.

14.           <sup>1</sup>\*           \*           \*           \*           \*           \*

15. The licensee shall carry on the business whether personally or by an agent duly authorised by him in this behalf, by a written <sup>2</sup>[authorisation certificate] signed by himself. The name of each agent and the date of his appointment shall be communicated forthwith in writing by the licensee to the Inspector of Prohibitions and Excise having charge of the area in which the said place of sale is situated. <sup>3</sup>[Within two months of the date of appointment of such agent, the licensee shall get the <sup>2</sup>[authorisation certificate] issued to such agent countersigned by the said Inspector of Prohibition and Excise and if

1 Deleted by G. N. of 9-7-1955.

2 Subs. by G. N. of 1-3-1960.

3 Ins. by G. N. of 9-7-1955.



he fails to do so, such <sup>1</sup>[authorisation certificate] shall cease to be valid. No <sup>1</sup>[authorisation certificate] shall be issued to any person under 21 years of age, and no such <sup>1</sup>[authorisation certificate] if issued shall be valid.] The licensee shall be responsible for the breach of any of the conditions of this licence committed by any person so authorised.

16. No partnership entered in to by the licensee after the granting of the licence shall be recognised for the purpose of the licence, unless the Collector, on receipt of an application from the licensee, agrees in writing to enter the name of the partner in the licence.

17. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

18. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licence, in case of the sale or transfer or the heir or legal representative of the licensee in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

19. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

Granted this ..... day of ..... 19 ..

Seal of the  
Collector.

Collector.

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<sup>1</sup> Subs. by G. N. of 1-3-1960.

**FORM N-IV**

*Licence to tap and draw Neera from Nira-producing trees for the supply of Neera to persons Manufacturing gur or any other article which is not an intoxicant from Neera or to persons licensed to sell neera by retail for consumption on premises*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions of this licence to Shri .....  
 (hereinafter called “ the license”) residing at .....  
 1 \* \* \* \* \*

authorising him during the period commencing from ..... to .....  
 (both days inclusive) to tap for and draw neera from the trees specified in the schedule hereinafter appended (hereinafter referred as “ the said trees ”) growing within the limits of the village of ..... in the taluka of ..... in the district of ..... and in the survey numbers specified in the said schedule for the purpose of supply thereof to persons manufacturing gur or any other article which is not an intoxicant from neera or to persons licensed to sell neera retail for consumption on premises.

This licence is granted subject to the following conditions, namely :

*Conditions*

1. Each of the said trees shall be marked and numbered at the expense of the licensee either by the licensee or by any agent duly authorised by him in this behalf in the manner specified in rule 9 of the Bombay Neera Rules, 1951. The licensee shall not tap or cause to be tapped any of the said trees or draw or cause to be drawn neera therefrom until the said trees are marked and numbered as aforesaid.

2. The licensee shall not convey the neera drawn by him from the said trees to any place except the place where gur or any other article therefrom is manufactured or the place where neera is sold in retail and in respect of which licence in Form N- Ior N-III, as the case may be, is held :

<sup>2</sup>[Provided that, he may, with the written permission of the Collector or the Superintendent of Prohibition and Excise collect neera drawn from trees in different parts or groves at a convenient central place before conveying it to such place. The licensee may, with a like written permission, collect neera drawn by him at a place where arrangements are made by him for freezing it before conveying it to a place where arrangements are made by him for freezing it before conveying to the place of sale. The licensee shall not draw neera from the said trees after sunset and before 2.00 a.m. (Standard Time) or shall not, except with the written permission of the Collector or the Superintendent of Prohibition and Excise, convey neera from the said trees at any time after 8.00 p.m. (Standard Time).]

3. Juice from any coconut, brab, date or any kind of palm tree shall not be drawn except in a receptacle. Such receptacle before it is used for drawing and collecting neera shall be washed with a freshly prepared solution of permanganate of potash and water. After it is so washed it shall be washed again with pure water in order to make it absolutely clean. After the receptacle is washed and rewashed as provided above, fresh

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1 Deleted by G. N. of 4-1-1972.  
 2 Subs. by G. N. of 25-2-1970.

milk of lime shall be put in such receptacle in the proportion of 3 cubic centimetres for every <sup>1</sup>[900 ml.] of neera to be drawn therein.

*Explanation.*— In this condition —

(i) “milk of lime” means the solution of water and pulp of quicklime in the proportion of 4 : 1; and

(ii) “pulp of quicklime” means the pulpy precipitate obtained by the gradual addition of water to quicklime.

4. The licensee shall carry on the business either personally or by an agent duly authorised by him in this behalf by a written <sup>2</sup>[authorisation certificate] signed by himself. The name of each agent and the date of his appointment shall be communicated forthwith in writing to the Inspector of Prohibition and Excise having charge of the area in which the said place is situated. <sup>3</sup>[Within two months of the date of appointment of such agent, the licensee shall get the <sup>2</sup>[authorisation certificate] issued to such agent countersigned by the said Inspector of Prohibition and Excise and if he fails to do so, such <sup>2</sup>[authorisation certificate] shall cease to be valid.]

No authorisation certificate shall be issued to any person under 21 years of age, and no such authorisation certificate, if issued, shall be valid.

The licensee shall be responsible for breach of any of the conditions of this licence committed by any person so authorised.

5. The licensee shall not adulterate or mix neera with any foreign substance or liquid whatsoever. He shall supply the neera to persons holding a licence in Form N-III at a rate not exceeding that <sup>1</sup>[prescribed by the Government, from time to time under the Act.]

6. <sup>4</sup>\* \* \* \* \* The unsold balance of neera may be used for manufacturing gur or any other article which is not an intoxicant before it is fermented. Neera which is fermented shall be destroyed forthwith.

7. Any officer of the Prohibition and Excise, revenue or Police Department, shall have free access at any time by day or by night to the trees hereby licensed to be tapped.

<sup>5</sup>[8. No neera shall be kept beyond the day one which it is drawn unless it is kept in cold storage under the temperature at or below 4 C or unless it is boiled, and no such boiled neera shall be kept for more than 24 hours from the time it is boiled.]

9. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

1 Subs. by G. N. of 14-3-1963.

2 Subs. by G. N. of 1-3-1960.

3 Ins. by G. N. of 9-7-1955.

4 Deleted by G. N. of 25-2-1970.

5 Subs. by G. N. of 25-2-1970.

10. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licence, in case of sale or transfer, or the heir on legal representatives of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

11. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

*Schedule*

No. and kind of trees to be tapped (1)	Place and situation of part of Plantation/Village (2)	No. of part of Plantation/Survey No. (3)	Proprietor's name (4)
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Granted this the ..... day of 19 .

Seal of the Collector

Collector.

1 Subs. by G. N. of 25-3-1970.

**FORM OF APPLICATION**

To,

The collector, ..... District.

Sir,

I the undersigned ....., residing at ..... desire —

\*<sup>(1)</sup> to tap the neera-producing trees described in the schedule hereto and draw neera therefrom —

(a) for the manufacture of gur or any other article which is not an inotxicant ;

(b) for the supply of neera —

(i) to person manufacturing gur or any other article which is not an intoxicant from neera; or

(ii) to person licensed to sell neera by retail for consumption on premises ;

(c) for domestic consumption.

\*<sup>(2)</sup> to sell neera for consumption on premises and accordingly apply for the necessary licence.\*<sup>2</sup>. Number of members in my household who drink neera are —

3. I hereby undertake to use the neera for the above mentioned purposes.

*SCHEDULE*

No. and kind of trees to be tapped	Situation of trees to be tapped	*Owner's † Proprietor's name and signature in token of his consent to the trees being tapped	Remarks
(1)	(2)	(3)	(4)

\* Retain only that which is necessary and cancel the remaining items.

† Not to be filled in the case of trees standing on Government land but a separate certificate from the Department concerned should be appended.

Place :

Signature of the Applicant.

Date :

**<sup>1</sup>[FORM No. N-I/R**

[See rule 15(1)]

*Register of Neera drawn and used in the manufacture of Gur and other Articles of the  
Plam-Gur Centre No. .... at ..... in the Taluka of  
..... in the District of .....  
during the month of ..... 19 .. .*

NAME OF N-I LICENSEE .....

Date	Quantity of Neera drawn		Quantity of neera	Quantity of neera
	<sup>2*</sup>	Total No. of Trees tapped	destroyed	used for manufacture of Gur and other articles
(1)		(2)	1 ml. (3)	(4)

Articles manufactured from Neera—				
Gur	Sugar	Sweets	Rab (Sugar syrup)	Signature of the Licensee or his Authorised Servant
Kg. g.	Kg. g.	Kg. g.	Kg. g.	
		(5)		(6)

1 Added by G. N. of 14-3-1963.

2 Deleted by G. N. of 25-2-1970.

**FORM No. N-III/R**

[See rule 15(1)]

*Register of Receipts and Sales of Neera at the Neera Retail Sale Centre No. .... at ..... in the Taluka of ..... in the District of ..... during the month of ..... 19 ..*

NAME OF THE N-III LICENSEE .....

Quantity of Neera received							
Date	1 ml.	Pass or Note No. and Date	Name of the supply centre from which received	Time of receipt		Quantity of Neera sold 1 ml.	Quantity of Neera destroyed 1 ml.
				hrs.	mts.		
(1)			(2)			(3)	(4)

Articles manufactured from Neera—						
Quantity of Neera used for manufacture of Gur and other articles	Gur	Sugar	Sweets	Rab	Closing time	Signature of the Licensee or this Authorised Servant
				(Sugar syrup)		
1 ml.	Kg. g	Kg. g	Kg. g	Kg. g	hrs. mts.	
(5)			(6)		(7)	(8)

## FORM No. N-IV/R

[See rule 15(1)]

*Register of Neera drawn and supplied from the Neera Supply Centre No. .... at ..... in the Taluka of ..... in the District of ..... during the month of ..... 19 ..*

NAME OF THE N-IV LICENSEE .....

Date	Quantity of Neera drawn		Quantity of Neera supplied to persons holding licence for		
	<sup>1*</sup> Total No. of trees tapped	1 ml.	Retail sale	Manufacturing Gur and other articles	Quantity of Neera destroyed
			1 ml.	1 ml.	1 ml.
(1)		(2)	(3)		(4)

Quantity of Neera used for manufacture of Gur and other articles	Articles manufactured from Neera—				Signature of the Licensee or his Authorised Servant
	Gur	Sugar	Sweets	Rab (Sugar syrup)	
1 ml. (5)	Kg. g.	Kg. g.	Kg. g.	Kg. g.	(7)

<sup>1</sup> Deleted by G. N. of 25-2-1970.



## FORM No. N-IV/NR

[See rule 15(2)]

*Register of the Neera Retail Sale Licence holders and Gur manufacturing Licence holder to whom Neera is supplied from the .....*  
*Neera supply Centre No. .... at .....in the Taluka of..... in the District of .....*

NAME OF N-IV LICENSEE .....

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Neera supplied							
Date	Name of the persons holding a neera retail sale licence and name of the retail sale centre	Quantity 1 ml.	Pass No.	Name and address of the person holding a licence to manufacture Gur and other articles from neera	Quantity 1 ml.	Pass No.	Signature of the Licensee or his Authorised Servant
(1)		(2)			(3)	(4)	(5)
<hr/>							

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**FORM No. N-I/S**

[See rule 15(4)]

Return showing Neera drawn and used in the manufacture of Gur and other articles at the Palm-Gur Centre No. .... at ..... in the Taluka of ..... in the District of ..... during the month of ..... 19 .. .

NAME OF N-I LICENSEE .....

Month and Year (1)	Quantity of Neera drawn		Quantity of Neera destroyed	Quantity of Neera used for manufacture of Gur and other articles
	1*	Total No. of tree tapped (2)	1 ml. (3)	1 ml. (4)

Articles manufactured from Neera				Signature of the licensee or his Authorised Servant (6)
Gur Kg. g	Sugar Kg. g	Sweets Kg. g	Rub (Sugar syrup) Kg. g	
		(5)		

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1 Deleted by G. N. of 25-2-1970.

**FORM No. N-III/S**

[See rule 15(4)]

*Return showing the Receipts and Sales of Neera at the Retail Sale Centre  
No. .... at ..... in the Taluka of  
..... in the District of .....  
during the month of ..... 19 ..*

NAME OF THE N-III LICENSEE .....

## Quantity of Neera Received

Month and Year	1 ml.	Pass or Note Nos.	Name of the supply Centre from which received	Quantity of Neera sold 1 ml. (3)	Quantity of Neera destroyed 1 ml. (4)
(1)		(2)			

## Articles manufactured from Neera

Quantity of Neera used for manufacture of Gur and other articles	Gur Kg. g	Sugar Kg. g	Sweets Kg. g	Rub (Sugar syrup) Kg. g	Signature of the licensee or his Authorised Servant
(5)			(6)		(7)

**FORM No. N-IV/S**

[See rule 15(4)]

Return showing Neera drawn and supplied from the Neera Supply Centre  
 No. .... at ..... in the Taluka of  
 ..... in the District of .....  
 during the month of ..... 19 ..

NAME OF N-IV LICENSEE .....

Month and year	Quantity of Neera drawn		Quantity of Neera supplied to persons holding licence				
	1*	Total No. of trees tapped	1 ml.	Retail Sale	Manufacturing Gur and other Articles	Quantity of Neera destroyed	Quantity of Neera used for manufacture of Gur and other Articles
				1 ml.	1 ml.	1 ml.	1 ml.
(1)		(2)		(3)		(4)	(5)

Articles manufactured from Neera				Signature of the licensee or his Authorised Servant
Gur	Sugar	Sweets	Rub (Sugar syrup)	
Kg. g	Kg. g	Kg. g	Kg. g	
		(6)		(7)

1 Deleted by G. N. of 25-2-1970.

(24) **G.O., H.D. No. NRA. 0881/139(2)/PRO-3 dated 12th June, 1984**  
**(M.G., Pt. IV-B, p. 924)**

In exercise of the Powers conferred by condition 6 in Form N-III appended to the Bombay Neera Rules, 1951, (hereinafter referred to as 'the said rules') the Government of Maharashtra hereby directs that any person above the age of 21 years may possess and transport one litre of neera at a time without any permit or pass, provided that such neera is purchased from a person holding a licence in Form N-III for the retail sale of neera under the said rules.

(25) **G.N., R.D. No. NRA.1053(a), dated 8th December, 1953**  
**(B.G., Pt. IV-B, p. 2503)**

In exercise of the Powers conferred by section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to invest the persons mentioned in column 1 of the Schedule annexed hereto with the power specified against them in column 2 of the said Schedule.

*SCHEDULE*

Persons (1)	Powers (2)
Persons holding licences in Form N-IV under the Bombay Neera Rules, 1951, and their servants holding valid <i>Nokarnamas</i> .	Power under section 28 of the said Act to issue passes for the transport of neera from the neera producing trees in respect of which licence is granted under the said rules to the place of a person holding a licence in Form N-I or Form N-III under the said rules in respect of such place.

(26) **G.O., R.D. No. NRA.2056, dated 23rd July, 1957**  
**(B.G., Pt. IV-B, p. 1503)**

In exercise of the Powers conferred by clause (c) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay hereby exempts the Marketing Officer, Palm Gur Section of the All India Khadi and Village Industries Board, Bombay (hereinafter referred to as the licensee), holding licences in Form N-III under the Bombay Neera Rules, 1951, for the retail sale of neera for consumption on his premises situated at the Byculla and Thana Railway Station from the provisions of the conditions, specified in column (1) of the schedule annexed hereto, of the said licences to the extent specified in column (2) of the said schedule against the respective condition—

*SCHEDULE*

Conditions (1)	Extent of Exemption (2)
(1) Condition 1 (ii) of the licence in Form N-III held by the licensee for the retail sale of Neera for consumption on premises at the Thana Railway station platform No. 1.	In so far as neera up to 20 gallons per day is obtained from the holder of a licence in Form N-III for the retail sale of neera at the Byculla Railway Station.
(2) Conditions 4 and 6 of the licence in Form N-III held by the licensee for the retail sale of neera for consumption on premises at the Byculla Railway Station.	In so far as neera upto 20 gallons per day is removed from the place of sale to the Thana Railway Station, Platform No. 1, for being sold at the place under licence in Form N - III in accordance with the exemption granted under entry (1) above.

**(27) THE MAHARASHTRA NEERA (IMPORT) ORDER, 1974****G.O., H.D. No. NER. 0874/2-III, dated 3rd April, 1974****(M.G., Pt. IV-B, p. 504)**

In exercise of the Powers conferred by clause (b) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following order, namely:—

1. (1) This Order may be called the Maharashtra Neera (Import) Order, 1974.  
(2) It extends to the whole of the State of Maharashtra.
2. In this Order—
  - (a) “import pass” means an import pass in the Form appended hereto;
  - (b) “neera licence” means licence in Form N-III granted under the Bombay Neera Rules, 1951.
3. No person shall import neera without a valid import pass granted under clause 5 of this order.
4. Any holder of a neera licence desiring to import neera with a view to sell such neera by retail for consumption on premises under such licence, may apply to the Commissioner of Prohibition and Excise, for the grant of a import pass, authorising him to import neera.
5. On receipt of the application under clause 4 the Commissioner may, after such inquiries as he may deem necessary, grant an import pass in the Form hereto appended for the import of neera in the State.
6. No import pass shall be granted for a period beyond the 30th day of June next following the date of commencement of any neera licence under which the imported neera is to be sold.
7. No person shall import neera under an import pass in the Form hereto appended, which is not neera of standard quality within the meaning of the Bombay Neera Rules, 1951.
8. The provisions of the Bombay Neera Rules, 1951 shall, so far as may be applicable, apply in relation to the imported neera as if it (were) was neera within the meaning of those rules.

**FORM****Pass for the import of neera into the State of Maharashtra**

1. Serial No.
2. Name and address of the neera licensee.
3. Number of the Neera Licence in Form N-III under the Bombay Neera Rules, 1951.
4. Quantity of neera to be imported.
5. Route.
6. Destination.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Bombay Neera Rules, 1951 and the Maharashtra Neera (Import) Order, 1974, authorising the import of neera subject to the following conditions, namely :

- (1) This pass shall remain in force upto . . . . .
- (2) The quantity of neera shall be imported in sealed consignment only and its bulk shall not be broken in transit.

Seal

Commissioner of Prohibition and Excise,  
Maharashtra State, Bombay.

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**(28) THE NEERA (CONSUMPTION) ORDER, 1958**

**G. O., R. D. No. NRA. 1052-J, dated 2nd June, 1958**

**(B.G., Pt. IV-B, p. 569)**

1. Amended by G. O., R. D., No. BPA. 1059/55336-III, dated 30th November, 1961  
(M. G., Pt. IV-B, p. 1162)
2. Cancelled by G. O., H. D., No. NRA. 0881/139(3)-PRO-3, dated 12th June, 1984  
(M. G., Pt. IV-B, p. 925)

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**CHAPTER V-Toddy**

**(29) THE MAHARASHTRA TODDY SHOPS (LICENSING) AND  
TODDY TREES (TAPPING) RULES, 1968**

**G. N., H. D., TOD. 1068/01126-III, dated 17th October, 1968**

**(M. G., Pt. IV-B, p. 1570)**

1. Amended by G. N., H. D., No. TOD. 1069-III, dated 2nd August, 1969  
(M. G., Pt. IV-B, p. 1241).
2. Amended by G. N., H. D., No. TOD. 1069/50897-III, dated 12th September, 1969  
(M. G., Pt. IV-B, p. 1370).
3. Amended by G. N., H. D., No. TOD. 1268/66504-III, dated 31st December, 1970  
(M. G., P 1971, Pt. IV-B, p. 50).
4. Amended by G. N., H. D., No. TOD. 1870/62135-III, dated 8th July, 1971  
(M. G., Pt. IV-B, p. 1075).
5. Amended by G. N., H. D., No. TOD. 1070/8157-III, dated 12th July, 1971  
(M. G., Pt. IV-B, p. 926).
6. Amended by Corrig., H. D., No. SLC. 1070/32345-III, dated 3rd January, 1972  
(M. G., Pt. IV-B, p. 94).

7. Amended by G. N., H. D., No. TOD. 1871/B/137-III, dated 1st March, 1972 (M. G., Pt. IV-B, p. 365).
8. Amended by Corrig., H. D., No. SLC. 1062-III, dated 2nd June, 1972 (M. G., Pt. IV-B, p. 1127).
9. Amended by G. N., H. D., No. 0273/27-III, dated 22nd January, 1974 (M. G., Pt. IV-B, p. 128).
10. Amended by G. N., H. D., No. TOD. 1870/62135-III, dated 17th June, 1974 (M. G., Pt. IV-B, p. 1795).
11. Amended by G. N., H. D., No. TOD. 1076/XXIX/PR, dated 24th December, 1976 (M. G., 1977, Pt. IV-B, p. 51).
12. Amended by G. N., H. D., No. BPA. 2177/2078-XXVIII-PR, dated 3rd March, 1977 (M. G., Pt. IV-B, p. 256).
13. Amended by G. N., H. D., No. TOD. 1076/XXIX-PR, dated 26th August, 1977 (M. G., Pt. IV-B, p. 753).
14. Amended by G. N., H. D., No. SLC. 1078-PRO. 2 (part VI), dated 26th September, 1978 (M. G., Pt. IV-B, p. 959).
15. Amended by G. N., H. D., No. TOD. 1076/29-PRO-3, dated 16th July, 1979 (M. G., Pt. IV-B, p. 1440).
16. Amended by G. N., H. D., No. TOD. 1076/29-PRO-3, dated July, 1979 (M. G., Pt. IV-B, p. 1541).
17. Amended by G. N., H. D., No. TOD. 1076/29-PEO-3, dated 31st August, 1979 (M. G., Pt. IV-B, p. 1630).
18. Amended by G. N., H. D., No. TOD. 1076/29/PRO-3, dated 14th October, 1980 (M. G., Pt. IV-B, p. 1012).
19. Amended by G. N., H. D., No. TOD. 6279/PRO-3, dated 3rd February, 1981 (M. G., Pt. IV-B, p. 119).
20. Amended by G. N., H. D., No. BPA. 1081/IV-PRO-2, dated 25th March, 1981 (M. G., Pt. IV-B, p. 287).
21. Amended by G. N., H. D., No. BPA. 1088/VIII/PRO-2, dated 16th March, 1988 (M. G., Pt. IV-B, p. 280).
22. Amended by G. N., H. D., No. BPA. 1094/1259/III/PRO-3, dated 24th January, 1995 (M. G., Pt. IV-B, p. ).
23. Amended by G. N., H. D., No. BPA. 1094/1259/3/EXC-3, dated 12th July, 1995 (M. G., Pt. IV-B, p.1043-1044 ).
24. Amended by G. N., H. D., No. TOD. 1101/CR-5/EXC-3, dated 4th June, 2001 (M. G., Pt. IV-B, p.611 ).
25. Amended by G. N., H. D., No. TOD. 1101/CR-5/EXC-3, dated 4th June, 2001 (M. G., Pt. IV-B, p.612 ).
26. Amended by G. N., H. D., No. BPA. 0311/CR-75(4)/EXC-3(2), dated 8th November, 2001 (M. G., Pt. IV-B, p. ).

In exercise of the powers conferred by clauses (d), (e), (f), (g), (h), (i), (k), (l)<sup>1\*</sup> (13) and (u) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf and in supersession of all previous rules in this behalf, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the said section 143 :

1 Deleted by G. N. of 2-8-1969.



## PART I

## PRELIMINARY

<sup>1</sup>[1. *Short title and extent.*—(1) These rules may be called the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968.

(2) These rules extend to the whole of the State of Maharashtra except the Tribal areas.]

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context,—

(a) “Act” means the Bombay Prohibition Act, 1949;

<sup>2</sup>[“(a1) “Auction-cum-Tender Order” means the Maharashtra Toddy Shops (Grant of Licences) by Auction-cum-Tender Order, 2001;”]

<sup>2,8</sup>[“(a2) “bid” means an offer of bid money by bidder in an auction and includes a tender;”.]

(b) “duty” means duty levied under section 109 of the Act;

(c) “Form” means a form appended to these Rules;

(d) “licence” means a licence granted under these Rules;

(e) “licensed shop” means the shop in which a licensee has been licensed to sell toddy under his licence;

(f) “licensee” means the holder of a licence;

(g) <sup>3\*</sup> \* \* \* \* \*

(h) “superintendent” means the Superintendent of Prohibition and Excise or the District Inspector of Prohibition and Excise, as the case may be;

(i) <sup>4</sup>[“Toddy” means “fermented juice drawn from a coconut, brab, date or any kind of palm tree”] containing not more than five per cent alcohol by volume but does not include sweet toddy, nira or neera;

<sup>5</sup>[(j) “Tribal area” means the area specified in the Schedule to these rules.]

## PART II

## REGULATION OF SALE OF TODDY

3. *Prohibition of sale of toddy except under a licence.*—No person shall sell toddy except under a licence.

4. *Grant of licence.*—(1) Every person <sup>6</sup>[whose bid or tender has been accepted under the <sup>8</sup>[Auction-cum-tender] order may, subject to the provisions of sub-rule (2) be granted a licence in Form TD-1 on his executing a counter-part agreement in Form TD-2 within <sup>4</sup>[fifteen days] of auction <sup>2</sup>[or of the acceptance of the tender.]

<sup>7</sup>[(2) No licence shall be granted in respect of any shop.—

(a) which is less than nine square metres in area and which, in the opinion of the Collector, will not be adequate for consumption of toddy and where such consumption will be in public view;

(b) which, if situated in the areas within the jurisdiction of any Municipal Corporation or ‘A’ Class or ‘B’ Class Municipal Council, is within a distance of fifty metres and if situated else where, one hundred metres, from any educational or religious institution; or

1 Subs. by G. N. of 3-2-1981.

2 Ins. by G. N. of 8-7-1971.

3 Deleted by *ibid.*

4 Subs. by G. N. of 2-8-1969.

5 Added by G. N. of 3-2-1981.

6 Subs. by G. N. of 8-7-1971.

7 Subs. by G. N. of 25-3-1981.

8 Subs. by 4-6-01.

(c) which is situated within a distance of one hundred metres from any bus stand, station or depot of the Maharashtra State Road Transport Corporation; or

(d) which is not duly approved by the Collector or the Officer authorised by him in this behalf and which is not, for reasons to be recorded in writing, certified by him to be otherwise suitable also for locating the shop before the grant of the licence :

Provided that nothing in this sub-rule shall apply in respect of an existing shop for which the licensee holds a licence in Form T.D.I. immediately before the coming into force of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) (Amendment) Rules, 1981.

*Explanation.*—For the purpose of this sub-rule,—

(i) “educational institution” means any pre-primary, primary or secondary school managed or recognised by any local authority or the State Government or the Central Government or any college affiliated to any University established by law, but does not include any private coaching institution;

(ii) “religious institution” means an institution for the promotion of any religion and includes a temple, *math*, mosque, church, synagogue, *aglary*, or other place or public religious workshop which is managed or owned by a public trust registered under the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950) and includes such other religious institutions as the State Government may by order specify in this behalf;

(iii) the distance referred to in clause (b) or (c) of this sub-rule shall be measured from the mid-point of the entrance of the shop along the nearest path by which a pedestrian ordinarily reaches,—

(a) the mid-point of the nearest gate of the institution, if there is a compound wall, and if there is no compound wall, the mid-point of the entrance of the institution, or

(b) the mid-point of the nearest gate of any bus stand, station or depot of the Maharashtra State Road Transport Corporation, if there is a compound wall and if there is no compound wall, the nearest point of the boundary of such bus stand, station or depot.]

<sup>1</sup>[(2AA) Any shop in respect of which a licence in Form T.D.I. has been granted shall not be deemed to be situated within the prohibition distance referred to in clause (b) or (c) of sub-rule (2) if at any time after such licence is granted,—

(a) any institution referred to in clause (b) of sub-rule (2) comes into existence within a distance of fifty metres or as the case may be, one hundred metres from that shop, or

(b) if any bus stand, station or depot referred to in clause (c) of sub-rule (2) comes into existence within a distance of one hundred metres from that shop.]

(2A) <sup>2</sup>\* \* \* \* \*

<sup>3</sup>[(3) No licence shall be granted for more than one shop.]

5. *Prohibition to shift licensed shop to any other place.*—The licensed shop shall not be shifted to any other site without the prior approval of the Collector :

<sup>1</sup> Ins. by G. N. of 25-3-1981.

<sup>2</sup> Deleted by G. N. of 16-7-1979.

<sup>3</sup> Subs. by G. N. of 8-7-1971.

Provided that the Collector <sup>1</sup>[may, if the licensee himself desires so to do (and not at the direction of the Collector), allow] the licensee to shift his licensed shop to some other site in the same locality on payment of a fee of rupees twenty-five, not with standing anything contained in any other rules made under the Act.

<sup>2,9</sup>["5A. *Closure of shops.*—(1) Every licensed shop shall remain closed on 2nd October every year and <sup>11</sup>[“fourty eight hours ending with the hours fixed for the conclusion of the poll in relation to any general election or by-election to the House of people or the Maharashtra Legislative Assembly is taken in the constituency in which such premises are located and on the counting day or days”] and on such special occasions and in such areas, as the State Government may, after giving a notice of not less than seven days in the Official Gazette and in any local newspaper circulating in such area, specify in this behalf and in all such cases, the licensee shall not be entitled to any compensation ;

(2) Every licensed shop shall remain closed on the day or days on which poll in relation to any general election or by-election to any local authority in the State is taken in the constituency in which such premises are located and a day immediately before such day of poll and on the counting day.” ]

<sup>6</sup>[6. *Power of Collector to close down licensed shops, etc. in public interests.*—

(1) If in the opinion of the Collector, it is necessary in the public interest to do so, he may by order require the licensees.—

(a) to close down, generally or in any local area, licensed shops for such period as may be specified in the order;

(b) to close down licensed shops on such day or days as may be notified to be pay day or pay days in the order and in such local areas as may be specified in the order;

(c) to curtail the hours of sale.

(2) Any licensee who is affected by an order under sub-rule (1) shall not be entitled to any compensation]

7. *Transfer of licence.*—It is entirely within the discretion of the Collector to permit the transfer of a licence from one name to another or to admit or omit the name of any partner after the licence is granted. The licensee shall be liable to pay a fee of rupees one thousand <sup>2</sup>[or twenty-five per cent. of the amount of the bid accepted under the <sup>10</sup>[Auction-cum-Tender order], whichever is lower,] for the transfer of a licence or for each partner whose name is so entered <sup>2</sup>[or omitted], anything contained in any other rules made under the Act, notwithstanding.

8. *Duration of licence.*—The period for which a licence shall ordinarily be granted shall be from 1st September to 31st August next following, and no licence shall be granted for any period extending beyond the 31st day of August following the date of the grant of the licence.

1 Subs. by G. N. of 2-8-1969.

2 Ins, *ibid.*

3 Subs. by G. N. of 3-3-1977.

4 Subs. by G. N. of 14-10-1980.

5 Subs. by G. N. of 3-3-1977.

6 Subs. by G. N. of 26-8-1977.

7 Subs. by G. N. of 8-7-1971.

8 Ins. by G. N. of 24-1-1995.

9 Subs. by G. N. of 12-7-1999.

10 Subs. by G. N. of 4-8-2001.

11 Sub. by 8-11-2011.

## PART III

## TAPPING OF TODDY TREES

9. *Trees not be tapped unless duty is paid etc.*—A licensee shall not tap, prepare for tapping, or draw toddy from any toddy producing tree, unless—

(1) he has paid to the State Government, the duty in respect thereof at the rates directed by the State Government from time to time ;

(2) he has obtained a permit as provided in rule 17; and

(3) the trees are duly marked and numbered in the manner approved by the Commissioner.

<sup>1</sup>[10. *Tapping of trees.*—(1) Trees shall be tapped only by professional men experienced in tapping.

(2) No date or wild palm (commonly known as “Khajuri” or “Shendi” tree) shall be tapped for more than four months in a year and no such trees shall be tapped for three consecutive years after the expiry of the year in which it is tapped ;

Provided that, the Collector may allow any such tree to be tapped in every alternate year, if in his opinion, tapping is necessary for want of other trees.

(3) No tree shall be tapped daily during the currency of the tree tapping permit.

(4) In the case of a date tree, no initial incision shall be made at any point within two metres from the foot of the tree or forty-five centimetres from the top of any other incision.

(5) The depth and width of the incision made on a tree shall not be more than one-third of the diameters of the tree at the point of incision and the length of the incision shall not exceed twenty centimetres.

(6) The central spike-like cluster of any date or palm tree shall not be touched. In addition to the central spike-like cluster, not less than eight other leaves shall, except for reasons beyond the control of the licensee, be left, in on that face of the tree on which the incision is made above the top line of the incision.

(7) The licensee shall not cut or injure or permit to be cut or injured any Government tree in respect of which a tree tapping permit is granted to him or make any incision in that tree so as to cause its death.

(8) If as a result of any contravention of any of the foregoing sub-rules, a Government tree dies during the currency of the tree tapping permit or within a period of six months after the expiration of such permit, the licensee shall be liable to pay to Government, such sum not exceeding ten rupees in respect of each such tree as may be determined by the Collector after giving the licensee reasonable opportunity of being heard.]

11. *Commencement of period for drawing of toddy.*—The pots shall not be attached to the trees for the purpose of drawing toddy <sup>2</sup> [more] than 24 hours before the actual commencement of the licence.

12. <sup>3</sup>\* \* \* \* \*

1 Subs. by G. N. of 17-6-1974.

2 Subs. by G. N. of 2-8-1969.

3 Deleted by G. N. of 17-6-1974.

13. *Inspection of pots for collecting toddy.*— The licensee or his authorised employees shall lower down the pot attached to any tree if any Prohibition Officer not below the rank of a Sub-Inspector orders so to do for the purpose of inspection.

14. *Mode of collection and transport of toddy etc.*— The licensee or his authorised employees shall, after the pots are lowered down from the trees, immediately collect the toddy in <sup>1</sup>[the casks or vessels of such kind and capacity as may be approved by the Collector,] at one place and transport it to the licensed shop, under cover of a transport pass in Form TD-3 issued by the licensee or any person duly authorized by him in this behalf. <sup>2</sup>[Where the licensee has more than one licensed shop, he may notwithstanding anything contained in the rule 21, remove the toddy collected to a place for being bottled or stored in one container during the hours of sale laid down in rule 22 (such place being called a transit centre) and may transport it during those hours from such centre to each of his licensed shops according to its requirement under cover of a transport pass in Form TD-3A issued by the licensee or any person duly authorized by him in this behalf. The licensee shall not remove the toddy so stored or bottled to any place other than the licensed shops or the transit centre or sell toddy either in transit or elsewhere including such transit centre or give it to anybody under any pretext, except in his licensed shop.]

15. *Form of transport pass to be printed etc.*— The transport pass shall be got printed by the licensee, in duplicate having serial numbers. The passes shall be bound in books and got stamped with the official seal of the <sup>3</sup>[Superintendent in whose jurisdiction the licensed shop is located.]

<sup>4</sup>[15A. *Permit for storing toddy at transit centre.*—(1) No licensee shall store toddy at any transit centre unless he obtains a permit in Form-A.

(2) Any licensee desiring to obtain a permit in Form-A may apply to the Collector for the permit. Every such application shall contain the following particulars, namely ;

- (i) Name of the applicant.
- (ii) Numbers and dates of licences obtained by the applicant.
- (iii) Place, that is, the transit centre, where the toddy is to be stored.
- (iv) Shops to which toddy will be supplied from the transit centre.

(3) On receipt of an application under sub-rule (2), the Collector shall make inquiries for verification of the particulars given in the application, the suitability of the location of the transit centre and such other inquiries as he deems necessary. If he is satisfied that there is no objection to grant the permit applied for, he may grant such permit in Form-A.] <sup>5</sup>[on payment of the fee (inclusive of consideration) of Rs. 1000]

#### PART IV

##### GENERAL CONDITIONS APPLICABLE TO TODDY SHOPS

16. *Prohibition against drawal, possession, etc. of toddy.*—The licensee shall not draw, possess, or transport toddy required for sale at his licensed shop except from the trees which he has been authorized to tap on payment of duty in that behalf.

1 Ins. by G. N. of 2-8-1969.

2 Subs. by G. N. of 31-12-1970.

3 Subs. by G. N. of 2-8-1960.

4 Ins. by G. N. of 31-12-1970.

5 Added by G. N. of 16-3-1988.

17. *Permit for tapping.*— (1) The licensee shall make an application to the Superintendent in Form TD-4 for permission to tap toddy-producing trees and draw toddy therefrom for <sup>1</sup>[retail sale] at his licensed shop.

(2) On receipt of an application, the Superintendent, after verifying that the duty has been paid by the licensee on toddy trees secured by him, grant to the licensee a permit in Form TD-5.

18. *Account of toddy to be maintained.*—The licensee shall maintain at his licensed shop a register in Form TD-6 wherein he shall write before the closure of the licensed shop correct daily accounts of all quantities of toddy received, sold, lost, destroyed and held in balance by him at the licensed shop, <sup>2</sup>[The licensee who stores and bottles toddy at a transit center shall maintain at that centre a register in Form TD-6A wherein he shall write before the closure for the day, correct daily accounts of all quantities of toddy received, disrputed, lost and destroyed by him at the centre.]

19. *Unsold Toddy.*—Unsold toddy at one licensed shop shall not be diverted or sold at any other licensed shop.

<sup>3</sup>[Provided that, unsold toddy may be sold to the holder of a licence in Form-I appended to the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, for distillation of spirit and such toddy is transported under cover of a pass in Form TD-3B.]

20. *Quantity of toddy to be sold.*—No licensee shall possess, sell or expose for sale any toddy at his licensed shop —

(a) which is more than <sup>1</sup>[24] hours old (time being calculated from the time, marked on the transport pass in Form TD-3) ;

(b) unless it is pure and unadulterated ;

(c) unless it is drawn and obtained according to the provisions of these Rules.

(d) which is mixed with chloral hydrate or any other substance, or in which <sup>1</sup>[any foreign substance is put, added or mixed,] thereby causing impurity or decrease or increase in is alcoholic strength ;

and toddy which a licensee cannot possess or sell or expose for sale as a aforesaid shall be destroyed.

21. *Mode of transport of toddy.*—<sup>4</sup>[Except as otherwise provided in rule 14, toddy drawn] for sale at one licensed shop shall not be transported along with the toddy drawn for sale at another shop in one and the same container. However, one conveyance may be used for transporting toddy to different shops.

22. *Hours of sale.*—<sup>1</sup>[Subject to the provisions of rule 6, the licensee shall not sell toddy except between 7 a.m. and <sup>5</sup>[10 p.m.] ] :

Provided that the licensed shop may be kept open beyond the aforesaid hours of sale for such time as is necessary for its cleaning, receiving receptacles containing toddy, and completing accounts, but no sale of toddy shall be made during such period.

1 Subs. by G. N. of 2-8-1969.

2 Added by G. N. of 31-12-1970.

3 Added by G. N. of 22-1-1974.

4 Subs. by G. N. of 31-12-1970.

5 Subs. by G. N. of 1-3-1972.

**23.** *No unnecessary articles to be kept in licensed shop.* – The licensee shall not keep any other article in the licensed shop unless such article is necessary for the conduct of his business in connection with the sale of toddy therein.

**24.** *Employees.* – (1) Subject to the provisions of sub-rule (2), a licensee may employ such employees as he thinks necessary, and shall execute a Nokarnama in favour of every employee so employed in connection with his business of sale to toddy in Form TD-7, and shall enter the names of all such employees in the Register in Form TD-8.

(2) The licensee shall not employ any of the following persons as his servants to assist him in his business in any capacity whatsoever, namely :

- (i) persons below 21 years of age;
- (ii) persons suffering from any infectious or contagious disease;
- (iii) <sup>1</sup>[persons] who are insane;
- (iv) persons who in the opinion of the Superintendent are notoriously bad characters;
- (v) persons whose Nokarnamas or licences have previously been cancelled;
- (vi) persons convicted of any criminal offence :

Provided that in the case of persons falling under clauses (v) and (vi), the disqualification may at any time be removed by a written order of the Collector.

**25.** *Toddy not to be sold to certain persons.* – The licensee shall not sell toddy to the following categories or persons :

- (i) lunatics,
- (ii) persons who are in an intoxicated state,
- (iii) persons known or suspected to be participating in any rioting or disturbance of peace,
- (iv) members of the Police and the Armed Forces of the Union, members of the Prohibition and Excise, State Transport and Railway Departments or drives of buses, when on duty or in uniform or both, and
- (v) persons who are under 21 years of age.

<sup>2</sup>[**25A.** *Toddy to be sold for distillation.*—The licensee may sell toddy to the holder of a licence in Form ‘I’ appended to the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966 for distillation of spirit and that the transport of such toddy shall be under cover of a pass in form TD-3B].

**26.** *Stay at night in licensed shop of unauthorized persons prohibited.* —The licensee shall not allow any person except authorised servants holding a valid Nokarnama to stay at night in the licensed shop.

**27.** *Toddy sales to be cash only.* – All sales of toddy shall be made for cash only.

**28.** *Licensed shop to be open for inspection of officers.* —The licensed shop and the toddy therein shall at all times be open to inspection by the officers empowered under section 122 of the Act.

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1 Subs. by G. N. of 2-8-1969.

2 Added by G. N. of 22-1-1974.



**29.** *Books to be maintained in licensed shop* – The licensee shall purchase at his cost the Accounts Register in Form TD-6 and Visit Book, and maintain them, correctly. <sup>1</sup>[The ] Visit Book and the Accounts Register shall be page-numbered and got sealed with the seal of the Superintendent, and properly kept in the licensed shop for inspection of officers to record their inspection remarks therein. The Visit Book and <sup>1</sup>[Accounts Register] shall not be removed from the licensed shop at any time except under proper written authority and the licensee will be responsible for their safe custody.

**30.** *Licensee to abide by Act. Rule, etc.* - The licensee shall abide by the conditions of his licence and the provisions of the Act and the rules, regulations and orders made thereunder.

**30A.**           <sup>2</sup> \*                           \*                           \*                           \*                           \*

**[30B.** *Permit for tapping trees and transport of toddy to distillery* . – Notwithstanding anything contained in these rules or the conditions of the licence, any holder of licence in Form-I (being a licence for constructing and working a distillery for the manufacture of spirit under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966), may apply in Form TD-4 for permission to tap toddy-producing trees and obtain a permit in Form TD-5 for tapping such trees and drawing toddy therefrom and transport it to his licensed distillery premises for distillation of spirit; and thereupon, except as provided in this rules, all other provisions of these rules including the conditions of licence in Form TD-1 thereto shall apply *mutatis mutandis* to such licensee.]

**31.** *Suspension or cancellation of licence.* – The licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 or the Act.

<sup>3</sup>**[31A.** *Licensee not entitled to any compensation* – The licensee shall not be entitled to any compensation, -

(i) if any of the trees in respect of which a tree tapping permit is granted to him is withdrawn in the public interest, or

(ii) if his shop is re-auctioned for failure to pay any Government dues.]

**32.** *Saving.* – Nothing in these Rules shall apply to Neera, or affect the operation of any special rules. for the tapping of trees, for any purposes <sup>1</sup>[other] than for selling toddy by retail sale under these Rules.

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1 Subs. by G. N. of 2-8-1969.

2 Deleted by g. N. of 24-12-1976.

3 Ins. by G. N. of 17-6-1974.



<sup>1</sup>[FORMTD-1

(See rules 3 and 4)

Licence No. ....

*Licence for the retail sale of toddy*

Licence is hereby granted to Shri/Messrs .....  
 ..... (hereinafter called "the licensee") authorising  
 him to sell toddy by retail at his shop situated at .....  
 ..... more particularly described in the  
 Schedule hereto (hereinafter referred to as "the shop or licensed shop") for the  
 period commencing on ..... and  
 ending on 31st August 19 .., under and subject to the provisions of the Bombay  
 Prohibition Act, 1949 and the rules and orders made thereunder, and the following  
 conditions, namely :

*Conditions*

1. The licensee shall always keep in a prominent place in the shop a clock or time-piece which shall be in good working order, and show the correct Standard Time.

2. The licensee shall, if so ordered by the Collector, provide the shop with sufficient water closet or privy and urinal facilities for the use of customers. All such water closet, privies and urinals shall be of the type approved by the Collector, and shall always be kept in a clean and sanitary conditions.

3. The licensee shall, if so directed by any officer empowered under section 122 of the said Act (hereinafter called the Inspecting Officer), get the shop white washed within two months from the commencement of the licence, and subsequently at such times as the Collector, or the Superintendent or any other officer deputed by him, may consider it necessary on sanitary ground. The licensee shall keep the shop clean to the satisfaction of the aforesaid officers.

4. The licensee shall keep constantly fixed up at the entrance of the shop a signboard of the size <sup>2</sup> [of 60 centimeters by 90 centimeters], bearing the following inscriptions in legible characters :

- |                             |    |
|-----------------------------|----|
| (1) Name of licensee        | .. |
| (2) Licence No.             | .. |
| (3) Location of the shop    | .. |
| (4) <sup>3</sup> * * * *    | .. |
| (5) Authorised opening hour | .. |
| (6) Authorised closing hour | .. |

5. The licence shall always be displayed, in the licensed shop at a conspicuous place.

6. The licensee shall keep and sell toddy unadulterated and undiluted as drawn from the trees without any admixture of any foreign substance or liquid whatsoever. He shall not keep or sell toddy which is more than <sup>4</sup> [24] hours old after it was drawn from toddy producing trees. All the vessels which contain toddy shall be thoroughly washed and cleaned before they are used.

1 Ins. by G. N. of 2-8-1969.

2 Subs. by Corring. of 12-9-1969.

3 Deleted by G. N. of 2-8-1969.

4 Subs. by G. N. of 2-8-1969.

7. (i) The licensee shall carry on the business of the shop and draw toddy from toddy producing trees either personally or by agent/s or servant/s duly authorised by him in this behalf by a written Nokarnama in Form TD-7 signed by himself and countersigned by a Prohibition Officer not lower in rank than a Sub-inspector; provided that, any such Nokarnama signed by the licensee shall be valid until countersignature is refused. If for any reason the Superintendent orders the withdrawal of any Nokarnama issued by him, the licensee shall pay in advance into the Treasury a fee of rupee one. No Nokarnama shall be issued to any person under 21 years of age, and no such Nokarnama, if issued, shall be valid. The licensee shall be responsible for breach of any of the conditions of this licence or that of the rules committed by his agent person in his employ.

(ii) The licensee shall maintain at his licensed shop a Register in Form TD-8 of all his Agents or servants duly authorised by him.

(iii) The licensee shall instruct all his agents and servants to keep the Nokarnama with them, and that they are bound to observe the rules. Such Nokarnama shall be produced before an inspecting Officer whenever demanded by him.

8. The licensee shall not sell toddy except for consumption by a purchaser on the premises of the licensed shop. He shall not sell or serve toddy to any person outside that shop, nor shall he allow any person to remove any toddy from the licensed shop :

<sup>1</sup>[Provided that, the licensee may sell toddy for consumption by a purchaser at any place other than the licensed premises (such place not being a public place) in such quantities at a time as does not exceed the quantity of toddy which the State Government may direct that any person may possess and transport without any permit, pass, or authorisation.]

<sup>2</sup>[Provided that, unsold toddy may be sold to the holder of a licence in Form I appended to the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, for distillation of spirit and such toddy is transported under cover of a pass in Form TD-3B.]

9. No disorderly person shall be harboured, and no drunkenness, or gambling shall be allowed in the licensed shop. No person below 21 years of age, and no insane or intoxicated person shall be permitted to enter upon or remain in the shop.

10. The licensee shall give immediate information to the nearest Police Officer of any person suspected to be a bad character who may come to the shop, and of every irregularity committed tending to disturb the public peace.

11. The licensee shall close the shop -

(a) on such days or times as may be specially ordered by the Collector;

<sup>1</sup>[(a-1) on 2nd October every year and on such other days as may be specified by the State Government under rules 5A] ;

(b) of his own accord during any riot or disturbance in the neighbourhood of the shop.

No Compensation shall be claimed by the licensee on account of the closure of the shop on such occasions.

---

1 Ins. by G. N. of 2-8-1969.

2 Added by G. N. of 22-1-1974.

12. The shop and the stock of toddy therein shall at all times be open to inspection by officers duly empowered under section 122 of the Bombay Prohibition Act, 1949.

13. The licensee shall, when called upon by any Prohibition Officer not below the rank of Sub-Inspector, give an explanation in writing regarding any branch of the rules or any irregularity detected and committed by him or his agents or servants, and furnish any information regarding the management of the shop, and shall answer all reasonable questions to the best of his knowledge and belief. He shall also on demand allow a Prohibition Officer to take samples of toddy for analysis free of charge.

14. The licensee shall use for the storage of toddy in the shop, casks or vessels of such kind and capacity as may be approved by the Superintendent. The storage capacity of each such cask or vessel shall be painted thereon. <sup>1</sup> [He shall also maintain at the shop a gauge –rod for each receptacle used for storing toddy.]

15. the licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder.

16. The Collector may permit the legal heirs of the licensee in case of his death, to have the benefit of the licence for the unexpired portion of the term for which it was granted, and amend the licence accordingly. However, in case of refusal of the legal heirs to conduct the licence, the shop shall be re-auctioned, in accordance with the provisions of the Maharashtra Toddy Shops <sup>2</sup> [(Grant of Licences by Auction or Tender)] Order, 1968.

17. This licence is liable to be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Granted this ..... day of ..... 19 ..

Seal of the  
Collector

Collector,  
.....District.

*Schedule*

- 1. Description of site, such as House No.  
and the locality.
- 2. Boundaries of the shop .. North East  
South West

Seal of the  
Collector.

Collector,  
.....District.]

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1 Ins. by G. N. of 2-8-1969.  
2 Subs. by G. N. of 8-7-1971.

**FORM TD-2**

(See rule 4)

I/We ..... of  
 ..... in consideration of the Collector of  
 ..... granting to me/us a licence under the Maharashtra  
 Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, for the retail sale  
 of Toddy at ..... in the taluka of  
 ..... in the district of ..... for the period  
 commencing on the ..... day of ..... 19 , and  
 ending on the ..... day of ..... 19 , do hereby  
 agree with the Governor of Maharashtra that I/we shall observe all the provisions of the  
 Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and  
 the conditions written and expressed in the said licence.

Place .....

Date this        day of        19

(Signature of the licensee)

Signed in the presence of –

(1)

(2)

(Signatures of witnesses).

Before me

Superintendent/District Inspector  
of Prohibition and Excise.

Dated

**FORM TD-3**

(See rule 14)

Pass for the transport of toddy from buns or topes to the  
licenced shop

Date

Time

1. Name of the licensee
2. Name of the transporter
3. Name and situation of the tapping area  
from where toddy is to be transported.
4. Name, number and address of the shop  
to which the toddy is to be transported.
5. Number of vessels in which toddy is to  
be transported.
6. Time when the toddy was drawn
7. Capacity of each vessel
8. Total quantity of toddy to be transported  
(in liters.)
9. Conveyance by which the toddy is to be  
transported. Registration No. of the  
vehicle if transported by a truck or lorry.
10. Route

This pass is granted under and subject to the provisions of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, and it shall be Valid for 12 hours from the hour of issue.

2. The whole quantity of toddy mentioned at item 8 above shall be transported in one consignment only, and its bulk shall not be broken in transit.

Seal of the  
licensee

Signature of the licensee or his  
authorised agent.

*Note :-* Original (to be kept with consignment). Duplicate to be kept on record.

<sup>1</sup>[FORM TD-3A]

(See rule 14)

*Pass for the transport of toddy from the center to the licensed shop*

Date

Time

1. Name of the licensee
2. Name of the transporter
3. Name and situation of the transit Centre  
from where toddy is to be transported.
4. Name, number and address of the shop  
to which the toddy is to be transported.
5. Number of vessels or bottles in which toddy is  
to be transported.
6. Time when the toddy was drawn
7. Capacity of each vessel or bottle
8. Total quantity of toddy to be transported  
(in liters.)
9. Conveyance by which the toddy is to be  
transported. Registration No. of the  
vehicle if transported by a truck or lorry.
10. Route

This pass is granted under and subject to the provisions of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, and it shall be valid for 12 hours from the hours of issue.

Seal of the  
licensee

Signature of the licensee or his authorised agent.

*Note :-* Original (to be kept with the consignment). Duplicate to be kept on record.

---

<sup>1</sup> Ins. by G. N. of 31-12-1970.

## [FORM TD-3B]

(See rules 19 and 25A)

*Pass for the Transport of Toddy from the Licensed Shop to the Distillery*

Date 19

Time

1. Name of the licensee
2. Name of the transporter
3. Name, number and address of the  
Distillery to which the toddy is to be  
transported.
4. Number of vessels in which toddy is  
to be transported.
5. Capacity of each vessel
6. Total quantity of toddy to be  
transported (in liters.)
7. Conveyance by which toddy is to be  
transported. Registration No. of the  
vehicle if transported by a truck or lorry.
8. Route

This pass is granted under and subject to the provisions of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, and it shall be Valid for 24 hours from the hour of issue consignment only, and its bulk shall not be broken in transit.

2. The whole quantity of toddy mentioned at item 6 above shall be transported in one consignment only, and its bulk shall not be broken in transit.

Seal of the  
licensee

Signature of the licensee or his  
authorised agent.

*Note* :—Original (to be kept with consignment). Duplicate to be kept on record.]

---

1 Ins. by G. N. of 22-1-1974.

<sup>1</sup>[FORMA]

(See rules 15A)

*Permit for the possession of toddy at a transit centre by a persons who has/have more than one licensed shop under the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) rules, 1968*

Permit is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter referred to as the “ permit-holders ” ) (authorising him to possess toddy at his <sup>2</sup>[On payment of a fee inclusive of consideration of Rs. 1000] premises situated at ..... (hereinafter referred to as “ the transit centre ” ) during the period from ..... to ..... (both days inclusive), subject to the following conditions, namely :

*Conditions*

1. The permit-holder shall not possess, under this permit, any articles other than toddy and the containers or bottles required to store it.
2. The permit-holder shall keep constantly fixed at the entrance of the transit centre a signboard of the size and pattern approved by the Collector, bearing the following inscriptions in legible characters :
  - (1) Name of the permit-holder.
  - (2) Names and locations of his licensed shops.
  - (3) Location of the transit centre.
3. This permit shall always be displayed in the transit centre at a conspicuous place.
4. The permit-holder shall carry out his transactions at the transit centre from 7 a. m. to <sup>3</sup>[10 p. m.] and shall not receive toddy at that centre before 7 a. m. or store it there beyond <sup>3</sup>[10 p. m.]
5. The permit-holder shall transport toddy collected at the transit centre to his respective licensed shops either in containers or bottles under cover of a transport pass in Form T. D. 3A issued by him or by person authorised in writing by him in that behalf.
6. The permit-holder shall maintain, daily accounts of the toddy received at the transit centre and distributed in Form TD-6A.
7. The transit centre and the toddy stored there at shall at all times be open to inspection by officers duly empowered under section 122 of the Bombay Prohibition Act, 1949.
8. The permit-holder shall, when, called upon by any Prohibition Officer not below the rank of a Sub-Inspector, give an explanation in writing regarding any breach of the rules or any irregularity detected and committed by him or his agents or servants, and furnish any information regarding the management of the transit centre, and shall answer all resonable questions to the best of his knowledge and belief. He shall also on demand allow a Prohibition Officer to take samples of toddy for analysis free of charge.

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1 Ins. by G. N. of 31-12-1970.

2 Subs. G. N. of 1-3-1972.

3 Ins. by G. N. of 16-3-1988.



9. This permit is non-transferable.

10. The permit-holder shall comply with all lawful orders issued to him by the Collector or the Superintendent or District Inspector of Prohibition and Excise of his District.

11. The permit-holder shall *abide* by the conditions of this permit and the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

12. This permit is liable to be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

13. In case the permit suspended or cancelled, the stock of toddy in the possession of the permit-holder on the date of suspension or cancellation shall be forthwith destroyed by the permit-holder.

Granted this ..... day of .....20 .

Seal of the  
Collector

Collector of .....]

**[FORM TD-4]**

[See rule 17(I)]

*Application for permission to tap toddy-producing trees*

To

The Superintendent/District Inspector of Prohibition and Excise,

.....

Sir,

I, give below the following particulars with a request to permit me to tap toddy trees for my shop for the year 19    -19    . I have already obtained permission of the owners of the trees for tapping them, copy enclosed :

1. Name of the licensee        ..        ..
2. Shop No.                        ..        ..
3. Names of the owner of the trees        ..
4. Numbers of trees required for tapping under the application, particulars of which are given below :

Kind and number of trees to be tapped	Survey No.	Block No.	Village Taluka and District
(1)	(2)	(3)	(4)

.....  
 The duty on trees mentioned above, amounting to Rs. ....  
 has been credited under Challan No. ...., dated  
 ..... which is enclosed.

Yours faithfully.

Signature of the licensee.

Date :

**FORM TD-5**

[See rule 17(2)]

*Tree Tapping Permit*

Permission is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder, to Shri/Sarvashree ..... of ..... holder of licence No. .... for the sale of toddy at ..... authorising him/them to tap and draw toddy from the toddy-producing trees mentioned below :

- |   |    |
|---|----|
| 1. Kind and number of trees to be tapped.     | .. |
| 2. Survey No.                                 | .. |
| 3. Block No.                                  | .. |
| 4. Village                                    | .. |
| 5. Taluka                                     | .. |
| 6. District                                   | .. |
| 7. Name of the Owners                         | .. |
| 8. Amount of duty paid for each kind of trees | .. |
| 9. Challan No. and Date                       | .. |

Date :

Seal

Signature of the Superintendent/District  
Inspector or Prohibition and Excise.

**FORM T. D.—6**

(See rule 18)

*Form of register of receipt and sale of toddy to be maintained at the licensed shop*

Name of the licensee :

		Quantity of toddy received								
Date	Opening balance	Litres	Transport Pass No. and Date	Time of receipt	Quantity of columns (2) and (3)	Quantity of toddy sold during the day	Wastage	Quantity of Toddy destroyed	Closing balance	Signature of the licensee or his authorised agent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Litres		Hrs. Mts.		Litres	Litres			Litres	

<sup>1</sup>[FORM T.D.—6A]

(See rule 18)

*Form of register of receipt and transport of toddy to be maintained at the transit centre*

Name of the licensee :

Date	No. of toddy shops for which toddy is meant	Litres	Quantity of toddy received							Signature of the licensee or his authorised agent
			No. of Cases	Transport Pass No. and Date	Time of transport	Time of receipt	Quantity of toddy Supplied to the shop in vessels or bottles	Time of supply		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
					Hrs. Mts.	Hrs. Mts.	(In Liters)			

<sup>1</sup>Ins. by G. N. of 31-12-1970.

**FORM TD-7**

[See rule 24(I)]

*Form of Nokarnama*

Name of the licensee .....

.....

Licence No. ....

Location of the shop .....

**1.** Subject to the provisions of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) rules, 1968,

I/We, .....

.....

Name : ..... licensee of the abovenamed shop,

Age : ..... hereby authorise the servant

Residential address : ..... named and for the period mentioned in the margin to officiate for me/us in respect

Appointed from the ..... 20 of the following functions that

to the ..... 20 is to say :—

(a) <sup>1</sup>[to officiate for me]/us at my/our retail sale toddy shop at ..... or mentioned in my/our tapping permit ; or

(b) to tap toddy-producing trees in the tapping area at ..... mentioned in my/our tapping permit ; or

(c) to issue transport passes for transport of toddy from the tapping area at ..... to my/our licensed shop at ..... ; or

(d) to transport toddy from ..... to .....

**2.** The said person is competent in my/our absence to conduce my/our above mentioned duties in accordance with the provisions of the said rules. He is of good character ; and as far as I/we know, he has not been convicted of any offence under the Bombay Prohibition Act, 1949, nor has he been convicted by a criminal court or black-listed in respect of excise licences, rendering him unfit for appointment as a *Nokar*.

**3.** I/We have explained to him personally all the conditions of my/our licence ; and I/We hold myself ourselves responsible personally for any offences he may commit in the conduct of the business under my/our licence.

**4.** This authority shall become invalid on the suspension, cancellation or expiry of my/our licence or if a competent officer refuses countersignature thereon. This *nokarnama* will also become invalid, if the Superintendent/District Inspector of Prohibition and Excise concerned issues order to that effect. This *nokarnama* shall be kept with the employees.

Dated ..... 20 .

Signature of the licensee.

---

1 Subs. by G. N. of 2-8-1969.

The sum of Rs. 1 only as the fee prescribed for the issue of this *nokarnama* has been paid, *vide* Challan No. ...., dated .....

Dated ..... 20 .

Signature of the licensee.

\_\_\_\_\_

1. The appointment of the abovenamed Nokar is approved.
2. The *nokarnama* shall be in operation till the ..... 20 but it is liable to cancellation for any breach, on the part of the nominee, of the Bombay Prohibition Act, 1949 or for any other offence rendering him unfit to hold the appointment hereby made.

Dated ..... 20 .

Signature and Designation of  
Prohibition and Excise Officer.

**FORM T. D.—8**

[ See rule 24(1) ]

*Form of register of Nokar/Agents to be maintained by the Licensee*

Serial No.	Name, Address and Age of the Nokar/Agent in whose name the NOKARNAMA is issued	Date of issue of NOKARNAMA	Challan No. and Date of payment of fee	Place at and purpose for which the Nokar/Agent is appointed	Remark, (if any)
(1)	(2)	(3)	(4)	(5)	(6)



## [ SCHEDULE ]

[See rules 1(2) and 2 (j)]

## Tribal Areas

District (1)	Tribal Areas (2)
Chandrapur	<p>(a) Scheduled areas of Sironcha Tahsil (excluding the following areas) :—  Alapalli.  Aheri.  Sironcha, Umanur.  Kannepalli.  Kamalapur.  Gundapuri.  Charpalli.  Chanchgundi.  Chalewala.  Jarwadi.  Jimalgatta.  Tumargadda kh.  Diddvi.  Nagopalli M.  Pusakpalli.  Bramhanpalli.  Birihandghat.  Marpalli.  Mahagaon Bk.  Pirimali.  Modumadga.  Modumtura.  Yedampalli.  Etapalli.  Yechali.  Yelaram.  Wenkatapur S.  Wenkatrao Petta.  Sudamagudam.  Sewari S.  Welgur.</p> <p>(b) Scheduled areas of Gadchiroli Tahsil (excluding the following areas) :—  Andhali (near Gurnuli).  Antargaon.  Belgaon (near Piparzora).  Bethkathi (near Zepragar).  Gewardha.  Gilgaon.  Gothangaon.  Botekasa.  Chincholi.  Chikhali.</p>

1 Added by G. N. of 3-2-1981.

## SCHEDULE—Contd.

(1)	(2)
Chandrapur—Contd.	.. Chetekanhar Dewoolgaon (near Gunjanwadi). Dhanora. Dhanegaon. Dhanori. Dongargaon (near Sonsor) Dudhamala. Jalher. Jambhurkheda Jambhali (near Ranmul). Jogana. Joshitola. Kaneri. Karwapa. Kanargaon (Kakadyeli). Kharri Khedegaon. Khedegaon (near Katantola). Kharadi Kochinara. Koregaon, Kumbhitola Kurkheda. Malewada. Mareda. Mendhatola, Michgaon (near Kachkal). Mohagaon (near Pulakhal) Mohali. Murmuri. Navargaon (near Yeraadi) Navegaon (Pathargota). Piasgaon (near Kharanji). Pandhribhatal. Pekinmurza. Pendhari. P. Pipalgaon Gisewaddha. Potegaon. Pulkhal. Rajoli. Rajoli (near Rotegaon). Rampur. Rangi. Sindewahi. Talegaon Tekabedal. Thakri.

SCHEDULE—*contd.*

(1)	(2)
Chandrapur—Contd.	Umari Yengalkheda Yerkadi
Amravati ..	Melghat Tah. (Excluding the following areas) :— Dharni and Chikhaldia Hill Station Municipal Council Salona Masondi Ghatang Shapur Lawada Bairc Churni (F.V.) Aladoh Motha Chikhali Belkund Churni Palaspani Gangarkheda Jelida Jira Kakadhari Pipadari Kulgana Bk Wastapur Chinchkheda Kalamkhar Dharni Kusumkot Bk. Ghutiya Dhodra Tatra Dadara Ranugaon Golai Mikkheda Shivazari Dudhane Baigad Kotha Harisai Kot Chithari
Thane ..	(a) Mokhada Tahsil (b) Talasari Tahsil (excluding the area Borigaon Terf Deheri). (c) Jawahar Tahsil (excluding the following areas) :— Jawahar Municipal Council

SCHEDULE—*contd.*

(1)	(2)
	Shil
	Apti Khurd
	Shelpada
Nashik	.. Surgana Tahsil (excluding Surgana). Peint Tahsil (excluding the area within the limits of the village Panchayat of Peint)
Dhule	.. (a) Navapur Tahsil (excluding the following areas):— Taloda Municipal Council Halalpur Chinode Ranzani Pratapapur Talde Mohide Gondale Astetarde Borad. Mod Morwad Kharwad Khedle
	(c) Akkalkuwa Tahsil (excluding the following areas): — Akkalkuwa Pimpalkhuta Barisurgas Khodasbara Katsakhai Kolvi Khapur Akkalkuwa Khd. Vanyavahir Khd.
	(d) Akrani Tahsil (Excluding the following areas) : — Goradi Borsisa Kumbhari Shikka Nimgavhan Kukalat

*Explanation.* — In this schedule, the expression “Scheduled area” means the area declared to be a scheduled area by the President under the Scheduled Areas (Part A States) Order, 1950, made under sub-paragraph (1) of paragraph 6 of the Fifth Schedule to the Constitution of India.]

(30) **THE MAHARASHTRA TODDY SHOPS (GRANT OF LICENCES BY AUCTION OR TENDER) ORDER, 2001**

1. G. O., H. D., No. TOD. 1068/C/1126(a)/III, dated 19th September 1968 (M. G., Pt. IV-B, p. 1388).
2. Amended by G. O., II. D., No. TOD, 1069/35191-III, dated 4th July 1969 (M. G. Pt. IV-B. P. 942).
3. Amended by Corrig., II. D., No. TOD, 1068-C-1126-(a)-III, dated 31st July 1969 (M. G., Pt. IV-B. P. 1079).
4. Amended by G. O., II. D., No. TOD, 1070/32854-III, dated 10th July 1970 (M. G., Pt. IV-B. P. 947).
5. Amended by G. O., II. D., No. TOD, 11870/62135-III-(a) dated 8th July 1971 (M. G., Pt. IV-B. P. 1077).
6. Amended by G. O., II. D., No. TOD, 11870/62135-III, dated 18th September 1974 (M. G. Pt. IV-B. P. 1121).
7. Amended by G. O., II. D., No. TOD, 0274/4-III, dated 23rd June 1975 (M. G., Pt. IV-B. P. 601).
8. Amended by G. O., II. D., No. TOD, 0175-XXIX-PR, dated 2nd August 1976 (M. G., Pt. IV-B. P. 933).
9. Amended by G. O., II. D., No. TOD, 0881/99-PRO-3, dated 12th July 1982 (M. G. Pt. IV-B. P. 714).
10. Superseded by GOHD No. TOD., 1101/CR 5/EXC-3, dated 4 June 2001.
11. Amended by G. N. H. D. TOD., 1108/CR-I/EXC-3, dated 9th August 2010.

In exercise of the powers conferred by clauses (k), (l), (m) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf and in supersession of the Maharashtra Toddy Shops (Grant of Licences by Auction or Tender) Order, 1968 and instruments thereunder the Government of Maharashtra is pleased to make the following Order namely :—

1. *Short title.*—This Order may be called the Maharashtra Toddy Shops (Grant of licences by Auction-cum-Tender) Order, 2001.
2. *Definitions.*—In this Order, unless the context requires otherwise.—
  - (a) “ Act ” means the Bombay Prohibition Act, 1949 ;
  - (b) “ auction ” means the manner of inviting tenders as well as bids in public auction for grant of licence for sale of Toddy ;
  - (c) “ Auction authority ” means the Collector or District Superintendent of the State Excise of the District authorised by the collector to conduct auctions and to call for tenders ;
  - (d) “ Auction Purchaser ” means the person whose bid or tender is accepted by the Auction Authority ;

(e) “ bid ” means an offer of bid money by bidder in an auction and includes a tender ;

(f) “ bidder ” means one who bids in an auction or makes an offer in tender ;

(g) “ bid-money ” means the consideration for the grant of licence under rule 4 of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) rules, 1968 payable by the purchaser comprising the licence fee ;

(h) “ Commissioner ” means Commissioner as defined under the Bombay Prohibition Act, 1949 ;

(i) “ hall ” means a place where auction shall be held ;

(j) “ highest bidder ” means the person who offers the highest bid-money by bid or tender ;

(k) “ licence ” means a licence granted in Form TD-1 under the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968 ;

(l) “ licensee ” means a person who has been granted a licence under the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968 ;

(m) “ Licensing Authority ” means the Collector ;

(n) “ licence fee ” means bid-money payable for grant of licence ;

(o) “ Society ” means a Co-operative society of tappers registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960 ;

(p) “ Superintendent ” means the Superintendent of State Excise ;

(q) “ toddy ” means fermented juice drawn from a concout, brab, date or any kind of palm tree, containing not more than five per cent alcohol by volume, but does not include sweet toddy, nira or neera ;

(r) “ toddy year ” means the year commencing from 1st September and ending on 31st August of the next calendar year.

**3. Procedure for Grant of Licence.**—(1) The licence for shops shall be granted by Auction-cum-Tender system on payment of bid money, by the collector as specified hereinafter.

<sup>1</sup>[ (2) The licence shall be granted for a toddy year and it may be renewed every year, maximum upto four years.

(2A) The fees for renewal of licence for the toddy year 2010-2011 shall be equivalent to the fees of licence for the previous toddy year 2009-2010 and the fees of renewal of licence for any subsequent year shall be increased upto six percent of the fees of licence for the previous year as notified by the Government.

(2B) The renewal of licence shall be done before the 1st September of every year ”.]

(3) The licence shall be granted in Form TD-1 as prescribed under rule 4 of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rule, 1968.

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1 Subs. by G. N. of 9-8-2010.

**4. Auction-cum-Tender Notice.**—(1) Subject to any directions issued by the State Government or Commissioner in that behalf, the Collector shall issue public notice stating that auctions will be held for grant of licences, in the manner stated in the notice.

(2) The notice shall specify the localities in which toddy shops may be situated, the number of shops which may be licensed in each such locality, the shops which may be grouped together for auctioning Licensed and the date, time and place at which tenders shall be received and auctions in respect of each such shop or a group of shops may be held. The notice shall also state that auctions shall be held in accordance with the provisions of this order and shall be binding on the persons bidding at such auctions.

(3) Such notice shall be issued not less than fifteen days before the date of the auction, and shall be given wide publicity in such suitable manner as the Collector may deem fit. A copy of such notice shall be kept in the office of the Collector and the Superintendent and shall also be made available to any person on request during office hours on working days.

(4) The Auction Authority shall proceed with auction on the appointed date or dates. In case if general postponement is necessary for any reason the Licensing Authority shall report it immediately to the Commissioner with a brief statement of reasons for the postponement.

Any unsettled shops at such auction shall be settled at a subsequent auction.

(5) The settlement of licences not settled on the previous date of auction and on opening of the tenders, shall be made within ten days of the date of postponement. As far as possible the Auction Authority shall declare the date of re-auction at the closure of undecided auction and shall also notify about the re-auction programme in a local daily newspaper.

**5. Opening of additional shop(s) in certain cases.**—If a licensee, having paid full amount of the bid in respect of his licenced shop, in a locality for any reason, closes down his licensed toddy shops or does not carry on his licensed shop to the satisfaction of the Collector in any locality, the Collector may sanction additional toddy shop or shops in the locality and auction such shop or shops during the Toddy year.

**6. Solvency Certificate required before bidding.**—No person shall be permitted to bid at an auction unless he produces before the Auction Authority a solvency certificate, in the case of a society from any officer appointed under section 3 of the Maharashtra Co-operative Societies Act, 1960, and in any other case, from a revenue officer duly authorised by the State Government from time to time in this behalf or he produces such other documents regarding his financial capacity to the satisfaction of the Auction Authority.

**7. Powers of Auction Authority to refuse or to accept bids from certain persons.**—No person shall be allowed to bid at any auction.—

(a) If he holds a licence in Form C. L. III under rule 24 of the Maharashtra Country Liquor Rules, 1973 ;

(b) If he is a defaulter of the excise revenue :

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1 Subs. by G. N. of 9-8-2010.

Provided that, if name of tenderer or auctioneer finds place in the list of defaulters circulated by the licensing Authority, or Commissioner having arrears of excise revenue he may bid at the auction if he makes payment of the entire arrears due against him along with penal interest at the rate prescribed under section 114 of the Act before the auction and also furnishes a stamped undertaking for depositing dues of Excise arrears, if any, as per calculations in the District, within two weeks after the conclusion of the auction, or the commencement of the licence for running the shop, whichever is earlier ;

(c) The Auction Authority may refuse to accept a bid from any person at an auction or disallow any person from bidding at the auction or refuse to accept a tender submitted by any person, if such person has been convicted of any offence under the Act, or of any cognizable and non-bailable offence, or of any offence under the Narcotics Drugs and Psychotropic Substances Act., 1985, or under the Drugs and Cosmetics Act, 1940 or the Bombay Drugs (Control) Act, 1959 or the Trade and Merchandise Marks Act, 1958 or of any offence punishable under section 482 to 489 (both inclusive) of the Indian Penal Code, or of any offence punishable under Chapter XIV of the Customs Act, 1962.

**8. Duly Authorised persons to bid on behalf of others.**—No person shall be allowed to bid on behalf of a person unless he holds a duly executed power of attorney from the another person, and in case of a society, unless he holds an authorisation from the Managing Committee of the society.

**9. Bids to be offered for entire period of licence.**—Except as otherwise directed by the Auction Authority in this behalf, the bids to be offered shall be for securing licences for a period of Toddy year, and not for a part thereof. If there is a re-auction during the period of the licence, the bids offered shall be for the period as notified by the Auction Authority, which shall not extend beyond 31st Day of August next following the date of auction.

**10. Declaration of partnership before bidding or acceptance of tender.**—When two or more persons desire to hold a licence in partnership, they shall, before the bidding or acceptance of tender commences, declare their partnership to the Auction Authority. Only one person on behalf of the partnership shall be allowed to bid at the auction. Subject to the provisions of clause 18, if the auction or tender is accepted in their favour, they shall produce before the Auction Authority a Deed of Partnership, before the actual grant of licence.

**11. Mode of submitting tender.**—(1) A tender shall be submitted in a sealed cover addressed to the Auction Authority by the bidder himself or by any person holding a duly executed power of attorney from him not later than the last date and the time specified in the notice issued under clause 4 for the receipt of tenders before the commencement of the bidding for the shop or the group of shops, as the case may be.

(2) The cover containing the tender shall be superscribed with the words “ TENDER FOR THE GRANT OF LICENCES FOR RETAIL SALE OF TODDY IN THE SHOP OR GROUP OF SHOPS LOCATED IN ..... TALUKA ..... DISTRICT ..... for the period from ..... to ..... ”.



(3) Where more than one tender are submitted by any one person in respect of the same shop or group of shops, the tender containing the highest offer shall be considered and not the other tenders. *The figures of the tenders shall be mentioned in words as well.*

(4) Every tender received shall be acknowledged by the Officer receiving it.

(5) No tender shall be conditional. Every conditional tender shall be rejected.

(6) Every tender shall be accompanied by an earnest money deposit of an amount not less than 1/10th amount of the tender. Such deposit shall be made either in cash or in the form of a demand draft on a Schedule Bank in favour of the Collector. Tenders not accompanied by such earnest money deposits shall be rejected. Earnest money deposited shall be returned to the unsuccessful tenderer. Such earnest money deposited by successful tenderer shall be adjusted towards one-fourth of the tender amount payable as provided in clause 20.

(7) The tenderer shall also be eligible to participate in the bidding at an auction for the same shop or group of shops.

(8) The tenderer shall be entitled to remain present at the place of auction and at the time of opening of the tender also, which shall be after the bidding is over, but his absence shall in no way affect the auction proceedings.

(9) The Auction Authority shall announce at the commencement of the auction, the number of tenders received for a particular shop or group of shops.

(10) The tenders shall be opened only when the Auction Authority is of the opinion that no further amount is likely to be offered than any bid offered for a shop or group of shops in an auction or in a postponed auction.

(11) No tender received after the time fixed in the auction notice or after the commencement of auction of a shop or group of shops, shall be taken into consideration.

(12) *Withdrawal of tender.*— A tender once submitted shall not be withdrawn till rejected.

(13) *Scrutiny of tender.*—The Auction Authority shall, on the day, and at the time and place, specified in the notice issued under clause 4, and immediately after public auction is held open in the presence of such of the tenderers and bidders as are present, all the tenders duly received by him, make a list of the offers made and may, after the tenders are recorded in respect of all shops, or groups of shops, accept or reject after recording his reasons therefore, the highest offer, and announce the same.

(14) *Auction procedure.*—(1) The auction shall be held at the headquarters of the District or any other convenient place duly mentioned in the auction notice and shall be presided over by the Auction Authority.

(2) The Auction Authority conducting the auction may withdraw the auction of any shop before the auction is commenced under instructions of the Commissioner, alongwith reason for such action.

(3) As a rule, bids should not be taken in amounts smaller than multiples of Rs. 100 up to Rs. 10,000 and all bids above ten thousand rupees should be in multiples of Rs. 500.

(4) Following precautions need to be observed while deciding the bids :—

(i) care should be taken in while accepting the bids which are obviously in excess of fair market value of the licence or which are the result of speculation or ulterior motive, the acceptance or such bids as may be injurious to the interests of the consumers and ultimately to the excise revenue.

(ii) It is necessary to guard against the acceptance of bids which may have the effect of constituting an over or covert monopoly and against the acceptance, as licence holders of undesirable persons of doubtful solvency or criminal background.

(5) (a) The Auction Authority who is conducting the auction shall record the name of each person making a bid and the amounts of his bids.

(b) The signature of the highest bidder and the next two lower bidders shall be taken on the bid sheet.

(c) At the time of auction the auction purchaser shall sign his name or affix his thumb-impression against the relevant entry in the statement as may be prescribe by the Commissioner.

It shall be explained at the time of auction that the deposit paid in advance shall be returned in the event of the tender called earlier is found higher than bid and his bid will not be accepted. The final bid accepted shall invariable be recorded in words with his own hand by the officer conducting the auction and shall be considered in accordance with clause 17.

15. *Hall Ticket.*---(1) No person other than the officers on duty shall enter the place of auction without presenting a hall ticket. The hall ticket may be issued either by the Superintendent of State Excises on the concerned District or by the officer authorised by Superintendent or the Collector to any bidder or tenderer only after he deposits rupees one thousand in cash or a demand draft of an equivalent amount obtained in favour of the Auction Authority.

(2) The demand draft so submitted or cash deposited shall be returned at the end of auction to the unsuccessful bidders.

(16) *General conditions to be read and explained.*---Before the commencement of auction proceeding the general conditions of auction shall be read out and explained to all present, so that competitors may clearly understand the conditions on which they bid.

(17) *Acceptance of bid or tender.*---(1) Subject to the provisions of clause 18 after receiving bids and opening the tenders the Auction Authority shall consider all the bids and tenders and take decision, as far as possible. On the same day, regarding the settlement of licences. The Auction Authority shall take decision which is best in the interest of State revenue and is not bound to accept the highest or any bid or tender. In case the highest bid or tender is not accepted and the Collector decides to consider the next higher bid or tender the same shall immediately be reported to the Commissioner, alongwith reasons for not accepting highest one. The Commissioner, may either accept one of the bids or tenders received at the auction or order re-auction :

Provided that, where the amount of the highest of the bid at any auction respect of an individual shop or group of shops does not exceed the price expected by the

Collector, the Collector shall not accept any bid, and shall proceed for re-auction as provided in sub-clause (5) of clause 4 :

Provided further that, where two or more bidders who have made highest offers which consists of the same amount, the bidders, whose offer should be accepted shall be determined by the Auction Authority by drawing lots.

(2) Once a bid, as above referred has been finally accepted at an auction no subsequent offer or offers in respect of the same engagement shall be considered Auction Authority shall not make any negotiations and auction once finalised can not be reopended by the Auction Authority.

18. *Acceptance of bids at auctions.*— (1) The offers made at an auction by the highest bidder may be accepted by the Auction Authority after considering the tenders as prescribed under clause 20.

(2) In case of shops which are grouped together for auction announced in the public notice under clause 4, the Auction Authority shall proceed as follows :—

(a) The licence shall be auctioned by the Auction Authority separately in respect of each individual shop in the group, and ascertain the amount of the highest bid and the person making such bid ;

(b) Thereafter, the Auction Authority shall put to auction the licences in respect of all the shops forming the group and shall ascertain the amount offered by the highest bidder for the whole group put to auction.

(c) If the amount of the highest bid for the group exceeds the aggregate amount of the highest bids for individual shops in that group then the Auction Authority may, accept the highest bid for the group. If the aggregate amount of the highest bids for individual shops in the group exceeds the amount of the highest bid for the group or if no bids are received for the group then the Auction Authority may, accept the highest bid for each individual shops.

19. *Successful bidder not entitle to any compensation for his loss.*—No compensation shall be payable for lossess suffered by the successful bidder due to any cause whatsoever.

20. *Auction Purchaser to pay whole or part of amount of bid and execute bond*—A person whose bid or tender is accepted shall, at once, or on the next working day, pay to the officer, duly authorised by the Collector in this behalf, or into a Government Treasury or Sub-Treasury, one fourth of the amount of the bid or tender, unless he has paid on the sopt the whole amount of his bid or tender in cash or has furnished security as precribed by the Government or Commissioner from time to time and shall execute a bond in the form appended to this Order.

21. *Deposit*—Every auction purchaser shall pay to the Licencing Authority, a Security Deposit equal to the amount of one monthly installment in terms of clause 24, before the commencement of the year for which his bid has been accepted, for the due observance of the terms and conditions of the licence granted and the counterpart agreement to be executed by him as provided in the rules made in this behalf. Such amount shall be paid in cash into a Government Treasury or Sub-Treasury and unless it is forfeited for the breach of the terms and conditions of the licence or the counterpart agreement executed under cluase 23, it shall be adjusted towards the payment of the last monthly installment payable as provided in clause 24.

**22.** *Defaulting auction purchaser liable for any loss*—If the auction purchaser fails to pay one-fourth of the amount as provided in clause 20 the collector shall cancel the acceptance of his bid and may *accept the next higher bid* or re-auction the shop or groups of shops and in that event the earnest money deposited by the auction purchaser shall stand forfeited to the state Government and the defaulting auction purchaser shall be liable for any loss sustained by the State Government in accepting the next higher bid or bid money received in re-auction. If the amount realised at subsequent auction is less than the first, or the differential amount if next higher bid amount is accepted in the first auction, the amount of such difference is not paid by the defaulter it shall be recovered from him as an arrear of land revenue.

**23.** *Counterpart agreement*.—Every auction purchaser shall, on payment of the amount referred to in clause 21, execute before the Superintendent concerned, a counterpart agreement as prescribed in the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968 in this behalf within fifteen days of the date of the auction.

**24.** *Manner of payment of balance of bid amount etc.*—(1) Subject to the provisions of sub-clause (2), every auction purchaser shall, except as provided in clause 20, pay the balance of the bid amount in six equal monthly instalments into any Government Treasury or Sub-Treasury. The first monthly instalment shall be paid not later than the 5th of October of the year in which the bid or tender is accepted, and subsequent instalments not later than the 5th day of every following month. If any monthly instalment is not paid on the due date, there shall be charged, interest at the rate prescribed under section 114 of the Act on all outstanding instalments.

(2) If any instalment is not paid on or before the last day of the month in which it is payable, the Collector may-auction the licence, or where a bid accepted is for a group of shops, the licences for such group of shops, at the cost of the defaulting bidder, and in that event, the licence or group of licences, if granted, shall stand cancelled in accordance with the provisions of the Act and the rules thereunder. Where any such licence is so re-auctioned or where the licence of the auction purchaser is cancelled under section 54 of the Act before the balance of the bid amount is paid by the bidder, the bid amount due from him shall be liable to be recovered from him as the arrears of land revenue.

**25.** *Commencement of period of licence*.—The licence in favour of an auction purchaser shall be effective from 1st September of the Toddy year or if auction is conducted after 1st September during the Toddy year from the date of acceptance of bid.

**26.** *List of unsold shops to be submitted to Excise Commissioner*.—A list of all sanctioned shops of which it has not been found possible to effect a settlement should be submitted for orders to the Commissioner immediately by the Collector with a brief statement of the action proposed in each case.

**27.** *Savings*.—Notwithstanding the supersessions of the Maharashtra of Toddy Shops (Grant of licences by Auction or Tender) Order, 1968, any licence, permit pass or permission granted or issued under the said Order shall, so far as it is not inconsistent with the provisions of this Order, continue to be in force and shall be deemed to have been granted or issued under the corresponding provision of this Order until the expiry of the term for which it was granted or issued or until it is suspended or cancelled in accordance with the provisions of the Act or this Order, as the case may be.

FORM OF BOND TO BE EXECUTED BY A SUCCESSFUL  
AUCTION-PURCHASER  
(See clause 20)

Whereas I/We ..... residing at  
..... in the ..... taluka of the .....  
district ..... being a successful auction purchaser bidder/bidders/tender/  
tenders at the auction held for the grant of licences to sell toddy have paid one-fourth of  
the amount of my/our bid/tender ;

I/We bind myself ourselves that I/We shall pay the balance of the bid/tender amount  
in the manner provided for by clause 20 of the Maharashtra Toddy Shops (Grant of  
Licences by Action-cum-Tender) Order, 2001, and in the case of my/our making default in  
the payment of the said balance in the said manner or in the case of my/our licence being  
cancelled under section 54 of the Bombay Prohibition Act, 1949, before payment of the  
said balance I/We bind Myself/Ourselves to forfeit to the Governor of Maharashtra the  
amount equal to the balance of the bid/tender which may remain to be paid by me/  
ourselves.

Place : .....

Date this ..... day of ..... 2001.

In the presence of—

1. ....
2. ....

Signature(s) of the successful  
Auction-Purchaser.

**(31) G. N., H. D. No. TOD 1295/26/(1) EXC-3 Dt. 8th August 1995****(M. G. P. IV-B Extra ordn. p. 138)**

In exercise of the powers conferred by clause (c) of sub-section (I) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby exempts, any person holding licence in Form TD-I on the date of publication of this order in the *Official Gazette* who later acquires such licence through auction or tender, under the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, from the provision of the Maharashtra Toddy Shops (Grant of Licences by Auction or Tender) Order, 1968 so far it relates to offering bids in auction for obtaining a licence in Form TD-1 for the four consecutive years immediately next following year for which such licence has been granted subject to the conditions :—

(i) that he agrees to pay fee equivalent to an amount of 6 per cent, more than the amount of licence, fee or bid payable by him for the TD-1 licence held in the year preceding the year to which the licence is to be granted.

(ii) that the other provisions of the Maharashtra Toddy Shops (Grant of Licences by Auction or Tender) Order, 1968 shall apply *mutatis mutandis* to the licence so granted ; and

(iii) that nothing in this order shall affect the grant of licences under the Maharashtra Toddy Shops (Grant of licence by Auction or Tender) Order, 1968 by the Collector in an area wherein holder of T-1 licence is not desirous of getting the licence with conditions (i) and (ii) above or in an area or locality for which no licence has been granted.

**(32) G. N., H. D. No. TOD. 1101/CR-5/EXC(3), Dt. 4-6-2001**

In exercise of the powers conferred by clause (c) of sub-section (i) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), read with section 21 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby rescinds Government Notifications, the Home Department, No. TOD. 1295/26(1)/EXE-3, dated the 8th August 1995 and No. TOD./1295/26/(3)/EXE-3, dated the 31st August 2000.

**(33) G. N., H. D. No. TOD. 1295/26(2)/Exc-3, Dt. 8th August, 1995****(M. G. pt. IV-B Ex.-ordinary Page 346)**

In exercise of the powers conferred by clause (d) of sub-section (I) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and of all other powers enabling it in that behalf the Government of Maharashtra hereby remits wholly the duty payable on toddy producing trees under the Government Notification, Revenue and Forests Department, No. EAR. 1068/48132/N, dated the 12th November, 1968 issued under sub-section (I) of section 109 of the said Act by any person or institution holding a permit in Form TD-5 under rule 17 of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968.

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1 Added by G. O. of 10-7-1970.

2 Subs. by G. O. of 8-7-1971.

3 Subs. by G. O. of 12-7-1982.

4 Subs. by G. O. of 10-7-1970.

**(34) G. N., R & F. D. No. EAR. 1068/84132-N, dated 12th November, 1968  
(M. G. Pt. IV-B, P. 1792)**

As amended by—

G. N. R. & F. D. No. EAR 1068/48132/N, Dt. 12-11-1968.

G. N. H. D. No. TOD. 1582/PRO-3, Dt. 13-3-1982.

G. N. H. D. No. TOD. 1582/PRO-3, Dt. 10-6-1982.

In exercise of the powers conferred by sub-section (1) of section 109 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification, Revenue Department No. 7560/39, dated the 9th August, 1949 and Government Notifications, Revenue Department, Nos. 1977/33 and 1977/33(a), dated the 28th April 1941, and of all other notifications or orders, if any, corresponding thereto and in force in the State of Maharashtra the Government of Maharashtra hereby directs that for every toddy producing tree in the State from which toddy is drawn for any period commencing on the 1st day of September and ending on the 31st day of August next following, there shall be levied duty at the rate of rupees forty per coconut, palmyra or brab tree ; and of rupees twenty per date or wild palm tree.

2. Nothing in this Notification shall apply to any toddy producing tree from which neera is drawn under a licence issued under the Bombay Neera Rules, 1951, or to any toddy producing tree which is tapped or caused to be tapped in the outstill area of the Chandrapur District or domestic consumption under the Toddy (Manufacture, Possession and Consumption) Rules, 1961.

**(35) G. N., H. D. No. TOD. 1069-6817-III, dated 5th April, 1969  
(M. G. pt. IV-B, P. 436)**

In exercise of the powers conferred by sub-section (2) of section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling in it this behalf, the Government of Maharashtra hereby invests the holders of licences for the retail sale of toddy under the Maharashtra Toddy Shops (Licensing) and Toddy (Tapping) Rules, 1968 with the powers under section 28 of the said Act to grant passes in Form TD-3 appended to those rules for the transport of toddy from the buns or topes to licensed shops as required by those rules.

**(36) G. N., H. D. No. TOD. 1068-C-1126-III, dated 14th November, 1968  
(M. G. pt. IV-B, P. 1791)**

*Amended by G. N., H. D., No. TOD. 1969-III, dated 22nd August, 1969*

*(M. G. pt. IV-B, P. 1304)*

In exercise of the powers conferred by section 25 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby directs that the preparation specified in column (1) of the Schedule hereto shall be exempt from the provisions of the said Act, specified against it in column (2) of that schedule to the extent specified in column (3) thereof.



## SCHEDULE

Preparation (1)	Provision of the Act (2)	Extent of Exemption (3)
1. Toddy containing not more than five per cent of alcohol by volume, being a preparation which may be used for human consumption as a beverage.	(i) Section 12 (d)	So far as section 12(d) relates to buying of such preparation by a person not less than twenty-one years of age.
	<sup>1</sup> [(i)(a) Section 12 (c)]	<sup>1</sup> [So far as section 12(c) relates to the transport and possession of such preparation purchased from a person holding a licence for the retail sale of toddy, by a person not less than twenty-one years of age, in quantities not exceeding three litres at a time in the aggregate.]
	(ii) Section 13(b)	So far as section 13(b) relates to consumption or use of such preparation by a person not less than twenty-one years of age.

**(37) G. Notice, H. D. No. FLR. 2274/5-III, dated 12th November, 1974****(M. G. Pt. IV-B, P. 1472)**

In pursuance of rule 5A of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968, the Government of Maharashtra hereby gives notice that it proposes to direct that every licensed premises in Pandharpur Town of Sholapur District, in respect of which a licence has been granted for the retail sale of toddy shall remain closed for the sale of toddy on the occasions of the *Ashadhi Ekadashi* and *Kartiki Ekadashi* Festivals and on days immediately preceding and immediately following each such festival.

**(38) THE MAHARASHTRA TODDY SHOPS (LICENSING IN TRIBAL AREAS) AND TODDY TREES (TAPPING IN TRIBAL AREAS) RULES, 1981**

G. N. H. D. No. TOD 6279/PRO-3, dated 3rd February 1981 (M. G., Pt. IV-B., P. 119)

In exercise of the powers conferred by clauses (b), (e), (f), (g), (h), (i), (j), (k), (l), (13) and (u) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the said section 143.

## PART-I

*Preliminary*

1. *Short title, extent and commencement*—(1) These rules be may called the Maharashtra Toddy Shops (Licensing in Tribal Areas) and Toddy Trees (Tapping in Tribal Areas) Rules, 1981.

(2) These rules extend to the Tribal areas in the State of Maharashtra.

(3) These rules shall come into force on the 1st May 1981.

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1 Ins. by G. N. of 22-8-1969.



2. *Definitions.*—in these rules, unless there is anything repugnant in the subject or context,—

(a) “ Act ” means the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) ;

(b) “ Adivasi Co-operative Society ” means and includes a society registered under the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), in which all or majority of the members are tribals ;

(c) “ duty ” means duty levied under section 109 of the Act ;

(d) “ Form ” means a form appended to these rules ;

(e) “ Licensed shop ” means the shop in which a licensee has been licensed to sell toddy under his licence ;

(f) “ Licensee ” means the holder of a licence ;

(g) “ Superintendent ” means the Superintendent of Prohibition and Excise of the district in which licensed shop is located ;

(h) “ Toddy ” means fermented juice drawn from a concourt, brab date or any kind of palm tree containing not more than 5 per cent. alcohol by volume but does not include sweet toddy, nira or neera ;

(i) “ Tribal area ” means the area specified in the Schedule appended to these rules ;

(j) words and expressions used in these rules but not defined in these rules shall have the meaning respectively assigned to them in the Act.

## PART II

### Regulation of sale of Toddy

3. *Prohibition of sale of toddy except under a licence.*—No Person shall sell toddy in any Tribal area except under a licence.

4. *Application for licence.*—Any person, being a tribal or an Adivasi Co-operative Society, where individual tribal is not coming forward to sell toddy by retail in any Tribal area, shall apply in Form T. R. T. D.-1 appended to these rules, to the State Government for licence in Form T. R. T. D.-2 through the Collector of the district in which he desires to locate the licensed premises for selling toddy. The application shall be accompanied by a chalan evidencing payment of a fee of rupees fifteen for such application.

5. *Grant of Licence.*—(1) On receipt of an application under rule 4, the Collector shall verify the particulars given therein and also make such other enquiries as the deems necessary and which are incidental to the grant of the licence and also satisfy himself that the premises proposed for location of the shop for selling toddy are in conformity with the provisions of the rules and the instructions issued by the State Government or the Commissioner from time to time. He shall then forward the application to the State Government with his remarks.

(2) On receipt of the application under sub-rule (1) the State Government may subject to the provisions of this rule, after making such enquiries as it deems fit and after it is satisfied that there is no objection to grant the licence applied for, on payment by the applicant of the licence fee as prescribed in sub-rule (3), by order direct the Collector to grant the licence in Form T. R. T. D.-2 to the applicant and shall forward a copy of such order to the Commissioner. Thereupon, a licence in Form T. R. T. D.-2 shall be issued by the Collector of the district in which the applicant desires to locate his licensed premises. A duplicate copy of the licence shall be forwarded by the Collector to the State Government for its record and the third copy of the licence shall be kept by the Collector on his record.

(3) *Fees for the licence in Form T. R. T. D.-2*—Fees shall be charged according to the following Scales namely :—

where the licensed shop is proposed to be located in a—

	Rs.
(a) town or village with a population upto 1,000 ..	500
(b) town or village with a population from 1,001 to 2,500 ..	1,000
(c) town or village with a population from 2,501 to 5,000 ..	2,000
(d) town with a population from 5,001 and above ..	3,000

*Explanation.*—For the purpose of this rule, “population” means the population as ascertained at the last preceding census of which the relevant figures, either provisional or final have been published.

(4) No licence under sub-rule (2) shall be granted for a period beyond 31st August next following the date of commencement of the licence.

(5) (a) Any licensee desiring to renew his licence shall make an application in form T. R. T. D.-1 accompanied by a chalan, evidencing payment of a fee of rupees fifteen for such application, to the Collector of the district in which his licensed premises are located, at least one month before the expiry of the licence.

(b) Any licence granted under sub-rule (2) shall be renewed by the Collector for a period not exceeding one year at a time on payment of the fee prescribed in sub-rule (3) of this rule, unless the Collector has reason to believe that there has been a breach of any of the terms and conditions of the licence, or that the retail licensee has not been working it properly.

(6) No licence shall be granted in respect of such shop—

(a) Which is less than 9 square metres in area and which in the opinion of the Collector or the officer authorised by him in this behalf will not be adequate for the purpose and where consumption of toddy will be in public view ; or

(b) which is situated within a distance of 75 metres from any industrial undertaking or irrigation or other developmental project where 200 or more work men are employed in one or more shifts either in a single undertaking or project or in a group of undertakings or projects located near one another ; or

(c) (i) which is situated within a distance of 75 metres from the boundary of any National or State Highway ; or

(ii) which is visible from, and the entrance of which is facing, such Highway ; or

(d) which is within a distance of 75 metres from any educational institution, students hostel run or recognised by the Social Welfare Department or recognised by the Social Welfare Department or attached to an educational institution, public or private maternity home, public hospital, religious institution colony of labourers or of Harijans ; or

(e) (i) which is situated within a distance of 200 metres from any Maharashtra State Road Transport Corporation Bus Stands or Station or Depot ; or

(ii) which is visible from and the entrance of which is facing, such Bus Stand or Station or Depot ; or

(f) which is not duly approved by the Collector or the officer authorised by him in this behalf and which is not certified by him to be otherwise suitable also for locating the shop before the grant of the licence. The Collector if he refuses to grant such certificate, shall record his reasons in writing for such refusal.

*Explanation I.*—(i) for the purposes of clause (b) of this sub-rule,—

(a) where the undertaking or projects are surrounded by a compound wall, the distance of seventy-five metres shall be measured from the main gate of such compound ;

(b) where the undertaking or projects are not surrounded by any compound wall but the workmen carry on their work indoors, the distance of seventy-five metres shall be measured from the main entrance of each such work premises ; and

(c) where the undertakings or projects are not surrounded by any compound wall and the workmen carry on their work in the open, the distance of seventy-five metres shall be measured from each of the places where the workmen actually do their work.

(ii) “ Educational Institution ” means any pre-primary, primary, secondary or higher secondary school or I. T. I. managed or recognised by any local authority or the State or the Central Government or any college affiliated to any University established by law but does not include any private coaching institution.

(iii) “ Public Hospital ” means any hospital where facilities are provided to keep indoor patients and which is managed and maintained by the State or the Central Government or a local authority or a public charitable institution, but does not include any dispensary.

(iv) “ Religious institution ” means an institution for the promotion of any religion and includes a temple, math, waqf, church, synagogue, agiary or other place of public religious worship, which is registered as a public trust under the Bombay public Trusts Act, 1950, and includes such other religious institutions as the State Government may by order specify in this behalf.

(v) “ Colonies of Labourers or of Harijans ” means colonies where labourers and Harijans as the case may be, reside in a large number and includes Maharashtra Housing Board Colonies of labourers or industrial workers, subsidised industrial housing colonies, squatter’s colonies, labour housing colonies of companies and zopadpattis.

(w) The distance referred to in clauses (c), and (d), (e) shall be measured from the mid-point of the entrance of the shop along the nearest path by which a pedestrian ordinarily reaches —

(a) the boundary of the National or State Highway, or

(b) the mid-point of the gate of the institution, if there is a compound wall and if there is no compound wall, the mid-point of the entrance of the institution, or

(c) the mid-point of the nearest gate of the Maharashtra State Road Transport Corporation Bus Stand or Station or Depot, if there is a compound wall, and if there is no compound wall, the nearest point of the boundary of the Bus Stand or Station or Depot, or

(d) the boundary of colonies of labourers or of Harijans, as the case may be,  
*Explanation II.* - For the purposes of this sub-rule “ National Highway ” or “ State Highway ” shall not include that part of the National Highway or State Highway which passes within the limits of the Gaathan in any village Panchayat area.

(7) The distance between any two shops shall not be less than 200 metres.

6. *Prohibition of shift licensed shop to any other place.*—A licensed shop shall not be shifted by the licensee to any other site without the prior approval of the Collector.

7. *Closure of shops.*—Every licensed shop shall remain closed on 2nd day of October every year, and on the day or days on which any poll is held and two days immediately before such day of poll in relation to any general election or by-elections to the House of People or Parliament or Legislative Assembly of the State or to any local authority in the constituency in which such shop is located and on such special occasions and in such areas, as the State Government or the Collector may, after giving a notice of not less than seven days in any local newspaper circulating in such area, specify in this behalf, and in all such cases, a licensee shall not be entitled to any compensation.

8. *Power of Collector to close down licensed shop, etc. in public interest.*—The Collector may, by order require a licensee to close his shop in the public interest for any period specified in the order; and may in the public interest also curtail the hours of sale; and in either case, the licensee shall not be entitled to any compensation.

9. *Transfer of licence.*—The State Government may permit the transfer of a licence from one name to another or admit or delete the name of any partner after the licence is granted.

### PART III

#### *Tapping of Toddy Trees*

10. *Trees not to be tapped unless duty is paid etc.*—A licensee shall not tap, prepare for tapping, or draw toddy from any toddy producing tree, unless —

- (1) he has paid to the State Government, the duty in respect thereof at the rates directed by the State Government from time to time;
- (2) he has obtained a permit as provided in rule 17; and
- (3) the trees are duly marked and numbered in the manner approved by the Commissioner.

11. *Tapping of tress.*—(1) Trees shall be tapped only by professional men experienced in tapping.

(2) No date or wild palm (commonly known as 'Khajuri' or 'Sendi') tree shall be tapped for more than four months in a year and no such tree shall be tapped for three consecutive years after the expiry of the year in which it is tapped :

Provided that, the Collector may allow any such tree to be tapped in every alternate year, if in his opinion, tapping is necessary for want of other trees.

- (3) No tree shall be tapped daily during the currency of the tree tapping permit,
- (4) In the case of a date tree, no initial incision shall be made at any point within two metres from the foot of the tree or forty-five centimetres from the top of any other incision.
- (5) The depth and width of the incision made on a tree shall not be more than one-third of the diameter of the tree at the point of incision and the length of the incision shall not exceed 20cm.

(6) The central spike-like cluster of any date or palm tree shall not be touched. In addition to the central spike-like cluster, not less than eight other leaves shall, except for reasons beyond the control of the licensee, be left in on that face of the tree on which the incision is made above the top line of the incision.

(7) The licensee shall not cut or injure or permit to be cut or injured any Government tree in respect of which a tree tapping permit is granted to him or make any incision on that tree so as to cause its death.

(8) If as a result of any contravention of any of the forgoing sub-rules, a Government tree dies during the currency of the tree tapping permit or within a period of six months after the expiration of such permit, the licensee shall be liable to pay to Government such sum not exceeding ten rupees in respect of each such tree as may be determined by the Collector after giving the licensee reasonable opportunity of being heard.

**12.** *Commencement of period for drawing of toddy*.—The pots shall not be attached to the trees for the purpose of drawing toddy more than twenty-four hours before the actual commencement of the licence.

**13.** *Inspection of pots for collecting toddy*.—The licensee or his authorised employee shall lower down the pots attached to any tree if any Prohibition Officer, not below the rank of a Sub-Inspector, orders so to do for the purpose of inspection.

**14.** *Mode of collection and transport of toddy, etc.*.—The licensee or his authorised employee shall, after the pots are lowered down from the tree, immediately collect the toddy in the casks or vessels of such kind and capacity as may be approved by the Collector at one place and transport it to the licensed shop under cover of a transport pass in Form T.R.T.D.-3 issued by the licensee or any person duly authorised by him in this behalf.

**15.** *Form of transport pass to be printed, etc.*.—The transport pass shall be got printed by the licensee, in duplicate having serial numbers. The passes shall be bound in books and got stamped with the official seal of the Superintendent in whose jurisdiction the licensed shop is located.

#### PART IV

##### *General conditions applicable to toddy shops*

**16.** *Prohibition against drawal, possession etc, of toddy*.—The licensee shall not draw, possess or transport toddy required for sale at his licensed shop except from the trees, which he has been authorised to tap on payment of duty in this behalf.

**17.** *Permit for tapping trees*.—(1) The licensee shall make an application to the Superintendent in Form T.R.T.D.-4, for permission to tap toddy producing trees and draw toddy therefrom for retail-sale at his licensed shop.

(2) On receipt of an application, the Superintendent, after verifying that duty has been paid by the licensee on toddy trees secured by him shall grant to the licensee a permit in Form T.R.T.D.-5.

**18.** *Account of toddy to be maintained*.—The licensee shall maintain at his licensed shop a register in Form T.R.T.D.-6. Wherein he shall write before the closure of the licensed shop correct daily account of all quantities of toddy received, sold, lost, destroyed and held in balance by him at the licensed shop.

**19.** *Unsold toddy.*—Unsold toddy shall not be diverted to or sold at any other licensed shop :

Provided that, unsold toddy may be sold to the holder of a licence in Form (I) appended to the Maharashtra Distillation of Spirit and Manufacturer of Potable Liquor Rules, 1966, for distillation of spirit and such toddy shall be transported under cover of a pass in Form T.R.T.D.-7, issued by the licensee or any person duly authorised by him in this behalf.

**20.** *Quality of toddy to be sold.*—No licensee shall possess, sell or expose for sale at his licensed shop any toddy—

(a) Which is more than twenty - four hours old (time being calculated from the time marked on the transport pass in Form T.R.T.D.-3);

(b) unless it is pure and unadulterated;

(c) unless it is drawn and obtained according to the provisions of these rules;

(d) which is mixed with chloralhydrate or any other substance, or in which any foreign substance is put, added or mixed there by causing impurity or decrease or increase in its alcoholic strength;

and toddy which a licensee cannot possess or sell or expose for sale as aforesaid shall be destroyed.

**21.** *Mode of transport of toddy.*—Except as otherwise provided in rule 14, toddy drawn for sale at one licensed shop shall not be transported along with the toddy drawn for sale at another shop in one and the same container. However, one conveyance may be used for transporting toddy to different shops.

**22.** *Hours of sale.*—Subject to the provisions of rule 8, the licensee shall not sell toddy except between 7-00 a.m. and 1-00 p.m. :

Provided that, the licensed shop may be kept open beyond aforesaid hours of sale for such time as is necessary for its cleaning, receiving receptacles containing toddy and completing accounts, but no sale of toddy shall be made during such period.

**23.** *No unnecessary articles to be kept in licensed shop.*—The licensee shall not keep any other article in the licensed shop unless such article is necessary for the conduct of his business in connection with the sale of toddy therein.

**24.** *Employees.*—(1) Subject to the provisions of sub-rule (2), a licensee may employ such employees as he thinks necessary and shall execute a Nokarnama in favour of every employee so employed in connection with his business of sale of toddy in Form T.R.T.D.-8, and shall enter the names of all such employees in the register in Form T.R.T.D.-9.

(2) The licensee shall not employ any of the following persons as his servants to assist him in his business in any capacity whatsoever, namely :—

(i) Women and person below twenty-one years of age;

(ii) Persons suffering from any infectious or contagious disease ;

(iii) Persons who are insane;

(iv) Persons who, in the opinion of the Superintendent, have bad character;

(v) Persons whose Nokarnama or licence have previously been cancelled;

(vi) Persons convicted of any criminal offence :

Provided that, in the case of persons falling under clauses (iv), (v) and (vi) the disqualification may at any time be removed by a written order of the Collector.

**25. Restriction on sale of toddy to certain persons.**—The licensee shall not sell toddy to the following categories of persons :-

(i) a lunatic or insane person;

(ii) a person who is in an intoxicated state;

(iii) a person known or suspected to be participating in any rioting or disturbance of peace;

(iv) the Armed Forces of the Union, member of the Police Force, the Prohibition and Excise Department, State Transport and Railway Department or driver of a motor vehicle, when on duty or in uniform or both; and

(v) a person who is under 21 years of age.

**26. Stay at night in licensed shop of unauthorised person prohibited.**—The licensee shall not allow any person except authorised servant holding a valid Nokarnama to stay at night in the licensed shop.

**27. Retail price**—(1) All sales of toddy shall be made for cash only.

(2) The licensee shall not sell toddy at a price exceeding that fixed by the Collector, after taking into account the local conditions and cost of production.

**28. Licensed shop to be open for inspection by officers.**—The licensed shop and the toddy therein shall at all times be open to inspection by the officers empowered under Section 122 of the Act.

**29. Books maintained in licensed shop.**—The licensee shall purchase at his cost the accounts register in Form T.R.T.D.-6 and visit book and maintain them correctly. The visit book and the account register shall be page numbered and got sealed with the seal of the Superintendent and properly kept in the licensed shop for inspection of officers to record their inspection remarks therein. The visit book and the accounts register shall not be removed from the licensed shop at any time except under the proper written authority of the Superintendent and the licensee shall be responsible for their safe custody.

**30. The licensee to abide by Act, rules, etc.**—The licensee shall abide by the conditions of his licence and the provisions of the Act and rules, regulations and orders made thereunder.

**31. Suspension or cancellation of licence.**—The licence may be suspended or cancelled in accordance with the provisions of Section 54 or 56 of the Act.

**32. Powers to issue supplementary instructions.**—The State Government and the Commissioner may issue written instructions providing for any supplemental matter arising out of these rules.

**33. Saving.**—Nothing in these rules shall apply to Nira or Neera or affect the operations of any special rules for the tapping of trees for any purposes other than for selling toddy by retail sale under these rules.



**SCHEDULE**

[ See rules 1(2) and 2(i) ]

## Tribal Areas

District	Tribal Areas
Chandrapur	<p>„ (a) Scheduled areas of Sironcha Tahsil (excluding the following areas):</p> <p>Alapalli. Aheri. Sironcha. Umanur. Kannepalli. Kamalapur. Gudapuri. Charpalli. Chinchgundi. Chalewala. Jarwadi. Jimalgatta. Tumargadda Khd. Diddvi. Nagopalli M. Pusakpalli. Bramhanpalli. Birihandghat. Marpalli. Mahagaon BK. Pirimali. Modumadga. Modumtura. Yedampalli. Etapalli, Yehali. Yelaram. Wenkatapur S. Wenkatrao Petta. Sudamuagudam. Sewari S. Welgur</p> <p>(b) Scheduled areas of Gadchiroli Tahsil (excluding the following areas):</p> <p>Andhali (near Gurnuli). Antargaon. Belgaon (near Piparzora). Bethkathi (near Zapragar). Gewardha. Gilgaon. Gothangaon. Botekasa Chincholi.</p>



SCHEDULE—*Contd.*

District	Tribal Areas
Chandrapur— <i>contd.</i>	Chikhali. Chetekanhar. Dewoolgaon (near Gunjanwadi). Dhanera. Dhancgaon. Dhanori. Dongargaon (near Sonsor). Jalher Dudhamala. Jambhurkheda. Jambhali (near Ranmul). Jogana. Joshitola. Kaneri. Karwapa. Kanargaon (Kakadyeli). Kharri. Khedegaon. Khedegaon (near Katantola). Kharadi. Kochinara. Koregaon. Kumbhitola. Kurkheda. Malewada. Mareda Mendhatola Michgaon (near Kachkal) Mohagaon (near Pulakhal). Mohali. Murmuri. Navegaon (near Yeradi). Navegaon (Pathargota). Palasgaon (near Kharanji). Pandhribhatal Pekinmurza. Pendhari. Pipalgaon. Pisewaddha. Potegaon Pulkhal. Rajolin. Rajoli (near Rotegaon). Rampur. Rangi. Sindewahi. Talegaon. Tekabedal. Thakri. Umari. Yengalkheda. Yerkadi.

## SCHEDULE—Contd.

District	Tribal Areas
Amravati	Melghat Tahsil (excluding the following areas): Dharni and Chikhaldara Hill Station Municipal Council. Salona Masondi Ghatangh. Shapur. Lawada. Baire. Churni (F. V.) Aladoh. Motha. Chikhali. Belkund. Churni. Palaspani. Gangarkheda. Jalida Jira. Kakadhari. Pipadari. Kulgana BK. Wastapur. Chinckheda. Kalamkhar. Dharni. Kusumkot Bk. Ghutiya. Dhodra Tatra. Dadara. Ranugaon. Golai. Mokkheda. Shivazari. Dudhane. Bairgad. Kotha. Harisal. Kot. Chithari.
Thane	.. (a) Mokhada Tahsil. (b) Talasari Tahsil (excluding the area Borigaon Terf Deheri). (c) Jawhar Tahsil (excluding the following areas): Jawahar Municipal Council, Shil. Apti Khurd. Shelpada.

## SCHEDULE—Contd.

District	Tribal Areas
Nashik ..	Surgna Tahsil (excluding Surgana). Peint Tahsil (excluding the area within the limits of the Village Panchayat of Peint).
Dhule ..	(a) Navapur Tahsil (excluding the following areas) : Nawapur. Khandbara. Chinchapada.
	(b) Taloda Tahsil (excluding the following areas): Taloda Municipal Council. Halapur. Chinode Ranzani. Pratapapur. Talde Mohide. Gondale. Aseetarefe Board. Mod. Morwad. Kharwad. Khedle.
	(c) Akkalkuwa Tahsil (excluding the following areas): Akkalkuwa. Pimpalkhuta. Barisurgad. Khodasbara. Kasakhai. Kolvi. Khapur. Akkalkuwa Khd. Vanyavahir Khd.
	(d) Akrani Tahsil (excluding the following areas): Goradi. Borsia. Kumbhari. Shikka. Nimgavhan. Kukalat.

*Explanation.*— In this schedule, the expression “Scheduled area” means the area declared to be a Scheduled area by the President under the Scheduled Areas (Part A States) Order, 1950, made under sub-paragraph (1) of paragraph 6 of the Fifth Schedule to the Constitution of India.

**FORM T. R. T. D-1**

(See rule 4)

**Form of Application for a Licence to sell Toddy by retail**

I/We hereby apply for a licence/renewal of licence for the retail sale of Toddy. The necessary particulars are mentioned below :

1. Name and address of the applicant and registration number if the applicant is an Adivasi Co-operative Society.
2. Names and addresses in full of the partners, if any.
3. The address in full of the premises where the Toddy would be sold.
4. Whether the applicant—
  - (i) is a resident of the locality where the licensed shop is proposed to be located;
  - (ii) belongs to a Scheduled Tribe (mention the name of the Scheduled Tribe); and
  - (iii) Owns any Toddy trees in the area (specify the name (s) of the village (s) and the number of trees).
5. Whether the proposed premises referred to at item 3 above are—
  - (a) Situated within a distance of 75 metres from any industrial undertaking or irrigation or other developmental project where 200 or more workmen are employed in one or more shifts either in a single undertaking or project or in a group of undertakings or projects located near one another;
  - (b) Situated within a distance of 75 metres from the boundary of any National or State Highway and visible from the entrance of which is facing such Highway;

- (c) Situated within a distance of 75 metres from any educational institution; students' hostel run or recognised by the Social Welfare Department or attached to an educational institution, public or private maternity home, public hospital, religious institution, colony of labourers or of Harijans; and
  - (d) Situated within a distance of 200 metres from any Maharashtra State Road Transport Corporation, Bus Stand or Station or Depot and visible from the entrance of which is facing, such Bus Stand or Station or Depot.
6. Whether the applicant or any member of his family (or any of the partners ) holds at present or held at any time in the past (individually or in partnership with any other person) any excise licence (s) and if so, indicate the particulars of such licence (s) held and also the period (s) for which held.
  7. Proof of solvency.
  8. Present occupation and income therefrom.
  9. Whether any Excise/ Police/ Municipal / Food and Drugs licence held by the applicant is or was suspended or cancelled at any lime in the past, and if so, the period of such suspension or cancellation and the reasons therefor.
  10. Whether the applicant is in arrears & excise or any other Government dues.

I/We hereby declare that the particulars given above are correct.

I/We enclose a Challan No....., dated ..... evidencing payment of a sum of Rupees 15 (Rupees fifteen) for the application.

I hereby undertake to abide by the conditions of the licence and the provisions of the Bombay Prohibition Act., 1949, and the rules, regulations and orders made thereunder from time to time.

Date : .....

.....

Signature of the Applicant.

To,

\* The Secretary to the Government of Maharashtra, Home Department , Mantralay, Bombay 400 032 (Through the Collector of.....).

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† The Collector of.....

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\* When application is for grant of a licence,

† When application is for renewal of a licence.

**FORM T. R. T. D.-2**

[See rules 4 and 5 (2)]

Licence No : .....

**Licence for the retail sale-of Toddy in Tribal Areas**

Licence is hereby granted to Shri/Messrs.....(hereinafter called "the licensee"), authorising him to sell toddy by retail at his shop situated at .....more particularly described in the Schedule hereto (hereinafter referred to as "the shop or licensed shop"), for the period commencing on .....and ending on 31st August 20..... under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder, and the following conditions, namely :

*Conditions*

1. The licensee shall always keep in a prominent place in the shop a clock or timepiece which shall be in good working order, and show the correct Standard Time.
2. The licensee shall, if so ordered by the Collector, provide the shop with sufficient water closet or privy and urinal facilities for the use of the customers . All such water closets, privies and urinals shall be of the type approved by the Collector, and shall always be kept in a clean and sanitary condition.
3. The licensee shall, if so directed by any Officer empowered under section 122 of the said Act (hereinafter called the Inspecting Officer), get the shop whitewashed within two months from the commencement of the licence, and subsequently at such times as the Collector or the Superintendent or any other Officer deputed by him , may consider it necessary on sanitary grounds. The licensee shall keep the shop clean to the satisfaction of the aforesaid officers.

4. The licensee shall keep constantly fixed up at the entrance of the shop a signboard of the size of 60 centimetres X 90 centimetres, bearing the following inscriptions in Marathi in legible characters :

- |                              |    |
|------------------------------|----|
| (1) Name of the licensee     | .. |
| (2) Licence No.              | .. |
| (3) Location of the shop     | .. |
| (4) Selling price of toddy   | .. |
| (5) Authorised opening hours | .. |
| (6) Authorised closing hours | .. |

5. The licence shall always be displayed in the licensed shop at a conspicuous place.

6. The licensee shall keep and sell toddy unadulterated and undiluted as drawn from the trees without any admixture of any foreign substance or liquid whatsoever. He shall not keep or sell toddy which is more than 24 hours old after it was drawn from toddy-producing trees. All the vessels which contain toddy shall be thoroughly washed and cleaned before they are used.

7. (1) The licensee shall carry on the business of the shop and draw toddy from toddy-producing trees either personally or by agents or servants authorised by him in this behalf by a written NOKARNAMA in form T. R. T. D.-8 signed by himself and countersigned by a Prohibition Officer not lower in rank than a Sub-Inspector, provided that, any such NOKARNAMA signed by the licensee shall be valid until countersignature is refused. If for any reason the Superintendent orders the withdrawal of any NOKARNAMA issued by the licensee, the NOKARNAMA shall be forthwith withdrawn. For every NOKARNAMA issued by him, the licensee shall pay in advance into the Treasury a fee of rupee one. No NOKARNAMA shall be issued to any person under 21 years of age, and no such NOKARNAMA if issued, shall be valid. The licensee shall be responsible for breach of any of the conditions of this licence or that of the rules committed by his agent or any persons in his employ.

(2) The licensee shall maintain at his licensed shop a Register in Form T. R. T. D.-9 containing the names of all his agents or servants duly authorised by him.

(3) The licensee shall instruct all his agents and servants to keep the NOKARNAMA with them, and that they are bound to observe the rules. Such NOKARNAMA shall be produced before an Inspecting Officer whenever demanded by him.

8. The licensee shall not sell toddy except for consumption by a purchaser on the premises of the licensed shop. He shall not sell or serve toddy to any person outside the shop, nor shall he allow any person to remove any toddy from the licensed shop :

Provided that, the licensee may sell toddy for consumption by a purchaser at any place other than the licensed premises (such place not being a public place), in such quantities at a time as does not exceed the quantity of toddy which the State Government may direct that any person may possess and transport without any permit, pass or authorisation :

Provided further that, unsold toddy may be sold to the holder of a licence in form I appended to the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966 for distillation of Spirit and such toddy shall be transported under cover of a pass in Form T. R. T. D.-7.

9. No disorderly person shall be harboured, and no drunkenness or gambling shall be allowed, in the licenced shop. No person below 21 years of age, and no insanec or intoxicated person shall be permitted to enter or remain in the shop.

10. The licensee shall give immediate information to the nearest Police Officer of any person suspected to be a bad character who may come to the shop and of every irregularity committed thereat tending to disturb the public peace.

11. (1) The licensee shall close the shop—

(a) On the 2nd October every year and on such other days as may be specified by the State Government or the Collector under rule 7;

(b) On such days or times as may be specially ordered by the Collector under rule 8; and

(c) Of his own accord during any riot or disturbance in the neighborhood of the shop.

(2) No compensation shall be claimed by the licensee on account of the closure of the shop on such occasions.

12. The shop and the stock of toddy therein shall at all times be open to inspection by Officers duly empowered under section 122 of the Bombay Prohibition Act, 1949.

13. The licensee shall, when called upon by any Prohibition Officer not below the rank of Sub-Inspector, give an explanation in writing regarding any breach of the rules or any irregularity detected and committed by him or his agents or servants, and furnish any information regarding the management of the shop, and shall answer all reasonable questions to the best of his knowledge and belief. He shall also on demand allow a Prohibition Officer to take samples of toddy for analysis free of charge.

14. The licensee shall use for the storage of toddy in the shop, cask or vessels of such kind and capacity as may be approved by the Superintendent. The storage capacity of each cask or vessel shall be painted thereon. He shall also maintain at the shop a guaged-rod for each receptacle used for storing toddy.

15. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made there under.

16. The Collector may permit the legal heirs of the licensee in case of his death to have the benefit of the licence for the unexpired portion of the term for which it was granted, and amend the licence accordingly.

17. This licence is liable to be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Seal of the  
Collector.

Collector,  
..... District.

SCHEDULE

1. Description of site, such as house No. and the locality.

2. Boundaries of the shop . . . . . North East  
South West

Seal of the Collector.

Collector,  
..... District.



**FORM T. R. T. D. - 3**

(See rule 14)

**Pass for the Transport of Toddy from Buns or Tops to the Licensed Shop**

Dated : .....20 .....

Time: .....

1. Name of the licensee .. .. .
2. Name of the transporter .. .. .
3. Name and situation of the tapping area from where toddy is to be transported.
4. Name, number and address of the shop to which the toddy is to be transported.
5. Number of Vessels in which toddy is to be transported.
6. Time when the toddy was drawn ..
7. Capacity of each vessels. . . . .
8. Total quantity of toddy to be transported (in litres).
9. Conveyance by which the toddy is to be transported, Registration No. of the vehicle, if transported by a truck or lorry.
10. Route .. .. .

This pass is granted under and subject to the provisions of the Maharashtra Toddy Shops (Licensing in Tribal Areas) and Toddy Trees (Tapping in Tribal Areas) Rules, 1981 and it shall be valid for 22 hours from the hour issue.

2. The whole quantity of Toddy mentioned at item 8 above shall be transported in one consignment only, and its bulk shall not be broken in transit.

.....  
Signature of the licensee or  
his authorised agent.

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*Note.*—Original (to be kept with the consignment), Duplicate to be kept on record.

**FORM T. R. T. D. 4**

[See rule 17(I)]

**Application for the permission to tap toddy producing trees**

To,

The Superintendent of Prohibition and Excise.

Sir,

I give the following particulars with a request to permit me to tap toddy trees for my shop for the year 20 - 20 . I have already obtained permission of the owners of the trees for tapping them, copy enclosed :

1. Name of the licensee .. .. .
2. Shop No. .. .. .

3. Names of the owners of the trees . . .
4. Number of trees required for tapping under the application, particulars of which are given below :

Kind and number of trees to be tapped (1)	Survey No. (2)	Block No. (3)	Village, Taluka and District (4)
---	----------------------	---------------------	--

The duty on trees mentioned above, amounting to Rs. .... has been credited under Challan No. ...., dated ..... which is enclose.

Yours faithfully,

Date :

Signature of the licensee.

**FORM T. R. T. D.-5**

[See rule 17(2)]

**Tree tapping permit**

Permission is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulation and orders made thereunder, to Shri/Sarvashri ..... holder of licence No. .... for the sale of toddy at ..... authorising him/them to tap and toddy from the toddy producing trees mentioned below :

1. Kind and number of trees . . . .
2. Survey No. . . . .
3. Block No. . . . .
4. Village . . . . .
5. Taluka . . . . .
6. District . . . . .
7. Names of the owner (s) . . . . .
8. Amount of duty paid for each kind of trees
9. Challan No. and date . . . . .

Seal

.....  
Signature of the Superintendent  
of Prohibition and Excise.

**FORM T. R. T. D.-6**  
(See rule 18)

**Form of Register of Receipt and Sale of Toddy to be maintained at the licensed Shop**

Name of the Licensee : .....

(1)	Date	Quantity of toddy received		Total of Cols. 2 and 3 Litres	Quantity of toddy sold during the day (Liters)	Wastage (Litres)	Quantity of toddy destroyed (Litres)	Closing of toddy destroyed (Litres)	Signature of the licensee or his authorised agent
		Litres	Time of receipt Hrs. Mts.						
(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

**FORM T. R. T. D.-7**

(See rule 19)

**Pass for the Transport of Toddy from the Licensed Shop of the Distillery**

Date : 19 . .

Time :

1. Name of the Licensee .. ..
2. Name of the transporter .. ..
3. Name, number and address of the Distillery to ..  
which toddy is to be transported.
4. Number of vessels in which toddy is to be transported.
5. Capacity of each vessel .. ..
6. Total quantity of toddy to be transported (in litres)
7. Conveyance by which toddy is to be transported.  
Registration No. of the vehicle, if transported by a truck  
or lorry.
8. Route.

This pass is granted under and subject to the provisions of the Maharashtra Toddy Shops (Licensing in Tribal Areas) and Today Trees (Tapping in Tribal Areas) Rules, 1981 and it shall be valid for 24 hours from the hour issue.

2. The whole quantity of toddy mentioned at item 6 above shall be transported in one consignment only, and its bulk shall not be broken in transit.

Seal of the  
licensee

.....  
Signature of the licensee or  
his authorised agent.

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*Note.*—Original (to be kept with the consignment), Duplicate to be kept on record.

**FORM T. R. T. D. - 8**

[See rule 24(I)]

**Form of Nokarnama**

Name of the Licensee : .....

Licence No. ....

Location of the shop : .....

1. Subject to the provisions of the Maharashtra Toddy shops (Licensing in Tribal Areas) and Toddy Trees (Tapping in Tribal Areas) Rules, 1981.

I/we ..... Licensee of the  
 Name: ..... above named shop, hereby authorise the  
 Age : ..... servant named and for the period mentioned,  
 Residential address : ..... in the margin to officiate for me/us in respect  
 Appointed from the ..... to of the following functions that is to say :  
 the ..... 19

- (a) to officiate for me/us at my/our retail sale toddy shop at .....
- (b) to tap toddy producing trees in the tapping area at ..... mentioned in my/our tapping permit; or
- (c) to issue transport passes for transport of toddy from the tapping area at ..... to my/our licensed shop at .....; or
- (d) to transport toddy from ..... to .....

2. The said person is competent in my/our absence to conduct my/our above mentioned duties in accordance with the provisions of the said rules. He is of good character and as far as I/we know, he has not been convicted of any offence under the Bombay Prohibition Act, 1949, nor has he been convicted by a Criminal Court or blacklisted in respect of excise licences, rendering him unfit for appointment as a NOKAR.

3. I/we have explained to him personally all the conditions of my/our licence; and I/we hold myself/ourselves responsible personally for any offences he may commit in the conduct of the business under my/our licence.

4. This authority shall become invalid on the suspension, cancellation or expiry of my/our licence or if a competent officer refuses countersignature thereon. This NOKARNAMA will also become invalid if the Superintendent of Prohibition and Excise concerned issues order to that effect. This NOKARNAMA shall be kept with the employee.

Date:..... 19

.....  
 Signature of the licensee.

The sum of Re. 1 only as the fee prescribed for the issue of this NOKARNAMA has been paid vide Challan No. .... dated .....

Date : ..... 19

.....  
 Signature of the licensee.

- 1. The appointment of the above named NOKAR is approved.
- 2. The NOKARNAMA shall be in operation till the ..... 19 but it is liable to cancellation for any breach, on the part of the nominee, of the Bombay Prohibition Act, 1949 or for any other offence rendering him unfit to hold the appointment hereby made.

Date : ..... 19

.....  
 Signature and designation of  
 Prohibition and Excise Officer.

**FORM T. R. T. D.-9**  
(See rule 24(1))

**Form of Register of Nokar/ Agents to be maintained by the Licensee**

Serial No.	Name, address and age of the Nokar/Agent in whose name the NOKARNAMA is issued	Date of issue of NOKARNAMA	Chalan No. and date of payment of fee	Place at and purpose for which the Nokar/Agent is appointed	Remark, if any
(1)	(2)	(3)	(4)	(5)	(6)

(39) **THE TODDY (MANUFACTURE, POSSESSION AND CONSUMPTION) RULES, 1961**

**G. N. H. D. No. BPA 1161/11487 (b), dated 28th March, 1961  
(M. G., Pt. IV-B.p. 313)**

1. Amended by G. N., II.D. No. BPA. 1162/18689-III, dated 7th May, 1962 (M.G.Pt. IV-B.p. 1764).
2. Amended by Corrig., II.D. No. BPA. 1162/1889-III, dated 11th July, 1962 (M.G.Pt. IV-B.p. 2336).
3. Amended by Corrig., II.D. No. BPA. 1162/18698-III, dated 19th October, 1962 (M.G. Pt. IV-B.p. 2974).
4. Amended by G. N., II.D. No. BPA. 1062/49661-III, dated 2nd January, 1965 (M.G. Pt. IV-B.p. 383).
5. Amended by G. N., II.D. No. MIS. 1163-III, dated 30th January, 1965 (M.G. Pt. IV-B.p. 522).
6. Amended by G. N., II. d. No. BPA. 10621/49661-III, dated 16th March, 1965 (M.G. Pt. IV-B.p. 695).

Whereas the Government of Maharashtra considers that the following Toddy (Manufacturing, Possession and Consumption) Rules, 1961, should be brought into force on 1st day of April 1961;

Now, therefore, in exercise of the powers conferred by sections 52 and 53 and <sup>1</sup>[clause (e) of sub-section (2)] of section 143 of the Bombay prohibition Act, 1949 (Bom. XXV of 1949), the government of Maharashtra is pleased to make the following Rules, namely ;

1. *Short title, extent and commencement.*— (1) These Rules may be called the Toddy (Manufacture, Possession and Consumption) Rules, 1961.

<sup>2</sup>[(2) they extend to the area of the Chanda District specified in the Schedule to these Rules.]

(3) they shall come into force on and with effect from the 1st day of April, 1961.

2. *Application for <sup>2</sup>[licence].*—Any person desiring to manufacture and possess toddy for domestic consumption may apply either in writing or orally to the Collector of the Chanda district or the Tahsildar of Gadchiroli or Sironacha for a permit in that behalf.

3. *Grant of <sup>2</sup>[licence].*—The Collector, or as the case may be the Tahsildar may, having regard to the general backwardness of the people and the habits thereof to which the applicant belongs, grant the applicant a <sup>2</sup>[licence] in the form thereto, on payment of a fee of <sup>1</sup>[seventy-five paise] or may, after giving the applicant an opportunity of stating his case, and after recording his reasons therefore, refuse to grant the <sup>2</sup>[licence].

4. *Duration of licence.*—No such <sup>2</sup>[licence] shall be granted for a period beyond [30<sup>th</sup> day June] next following the date of commencement of the <sup>2</sup>[licence].

5. *Number of trees to be tapped.*—A <sup>2</sup>[licensee] shall not tap any tree which he is not authorised to tap under the <sup>2</sup>[licence].

<sup>1</sup> Subs. by G.N. of 7-5-1962.

<sup>2</sup> Subs. by G.N. of 2-1-1965.

## [SCHEDULE

[See rule 1(2)]

*Area of the Chanda District*

(1) the whole of the Sironcha Tahsil of the Chanda District.

(2) the following villages of the Gadchiroli Tahsil of the Chanda District namely :

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. Abapr.                     | 30. Bethkathi (near Zapragar)    |
| 2. Alitola.                   | 31. Bethkathi.                   |
| 3. Alondi.                    | 32. Benoli.                      |
| 4. Ambekhari.                 | 33. Belargondi.                  |
| 5. Ambekhari (near Kukdel)    | 34. Bharitola.                   |
| 6. Ambezari (near Sursundi).  | 35. Bhandari.                    |
| 7. Ambezari (near Audhali)    | 36. Bhapda.                      |
| 8. Ampaili.                   | 37. Bhadhid.                     |
| 9. Ambezari.                  | 38. Bhatagaon (near Ramgarh)     |
| 10. Andhali (near Chandona).  | 39. Bhatagaon.                   |
| 11. Andhali (near Gurnuli).   | 40. Bhendikanhar.                |
| 12. Antargaon (near Kosmi).   | 41. Bhimankhoji.                 |
| 13. Antargaon.                | 42. Bhimpur (near Murgaon).      |
| 14. Aratondi.                 | 43. Bhendikanhar (near Sakhera). |
| 15. Arjuni.                   | 44. Bhimpur.                     |
| 16. Asewalhudki.              | 45. Bhimapaili.                  |
| 17. Aswalpar.                 | 46. Bhuyardand.                  |
| 18. Armurkasa.                | 47. Bhusankudo.                  |
| 19. Bamni.                    | 48. Bihate kh.                   |
| 20. Bandhul.                  | 49. Bihatckala.                  |
| 21. Bandgaon.                 | 50. Bodaldand.                   |
| 22. Basnjari.                 | 51. Bodena.                      |
| 23. Bandhona.                 | 52. Bodin.                       |
| 24. Bawanchuva.               | 53. Bodankhodo.                  |
| 25. Bedgaon.                  | 54. Bodalgota.                   |
| 26. Begdi.                    | 55. Bogatola.                    |
| 27. Belgaon (near Piparzora)  | 56. Bonde.                       |
| 28. Belgaon (near Khairi).    | 57. Bandhona.                    |
| 29. Belgaon (near Murumagaon) | 58. Bori.                        |

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1 Subs. by G. N. of 2-1-1965.



- |                                  |                                    |
|----------------------------------|------------------------------------|
| 59. Bortola.                     | 101. Darachi.                      |
| 60. Bori (near Nimgaon)          | 102. Darshani.                     |
| 61. Borantola.                   | 103. Dawandi.                      |
| 62. Bochur.                      | 104. Deogarh.                      |
| 63. Botezari                     | 105. Dewasara.                     |
| 64. Botekasa.                    | 106. Deosoor.                      |
| 65. Bondhanpur.                  | 107. Dewada.                       |
| 66. Butmaryan.                   | 108. Dewalbhati.                   |
| 67. Chandguta.                   | 109. Dewoolgaon (near Gunjanwadi). |
| 68. Chandona.                    | 110. Dewoolgaon.                   |
| 69. Chandagarh.                  | 111. Dewapur.                      |
| 70. Charwahi.                    | 112. Dhargata.                     |
| 71. Charbhatti.                  | 113. Dhanora.                      |
| 72. Charvidand (near Mayalaghat) | 114. Dhawari.                      |
| 73. Charvidand (near Malewada)   | 115. Dhanegaon.                    |
| 74. Charvidand (near Kulbhatti). | 116. Dhanori.                      |
| 75. Chargaon.                    | 117. Dhekani.                      |
| 76. Charwahi.                    | 118. Dholdongri.                   |
| 77. Chatgaon.                    | 119. Dodke.                        |
| 78. Chavela (near Dhanora).      | 120. Dongargaon (near Antargaon).  |
| 79. Chichewada.                  | 121. Dongargaon (near Sonsari).    |
| 80. Chehoda.                     | 122. Dongarhur.                    |
| 81. Chincholi.                   | 123. Dawandi (near Pararwadi)      |
| 82. Chikhali.                    | 124. Drgapur.                      |
| 83. Chimri.                      | 125. Dudhamala.                    |
| 84. Chilamtola.                  | 126. Ekjal.                        |
| 85. Chinegaon.                   | 127. Eruktola.                     |
| 86. Chirchali.                   | 128. Fakanabhatti.                 |
| 87. Chikhaldhokada.              | 129. Fari.                         |
| 88. Chingali.                    | 130. Fulkodio.                     |
| 89. Chimrikal.                   | 131. Fulgondi.                     |
| 90. Chicheda.                    | 132. Fulgondi.                     |
| 91. Chetekanhar.                 | 133. Gadeli.                       |
| 92. Chikhalgatta.                | 134. Gahangatta.                   |
| 93. Chimrikala.                  | 135. Gaidongri.                    |
| 94. Chriyal.                     | 136. Gajmendi.                     |
| 95. Dabha.                       | 137. Gajgaon.                      |
| 96. Dabari.                      | 138. Gajangudda.                   |
| 97. Dadapur.                     | 139. Ganguli.                      |
| 98. Dalli.                       | 140. Gangaaaitola.                 |
| 99. Dameshwar.                   | 141. Gargada.                      |
| 100. Darachi (near Gatancli)     | 142. Gardha.                       |

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|------------------------------|-----------------------------------|
| 143. Garapalli.              | 186. Jaisingtola.                 |
| 144. Gataneli                | 187. Jalher.                      |
| 145. Gattagda.               | 188. Jamnara (near Bodena).       |
| 146. Gattepaili              | 189. Jambhali.                    |
| 147. Gatta.                  | 190. Jamnara (near Chandagota).   |
| 148. Gawalheti.              | 191. Jamburkheda.                 |
| 149. Gewardha.               | 192. Jamtola.                     |
| 150. Ghodezari.              | 193. Jambhali (near Daundi).      |
| 151. Ghotewihir.             | 194. Jambhali (near Ranmul).      |
| 152. Ghugwa.                 | 195. Jamgaon.                     |
| 153. Gilgaon.                | 196. Jangala Bz.                  |
| 154. Girola.                 | 197. Japatarahi.                  |
| 155. Godri.                  | 198. Jappi.                       |
| 156. Gondalwahi.             | 199. Jaiyatpur.                   |
| 157. Gotatola.               | 200. Jawalwahi.                   |
| 158. Gota.                   | 201. Jansurgaon.                  |
| 159. Gotatola (near Fulkodo) | 202. Jodatarai.                   |
| 160. Gothangaon.             | 203. Jogna.                       |
| 161. Gotalhur.               | 204. Joshitola.                   |
| 162. Gumali                  | 205. Kaiml.                       |
| 163. Gujanwadi.              | 206. Kameli.                      |
| 164. Gurekasa.               | 207. Kachkal.                     |
| 165. Gurnoli                 | 208. Kadashi.                     |
| 166. Gutekasa.               | 209. Kale.                        |
| 167. Hadkanhal.              | 210. Kamangarh.                   |
| 168. Hadapeth.               | 211. Kaneri.                      |
| 169. Halkikantar.            | 212. Kanthala.                    |
| 170. Hanpaili.               | 213. Kanhargaon.                  |
| 171. Haranda.                | 214. Kanhargaon (near Salaitola). |
| 172. Harakasa.               | 215. Kanhalgaon.                  |
| 173. Hatanjur.               | 216. Kangoli.                     |
| 174. Henkur.                 | 217. Kanhartola.                  |
| 175. Hetalkasa.              | 218. Kandiali.                    |
| 176. Heti.                   | 219. Kakadyeli                    |
| 177. Hipanaer.               | 220. Kapa.                        |
| 178. Hirange.                | 221. Darwafa.                     |
| 179. Hitapalli.              | 222. Kanhalgaon (near Kakadyeli). |
| 180. Hitkasa.                | 223. Karkozara.                   |
| 181. Hudukdhama.             | 224. Kasari.                      |
| 182. Hullundi.               | 225. Kasarbodi.                   |
| 183. Hariyualdand.           | 226. Karemarka.                   |
| 184. Idigaiya                | 227. Kanhaner.                    |
| 185. Jalegaon.               | 228. Katalwada.                   |

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|-----------------------------------|----------------------------------|
| 229. Katezari                     | 272. Kodekal                     |
| 230. Katangtola.                  | 273. Kokadkasa.                  |
| 231. Kawadekasha.                 | 274. Kondawahi.                  |
| 232. Kegatta.                     | 275. Kondekal.                   |
| 233. Kermayyan.                   | 276. Korkuti.                    |
| 234. Kesmir.                      | 277. Kosamgha.                   |
| 235. Ketantola.                   | 278. Kohakamokasa.               |
| 236. Khursipar.                   | 279. Kumkot.                     |
| 237. Khirutola.                   | 280. Kukdel.                     |
| 238. Khunara.                     | 281. Kumbhitola.                 |
| 239. Khairi.                      | 282. Kmarpal.                    |
| 240. Khasorda.                    | 283. Kudakwahi.                  |
| 241. Khedegaon.                   | 284. Kupaner.                    |
| 242. Khedegaon (near Katangtola). | 285. Kurkheda.                   |
| 243. Khambatala.                  | 286. Kurdi.                      |
| 244. Khadki.                      | 287. Kuthegaon (near Rekhatola). |
| 245. Khardi.                      | 288. Kuthegaon.                  |
| 246. Khargi (near Palasgaon)      | 289. Kulbhatti.                  |
| 247. Khedimowal.                  | 290. Latzoda.                    |
| 248. Khedi.                       | 291. Lawari.                     |
| 249. Khedegaon.                   | 292. Lekha.                      |
| 250. Kharkali.                    | 293. Lekurbodi.                  |
| 251. Khargi.                      | 294. Lendhari.                   |
| 252. Kharadguda.                  | 295. Lenguda.                    |
| 253. Khobramendha.                | 296. Madi (kh.)                  |
| 254. Kisneli.                     | 297. Madi (Kl.)                  |
| 255. Kisoboriya.                  | 298. Mahawada (near Tadkhedagon) |
| 256. Kohekawahi.                  | 299. Mahawada.                   |
| 257. Kohekawahi (near Umarpal.)   | 300. Majewada.                   |
| 258. Kolu.                        | 301. Mujumkhadka.                |
| 259. Kotra.                       | 302. Mangardhodka.               |
| 260. Kotaldoha.                   | 303. Manjewada.                  |
| 261. Korchi.                      | 304. Malenda.                    |
| 262. Kosmi.                       | 305. Malewada.                   |
| 263. Kochinera.                   | 306. Marma.                      |
| 264. Kohka.                       | 307. Markekasa.                  |
| 265. Kohka (near Kotgr.)          | 308. Markegaon.                  |
| 266. Komi (near Markagaon)        | 309. Markegon (near Mudayam)     |
| 267. Kotgu.                       | 310. Markagon.                   |
| 268. Kohakabondi.                 | 311. Maroda.                     |
| 269. Kolarbodi.                   | 312. Marda.                      |
| 270. Koregaon.                    | 313. Markepailli.                |
| 271. Kosmi.                       | 314. Maler.                      |

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|--------------------------------------|-------------------------------------|
| 315. Marsrigatta                     | 358. Nalikasa.                      |
| 316. Maslei.                         | 359. Naldgi.                        |
| 317. Masandi.'                       | 360. Nanhi.                         |
| 318. Mayalghat.                      | 361. Nandli.                        |
| 319. Mausi.                          | 362. Narkasa.                       |
| 320. Medha (near Mohagon).           | 363. Narchuli.                      |
| 321. Medha (near Sonsari).           | 364. Nawargaon (near Yerandi).      |
| 322. Medha (near Deosara).           | 365. Nawegaon (near Pathargota).    |
| 323. Medha (near Wairagarh).         | 366. Nawargaon (near maler).        |
| 324. Medha (near Lekha).             | 367. Nawezaricar (Andhali).         |
| 325. Mendhatola.                     | 368. Nawargaon (near Paknabhatti).  |
| 326. Mendharangi.                    | 369. Nawargaon (near Andhali).      |
| 327. Metejangla.                     | 370. Nimgaon.                       |
| 328. Michgaon.                       | 371. Nimanwada.                     |
| 329. Michgaon (near kachkal).        | 372. Nipagarth.                     |
| 330. Misgaon (Bz.).                  | 373. Ninsur.                        |
| 331. Misgaon (Kl.).                  | 374. Nyahakal.                      |
| 332. Mopri.                          | 375. Padiyajog.                     |
| 333. Mohagon (near Pulkhal).         | 376. Padikasa (near Muleti.).       |
| 334. Mohagaon.                       | 377. Padaboniya.                    |
| 335. Modebhatti.                     | 378. Paidi.                         |
| 336. Mohali.                         | 379. Paimuranda.                    |
| 337. Morchul.                        | 380. Palasgarh.                     |
| 338. Morchul (near Sacangi).         | 381. Palasgaon (near Chinegaon).    |
| 339. Mohagaon.                       | 382. Palapudi.                      |
| 340. Morkhudi.                       | 383. Palkhedagon.                   |
| 341. Mothaziliya.                    | 384. Palasgaon (near Kharji).       |
| 342. Motargudi.                      | 385. Pandhrigota.                   |
| 343. Mundipar.                       | 386. Pandharpani.                   |
| 344. Mjalgondi.                      | 387. Pannimara.                     |
| 345. Mrmadi.                         | 388. Pandharsada (near Gothewihir). |
| 346. Murzar.                         | 389. Pandharsada (near patezari).   |
| 347. Murumgaon.                      | 390. Pandhribhatal.                 |
| 348. Mudayam.                        | 391. Paraswadi (near Daundi).       |
| 349. Mungenir.                       | 392. Paraswihir.                    |
| 350. Murgaon.                        | 293. paraswadi (near Dudhmala).     |
| 351. Muleti.                         | 394. Pathargota (near Kachkal).     |
| 352. Murmuri.                        | 395. Pathargota.                    |
| 353. Murantha Rith.                  | 396. Patezari.                      |
| 354. Nadekal <i>alias</i> Bethkathi. | 397. Paurzora.                      |
| 355. Nagpur.                         | 398. Paurwel.                       |
| 356. Nagweli.                        | 399. Pawelasanpeth.                 |
| 357. Nakeda.                         | 400. Pekinmrza.                     |

- |                                |                                |
|--------------------------------|--------------------------------|
| 401. Pekinkasa.                | 444. Rotha.                    |
| 402. Pendhari.                 | 445. Rondawahi.                |
| 403. Pendarkodo.               | 446. Rupingatta.               |
| 404. Pipalgaon.                | 447. Sadhutola.                |
| 405. Piparzora.                | 448. Saitola.                  |
| 406. Pisewaddha.               | 449. Saigaon.                  |
| 407. Pitesur.                  | 450. Sakhera.                  |
| 408. Pitesur (near Bamhani).   | 451. Salaitola.                |
| 409. Potegaon.                 | 452. Sale ( near Bhatgon)      |
| 410. Pobha Rith.               | 453. Sale (near Bhyardand).    |
| 411. Pauni.                    | 454. Salebhatti.               |
| 412. Pondi.                    | 455. Sanpur.                   |
| 413. Pranpur.                  | 456. Saranda Khurd.            |
| 414. Pratapgarh.               | 457. Satputi.                  |
| 415. Pulkhal.                  | 458. Satputi.                  |
| 416. Purutola.                 | 459. Sawali.                   |
| 417. Purada.                   | 460. Sawargaon (near Morchul). |
| 418. Pushetola.                | 461. Sawargon.                 |
| 419. Pusawandi.                | 462. Sawanga Buz.              |
| 420. Pauna.                    | 463. Sawanga Kh.               |
| 421. Rainpur.                  | 464. Sawela.                   |
| 422. Rajatola (nera Jamnara).  | 465. Seoni.                    |
| 423. Rajatola (near Jodtarai). | 466. Sikaritola.               |
| 424. Rajoli.                   | 467. Sindesur.                 |
| 425. Rajoli (near potegaon).   | 468. Sindewahi.                |
| 426. Ramsaitola.               | 469. Sindasr.                  |
| 427. Ramgarh.                  | 470. Sinsur (near Chichoda).   |
| 428. Rampur.                   | 471. Sinsur.                   |
| 429. Ramrah (near Gawalheti).  | 472. Singapr.                  |
| 430. Ranwahi.                  | 473. Sisur.                    |
| 431. Rankatta.                 | 474. Sitaseoni.                |
| 432. Rangi.                    | 475. Siwarajpur.               |
| 433. Ranwahi (near Dameshwar). | 476. Siwagatta.                |
| 434. Ranbhmi.                  | 477. Sohale.                   |
| 435. Ranmul.                   | 478. Sonpur.                   |
| 436. Ranwadi.                  | 479. Sonsari.                  |
| 437. Ranwanpalli.              | 480. Sonpur.                   |
| 438. Ranwanzora.               | 481. Sode.                     |
| 439. Reche.                    | 482. Somalpur.                 |
| 440. Regadand.                 | 483. Surwahi.                  |
| 441. Rekhatola.                | 484. Sursumd.                  |
| 442. Rengagaon.                | 485. Sryadongri.               |
| 443. Ridwahi.                  | 486. Simara.                   |

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|---------------------------------|--|
| 487. Tadguda.                   | 520. Waghadara <i>alias</i> Goswarhudki. |
| 488. Tahakatola.                | 521. Waghbhumi (near jaisinghtola).      |
| 489. Tahakadand.                | 522. Waghbhumi (near Dewalwahi).         |
| 490. Talegaon.                  | 523. Wanarchuwa.                         |
| 491. Talodhi.                   | 524. Warke Kasa.                         |
| 492. Tarwargarh.                | 525. Warwahi.                            |
| 493. Tekameta.                  | 526. Woko.                               |
| 494. Tekabedal.                 | 527. Yedanpaili.                         |
| 495. Temili.                    | 528. Yedanpaili Kh.                      |
| 496. Thatri.                    | 529. Yedasgondi.                         |
| 497. Thusi.                     | 530. Yedanpur.                           |
| 498. Torogaon.                  | 531. Yedaskuhi Masat.                    |
| 499. Toyagondi.                 | 532. Yedaskuhi (near Palapundi)          |
| 500. Tode.                      | 533. Yedapur.                            |
| 501. Tukum.                     | 534. Yelmagarh.                          |
| 502. Tumrikasa.                 | 535. Yengalkheda.                        |
| 503. Turner.                    | 536. Yengada.                            |
| 504. Tulsi.                     | 537. Yengaon.                            |
| 505. Ubadalli.                  | 538. Yerkadi.                            |
| 506. Udegaon.                   | 539. Yerandi.                            |
| 507. Umarzari.                  | 540. Yerkadmohad.                        |
| 508. Umarpal.                   | 541. Yerandi (near gothangaon)           |
| 509. Umri (near Koregaon).      | 542. Yerkundi.                           |
| 510. Umari.                     | 543. Yerukdhodri.                        |
| 511. Utaga.                     | 544. Zadapada.                           |
| 512. Vijapur (near Charbhatti). | 545. Zagdwahi.                           |
| 513. Vijapur.                   | 546. Zankargondi.                        |
| 514. Wadgaon (near Kohka).      | 547. Zapragarh.                          |
| 515. Wadgaon (near Nanhi).      | 548. Zari.                               |
| 516. Wadgaon (near Koregaon).   | 549. Zandepar.                           |
| 517. Wadgaon (near Salebhatti). | 450. Zilla Lahan.                        |
| 518. Wadgaon (near Garapati).   | 551. Zilia Kl.                           |
| 519. Wagheda.                   |  |
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## FORM T

<sup>1</sup>[ licence] for the manufacture and possession of toddy for domestic consumption

Shri ..... inhabitant of the village of ..... in the tahsil of ..... in the district of Chanda (hereinafter called the permit holder) is hereby granted a <sup>1</sup>[licence] for the manufacture and possession of toddy for domestic consumption <sup>2</sup>[for the period ending on 30th day of June 19 ] on payment of <sup>2</sup>[a fee of seventy-five<sup>1</sup>[paise]] subject to the following condition, namely:

## CONDITIONS

1. The <sup>1</sup>[licensee] shall always carry this <sup>1</sup>[licence] whenever engaged in drawing toddy and shall produce it on demand by any revenue office not below the rank of Naib-Tahsildar or any Prohibition and Excise or Police Officer not below the rank of a Sub-Inspector.
2. The <sup>1</sup>[licensee] shall not tap or cause to be tapped any tree or draw or cause to be drawn toddy from any tree of attach or cause to be attached any pot to any tree until the tree has been marked by an officer authorised by the Collector in that behalf and until duty at the rate of <sup>2</sup>[seventy-five <sup>1</sup>[paise] per tree for the period of the <sup>1</sup>[licence]] is paid.
3. The <sup>1</sup>[licensee] shall not toddy drawn under this <sup>1</sup>[licence].
4. The permit holder shall not tap more than ..... toddy trees during the period of this licence. He shall not tap date palms (Sindhi).
5. The <sup>1</sup>[licence] may be cancelled or suspended in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Dated 20  
<sup>3</sup>[ Seal

Signature and designation of the officer  
granting the <sup>1</sup>[licence].

**(40) G. N., H. D., No. PBA. 1161/11487, dated 1st April, 1961  
(M.G., Pt. IV-B, p. 317)**

1. Amended by G.N., H.D., No. BPA. 1162/18689 (c) III, dated 31st March, 1962  
(M. G., Pt. IV-B.p. 595)

In exercise of the powers conferred by sub-section (1) of section 109 of the Bombay Prohibition act., 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby directs that for every toddy producing tree which is tapped or caused to be tapped in the outstill area of the Chanda District, there shall be levied a duty at the rate of <sup>1</sup>[seventy-five naye paise per tree for the period of the permit.]

2. Nothing in this notification shall apply to any tree from which neera is drawn under a licence issued under the Bombay Neera Rules, 1951.

1 Subs. by G.N. of 2-1-1965.

2 Subs. by G.N. of 7-5-1962.

3 Subs. by G.N. of 30-1-1965.

4 Subs. by G.N. of 31-3-1962.

**CHAPTER VI**  
**RECTIFIED SPIRIT**

**{41} The Bombay Rectified Spirit Rules, 1951**

**G.N.,R.D., No.946/51, dated 21<sup>st</sup> August 1951**

**(B.G., Pt. IV-B, p.2294)**

1. Amended by G.N.,R.D., No. 946/51, dated 20<sup>th</sup> October 1951 (B.G., Pt. IV-B, p. 2759).
2. Amended by G.N.,R.D., No. 7407/45-II, dated 18<sup>th</sup> March 1953 (B.G., Pt. IV-B, p. 565)
3. Amended by G.N.,R.D., No. 946/51, dated 9<sup>th</sup> September 1953 (B.G., Pt. IV-B, p.1757)
4. Amended by G.N.,R.D., No. 7407/45-II, dated 17<sup>th</sup> July 1954 (B.G., Pt. VI-B, p.947)
5. Amended by G.N.,R.D., No.946/51, dated 31<sup>st</sup> August 1954 (B.G., Pt. IV-B, p.1117)
6. Amended by G.N.,R.D., No. RTS. 1154, dated 7<sup>th</sup> February 1955 (B.G., Pt. IV-B, p.698)
7. Amended by Corrig., R.D., No.2697/1(a), dated 19<sup>th</sup> February 1955 (B.G., Pt. IV-B, p.757)
8. Amended by G.N.,R.D., No. 2697/51, dated 19<sup>th</sup> February 1955 (B.G., Pt. IV-B, p.758)
9. Amended by G.N.,R.D., No. 7407/45, dated 21<sup>st</sup> February 1955 (B.G., Pt. IV-B, p.776)
10. Amended by Errat., R.D., No.2697/51, dated 20<sup>th</sup> May 1955 (B.G., Pt. IV-B, p.1201)
11. Amended by G.N.,R.D., No. RTS. 1155-C, dated 26<sup>th</sup> July 1955 (B.G., Pt. IV-B, p.1540)
12. Amended by G.N.,R.D., No. RTS 1155, dated 24<sup>th</sup> February 1956 (B.G., Pt. IV-B, p.215)
13. Amended by G.N.,R.D., No. BPA. 1056, dated 26<sup>th</sup> July 1957 (B.G., Pt. IV-B, p.1537)
14. Amended by G.N.,R.D., No. RTS 1157/135188, dated 19<sup>th</sup> November 1957 (B.G., Pt. IV-B, p.2239)
15. Amended by G.N.,R.D., No. BPA. 1358/35989-J, dated 2<sup>nd</sup> April 1959 (B.G., Pt. IV-B, p.559)
16. Amended by G.N.H.D., No. RTS 1060/53856 (a)-III, dated 28<sup>th</sup> February 1961 (M.G., Pt. IV-B p.307)
17. Amended by G.N.,H.D., No. RTS 1060/35607-III, dated 11<sup>th</sup> July 1961 (M.G., Pt. IV-B p.627)
18. Amended by Corri.,H.D., No. SMP. 1261/61106-III, dated 4<sup>th</sup> April 1963 (M.G., Pt. IV-B p.454)
19. Amended by G.N.,H.D., No. SMP, 1261/61106-III, dated 3<sup>rd</sup> May 1963 (M.G., Pt. IV-B p.485)
20. Amended by G.N.,H.D., No. BPA. 1059/55336-III, dated 25<sup>th</sup> July 1963 (M.G., Pt. IV-B p.1239)



21. Amended by Corrig.,H.D., No. SMP, 1261/61106-III, dated 11<sup>th</sup> March 1964 (M.G., Pt. IV-B p.300)
22. Amended by G.N.,H.D., No. RTS. 1361 -C-102-III, dated 26<sup>th</sup> September, 1966 (M.G., Pt. IV-B p.1860)
23. Amended by G.N.,H.D., No. RTS 1068-III, dated 4<sup>th</sup> November 1968 (M.G., Pt. IV-B p.1800)
24. Amended by Corrig.,H. D., No. RTS 1361 - C-102-III, dated 10<sup>th</sup> August 1968 (M.G., Pt. IV-B p.1050)
25. Amended by G.N.,H.D., No. SLC, 1069-III, dated 24<sup>th</sup> July 1971 (M.G., Pt. IV-B p.1113)
26. Amended by Corrig.,H.D., No. SLC. 1069-III, dated 24<sup>th</sup> July 1971 (M.G., Pt. IV-B p.1114)
27. Amended by G.N.,H.D., No. DNS.0872/14-III, dated 28<sup>th</sup> January 1974 (M.G., Pt. IV-B p.895)
28. Amended by G.N.,H.D., No. BPA 1088/VII-PRO-2 dated 16<sup>th</sup> March 1988 (M.G., Pt. IV-B p.277-79)
29. Amended by G.N.,H.D., No. BPA. 1088/XXVII-PRO-2 dated 23<sup>rd</sup> March 1988 (M.G., Pt. IV-B p.324-25)
30. Amended by G.N.H.D., No. BPA. 1001/Exc-2 dated 31<sup>st</sup> March 2001 (M.G., Pt. IV-B p.379-380)

In exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notifications, Revenue Department, Nos. 3404/39 and 3404/39 (a), dated the 7<sup>th</sup> April 1948, the Government of Bombay is pleased to make the following rules, namely:-

1. These rule may be called the Bombay Rectified Spirit Rules, <sup>1</sup> [1951].
- <sup>2</sup>[2. They extend to the whole of the State of Maharashtra.]
3. (1) In these rules, unless there is anything repugnant in the subject or context,-
  - (a) "Act" means the Bombay Prohibition Act, 1949, (Bom. XXV of 1949);
  - (aa) "duty-free rectified spirit" means rectified spirit in respect of which any person or institution or museum or picture gallery has been exempted from payment of excise duty under <sup>3</sup>[clause (dl) of sub-section (1) of section 139 of the Act];
  - (b) "Form" means a form appended to these rules;
  - (bb) "Inspector of Prohibition and Excise" includes a District Inspector or Sub-Inspector of Prohibition and Excise;
  - (c) "licenced" means a licence granted under these rules;
  - (d) "licensed" premises" means premises in respect of which a licence is granted;
  - (e) "licensee" means a person who has been granted a licence;
  - (f) "pass" means a pass granted under these rules;
  - (g) "rectified spirit" includes absolute alcohol;
  - (h) <sup>4</sup>\* \* \*
  - <sup>5</sup>[i] "sale licence" means a licence for the sale of rectified spirit granted under rules 26 and 38;
  - (j) "retail sale" means sale under a licence for the retail sale of rectified spirit granted under rule 26;
  - (k) "wholesale sale" means sale under a licence for the wholesale sale of rectified spirit granted under rule 38.]

1. Sub. by G.N. of 20-10-1951  
 3. Subs. by G.N. of 26-9-1966  
 5. Subs. by G.N. of 4-11-1968

2. Subs. by G.N. of 25-7-1963  
 4. Deleted by G.N. of 25-7-1963

(2) Words and expressions not defined in these rules shall have the meaning respectively assigned to them in the Act.

*Possession and use*

4. (1) Any person desiring to possess and use rectified spirit for any *bona fide* medicinal, industrial, scientific, educational, <sup>1</sup>[pathological] or any other similar purpose shall make an application for a licence to the Collector or any officer duly authorized to grant licences in that behalf.

6[“Provided that an application for a quota of Rectified Spirit exceeding 18,000 bulk litres per annum, shall be accompanied by a challan evidencing payment of a fee of Rs. 10”].

(2) The application shall contain the following particulars, namely:

(1) Name and address of the applicant;

(2) Place where the rectified spirit will be kept and used;

(3) Quantity of rectified spirit to be used <sup>2</sup>[in any three calendar months/six months];

(4) Specific purpose for which rectified spirit is required and the use it will be put to; <sup>3</sup> [and, where the applicant desires to use rectified spirit for the manufacture of medicinal preparations which are drugs within the meaning of the Drugs Act, 1940, whether he holds a licence under that Act for manufacturing the same and if so, the number and date of such licence;]

(5) Whether the applicant held any rectified spirit permit in the year immediately before the date of the application and if so, the number of the permit and the quantity sanctioned;

(6) The period for which the licence is required;

(7) Registration number of the applicant if he is a registered medical practitioner.

5. (1) On receipt of the application under rule 4-

<sup>4</sup>[(a) the Collector may grant a licence in Form R.S.I. for a quantity not exceeding <sup>2</sup>[fifteen/thirty bottles for any three calendar months/six months] of Rectified Spirit in the case of an applicant who is a Registered Medical Practitioner and for a quantity not exceeding <sup>2</sup>[thirty/sixty bottles for any three calendar months/six months] of Rectified Spirit in the case of an applicant who is a Pathologist.

Explanation :- A bottle means a bottle having capacity of 750 millilitres]

(b) if the applicant is any other person or if the applicant being a registered medical practitioner <sup>5</sup>[or pathologist] has applied for the quantity of rectified spirit exceeding that specified in clause (a) the Collector or the authorised officer shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the applicant the licence applied, for, he may grant him a licence in Form R.S.II.

1. Ins. by G. N. of 4-11-1968.

3. Added by G. N. of 26-7-1955.

5. Ins. by G. N. of 4-11-1968.

2. Subs. by G. N. of 28-1-1974.

4. Subs. by G. N. of 24-7-1971.

6. Ins. by G. N. of 16-3-1988.

(2) A licence under sub-rule (1) may be granted <sup>1</sup>[on payment of the annual fees <sup>3</sup>[(inclusive of consideration)] specified below:- ]

“TABLE

	Rs.
<sup>10</sup> [(a) For a licence in form RS-I. . . . .]	50.00
(b) For a Licence in form RS-II where the quantity of rectified spirit to be possessed and used per quarter,---	
(i) does not exceeds 6 bottles each having capacity of 750 milli litres.	25.00
(ii) exceeds 6 bottles each of the capacity of 750 milli litres but does not exceed 25 bulk litres.	200.00
(iii) exceeds 25 bulk litres but does not exceeds 225 bulk litres	400.00
(iv) exceeds 225 bulk litres but does not exceeds 900 bulk litres	1,000.00
(v) exceeds 900 bulk litres but does not exceeds 4,500 bulk litres	2,000.00
(c) For a licence in Form R.S.II where the quantity of rectified spirit to be possessed and used per annum,---	
(i) exceeds 18,000 bulk litres but does not exceeds 50,000 bulk litres.	10,000.00
(ii) exceeds 50,000 bulk litres but does not exceeds 1,00,000 bulk litres.	20,000.00
(iii) exceeds 1,00,000 bulk litres but does not exceeds 5,00,000 bulk litres.	50,000.00
(iv) exceeds 5,00,000 bulk litres but does not exceeds 10,00,000 bulk litres.	60,000.00
(v) exceeds 10,00,000 bulk litres but does not exceeds 20,00,000 bulk litres.	70,000.00
(vi) exceeds 20,00,000 bulk litres	75,000.00”

<sup>4</sup>[ x x x x ]

<sup>5</sup>[Provided that for the purpose of charging the fee specified in <sup>6</sup>[this sub-rule] the fraction of a year shall be reckoned as one complete year.]

6. No licence in Form R.S.II shall be granted for a quantity of rectified spirit exceeding <sup>7</sup>[15 litres/30 litres in any three calendar months/six months] unless the applicant has executed a bond in Form ‘A’ for Rs. 1,000 for the proper observance of the provisions of the Act, the rules, regulations and orders made thereunder and the conditions of the licence:

Provided that the execution of such a bond shall not be necessary by an applicant requiring rectified spirit on behalf of Government, Municipal or <sup>8</sup>[Zilla Parishad] Institutions or Educational Institutions for teaching and research work, if a written undertaking is given on behalf of such institutions for the proper observance of the provisions of the Act and the rules, regulations and orders thereunder and the conditions of the licence.

7. (1) No licence in Form R.S.I or R.S.II shall be granted for a period exceeding one year at a time and in no case shall such period extend beyond 31<sup>st</sup> March next following the date of the commencement of the licence:

<sup>1</sup>[Provided that-

(a) a licence in <sup>9</sup>[From R.S.I; or]

1. Subs. by G. N. of 4-4-1963

2. Subs. G. N. of 16-3-1988

3. Ins. *ibid.*

4. Deleted *ibid.*

5. Ins. by G. N. of 2-4-1959

6. Ins. by G. N. of 4-11-1968

7. Subs. by G. N. of 28-1-1974

8. Subs. by G. N. of 4-11-1968

9. Subs. by G. N. of 11-3-1964

10. Subs. by G. N. of 31-3-2001

(b) a licence in Form R.S. II, <sup>1</sup>[issued to a registered medical practitioner, pathologist or any other person in charge of a Government, Municipal, Zilla Parishad or Educational Institution or in charge of a charitable hospital or dispensary or] for medicinal, scientific or educational purpose or for the purpose of preservation of specimens of natural history or other specimens maintained at any museum or picture gallery, may be granted or renewed for a period not exceeding three years at a time, so however as not to extend beyond the 31<sup>st</sup> day of March according to the duration for which the licence is granted.

(2) No such licence shall be granted to a minor.

<sup>4</sup>(3) Every application for renewal of a licence in form R.S. II. <sup>5</sup>[for a quota of rectified Spirit exceeding 18,000 bulk litres per annum] shall be accompanied by a challan evidencing payment of a fee of Rs. 5]

<sup>2</sup>[8. (1) The licensee holding a licence in Form R.S.I shall not obtain his supply of rectified spirit except from a licensee holding a sale licensee in Form R.S.VI.

<sup>3</sup>[(2) A licensee holding a licence in Form R.S.II shall not obtain his supply of rectified spirit except,-

(a) from a licensee holding a retail sale licence in Form R.S. VI under a valid transport pass in Form R.S. IV, or

(b) from any licensed distillery or warehouse or from a licensee holding a licence in Form R.S. VII and under a valid transport pass in Form R.S.IV:

Provided, that no transport pass in Form R.S.IV shall be necessary for a licensee holding an order under rule 16-B exempting him from payment of excise duty.]

9. The licensee shall not use rectified spirit except at the place specified in his licence and except in his own presence or in, the presence of any other person duly authorised by him in writing in this behalf:

Provided that a licensee holding a licence in Form R.S.I may, subject to the provisions of this licence, use rectified spirit in any place in the State of Maharashtra.

10. The licensee shall not consume or allow to be consumed any rectified spirit possessed by him under the licence.

11. [Deleted.]

12. (1) No licensee shall use rectified spirit for industrial purposes except on the recommendation of the Director of Industries and in the manner and to the extent recommended by him. The rectified spirit recommended by the Director of Industries shall be used subject to such conditions as may be imposed by the Director in that behalf.

(2) The Commissioner may appoint such excise staff for supervision over the use of rectified spirit as he deems necessary.

13. No licensee shall use rectified spirit for educational or scientific purposes, except on the recommendation of the Director of Public Instruction or the Educational Inspector or any other departmental head approved by the Director in that behalf.

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1. Ins. by G.N. of 4-11-1968  
2. Subs. by G.N. of 19-11-1957  
3. Subs. by G.N. of 4-11-1968

4. Added by G.N. of 16-3-1988  
5. Ins. by G.N. of 23-3-1988

14. The premises of the licensee holding a licence in Form R.S. I or R.S.II, the rectified spirit kept therein and the licence shall, at all times, be open to inspection by the Collector or any Prohibition and Excise or Police Officer not below the rank of a Sub-Inspector or by any other officer empowered under section 77 of the Act who may be deputed by the Collector or the Superintendent of Prohibition and Excise or the District Inspector of Prohibition and Excise in this behalf.

<sup>1</sup>[15. The licensee holding a licence in Form R.S.II, if he is not a registered medical practitioner:-

(a) Shall keep in his licensed premises a visit book, paged and stamped with the seal of the Collector, Mamlatdar, Mahalkari, Tahsildar or any other officer authorised in this behalf by the Collector, in which visiting officers may record their remarks when inspecting the premises; and

(b) shall, unless the licensee is already maintaining the accounts and submitting the return under the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, maintain accounts in Form R.S.II-A and also submit returns in Form R.S.II-B]

16. (1) The licensee shall abide by the provisions of the Act and the rules, regulations and orders made thereunder <sup>2</sup>[and also by all the conditions of the licence which may be imposed by the State Government at the time of granting the licence or at any time during the currency of the licence] and shall give an undertaking to that effect.

(2) The licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Act.

(3) In case the licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith surrendered to the Collector the whole of his stock of rectified spirit.

<sup>3</sup>[Possession and use of duty-free rectified spirit

16-A. (1) Any person holding a licence for the possession of rectified spirit for use for any bona fide research or educational purpose or for the purpose of preservation of specimens of natural history or other specimens maintained at any museum or picture gallery and desiring to obtain duty-free rectified spirit for such purpose shall make an application in that behalf to the Collector.

(2) The application shall contain the following particulars, namely:

(1) name and address of the applicant;

(2) where duty-free rectified spirit is required on behalf of an institution or museum or picture gallery;

(a) the name of the institution or museum or picture gallery;

(b) the capacity in which the applicant represents the institution or museum or picture gallery;

(3) the place where duty-free rectified spirit will be used;

(4) specific purpose for which duty-free spirit is required;

(5) where duty-free rectified spirit is required for research purposes in an institution, the total number of laboratories attached to such institution;

(6) when duty-free rectified spirit is required for teaching purposes in an institution whether the institution has a laboratory and if so, the number of students which require rectified spirit for use in the laboratory.

1. Subs. by G.N. of 26-9-1966

2. Ins. by G.N. of 2-4-1959

3. Ins. by G.N. of 18-3-1953.

(7) the name of the Government distillery or warehouse <sup>1</sup>[or any licensed distillery or warehouse] from which the applicant desires to purchase duty-free spirit;

(8) the quantity of duty-free rectified spirit required by the applicant during the period of the licence;

(9) the quantity of rectified spirit which the applicant is allowed to have in his possession at any one time under the licence held by him;

(10) the quantity of rectified spirit which the applicant is allowed to buy in the aggregate in any one month under the licence held by him;

(11) the number and date of the licence held by the applicant and the designation of the authority which granted it.

(3) When the application under sub-rule (1) is made on behalf of an educational institution, the application shall be accompanied by a certificate granted by the Director of Education or the Educational Inspector or any other departmental head approved by the Commissioner in that behalf, showing the number of students studying at the institution and the quantity of duty-free rectified spirit required therein for educational purpose.

16-B. On receipt of the application under sub-rule (1) of rule 16-A, the Collector shall make such enquiries as he deems necessary and if he is satisfied-

(i) that duty-free rectified spirit is required by the applicant for *bona fide* research or educational purpose;

(ii) where such spirit is required on behalf of an institution, museum or picture gallery, that such institution is a *bona fide* research or educational institution or a museum or picture gallery, as the case may be;

(iii) that there is no objection to issue duty-free rectified spirit to the applicant, <sup>2</sup>[he may sanction the application by an order exempting the applicant from payment of excise duty stating therein] the quantity of duty-free rectified spirit which may be issued to the applicant:

Provided that no such application other than that made on behalf of Government, Municipal or <sup>3</sup>[Zilla Parishad] institution or an educational institution or a museum or picture gallery <sup>2</sup>[shall be considered by the Collector] unless the applicant has executed a bond for Rs. 500 in Form B for the proper observance of these rules and the conditions of the order of exemption.

<sup>2</sup>[16-C. A copy of the order of exemption from excise duty issued to the applicant under rule 16-B, shall be sent to the Superintendent/District Inspector of Prohibition and Excise concerned and the Officer-in-charge of distillery or warehouse from which the applicant is authorised to obtain duty-free rectified spirit.]

16-D. The order of exemption shall remain in force for such period as may be specified in the order;

Provided that, the <sup>2</sup>[Collector] may, at any time during the currency of the order cancel or modify it for any adequate reason.

16-E. No duty-free rectified spirit shall be issued to any person holding a licence except from a <sup>4</sup>[Government distillery or warehouse or any licensed distillery or warehouse] and except on presentation by him of an order of exemption <sup>3</sup>[before the Officer-in-charge of the Government distillery or warehouse or any licensed distillery or warehouse].

1. Ins. by G.N. of 28-2-1961

2. Subs. by G.N. of 11-7-1961

3. Subs. by G.N. of 4-11-1968

4. Subs. by G.N. of 28-2-1961

<sup>1</sup>[16-F. The officer-in-charge of the Government distillery or warehouse or of any licensed distillery or warehouse shall, on each occasion on which he issues duty-free rectified spirit, make an entry in that behalf in the order of exemption presented to him, and also in the copy of such order received by him, and thereafter return the order to the holder thereof. The holder of the order of exemption shall not remove any rectified spirit from the Government distillery or warehouse or any licensed distillery or warehouse unless the quantity issued to him therefrom has been entered in the order of exemption by the Officer-in-charge of the distillery or warehouse.]

16-G. Duty-free rectified spirit obtained on behalf of an institution or a museum or picture gallery shall be kept in a special compartment under lock and key in the institution or museum or picture gallery for which it is obtained and all issues there of from the said compartment shall be made in the presence of a responsible officer the institution or a museum or picture gallery or in the presence of any other officer authorised in that behalf by the head of the institution or a museum or picture gallery.

16-H. Duty-free rectified spirit obtained on behalf of an institution or a museum or picture gallery shall not be used in any premises other than that of the institution or a museum or picture gallery for which it is obtained and for any purpose other than that which is specified in the order of exemption.

16-I. Every person holding an order of exemption shall, on demand by an officer duly empowered under section 77 of the Act, Produce the same for inspection.]

#### ***Purchase and transport***

**17.** Any licensee desiring to purchase and transport rectified spirit so purchased shall submit a requisition in Form R.S.III signed by himself to the Local Inspector of Prohibition and Excise as provided by rule 18:

Provided that no such requisition shall be necessary for the purchase of rectified spirit by a licensee holding a licence in Form R.S.I <sup>2</sup>[or by a licensee holding a licence in Form R.S.II to whom an order of exemption under rule 16B has been issued].

**18.** (1) The Inspector of Prohibition and Excise shall, on demand by the applicant, supply him with a Requisition Form in R.S.III in quadruplicate.

(2) The applicant shall fill in all the four parts of the requisition form and submit it to the Inspector.

19. (1) On receipt of the requisition under rule 18, the Inspector of Prohibition and Excise shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to allow the purchase of rectified spirit, he may countersign the requisition.

(2) The four parts of the requisition shall be dealt with as under-

Part I shall be kept on the record of the Inspector of Prohibition and Excise;

Part II shall be handed over to the applicant;

Part III shall be sent to the person holding a sale licence or the Warehouse or Distillery Officer, as the case may be, from whom the rectified spirit is to be purchased; and

Part IV shall be forwarded to the Inspector of Prohibition and Excise in whose jurisdiction the licensed premises of the said person or the warehouse or distillery, as the case may be, is situated.

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1. Subs. by G. N. of 28-2-1961.

2. Added by G. N. of 4-11-1968.



**20.** (1) The applicant shall then make an application <sup>1</sup>[in Form R.S. III-A] to the Collector or any other Officer duly authorised in that behalf within whose jurisdiction the licensed premises of the person holding the sale licence or the warehouse or distillery, as the case may be, is situated for a pass to transport rectified spirit therefrom to the licensed premises of the applicant and shall present Part II of the requisition alongwith the application:

Provided that, no such application or pass shall be necessary in the case of transport of rectified spirit by a licensee holding licence in Form R.S.I <sup>2</sup>[or by a licensee holding a licence in Form R.S.II to whom an order of exemption under rule 16-B has been issued.]

(2) If the Collector or the authorised officer is satisfied that there is no objection to grant the pass applied for, he may grant the pass in Form R.S. IV <sup>1</sup>[on payment of fee payable under the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954:

Provided that, no such fees shall be payable in the case of a pass for the transport of rectified spirit which is incidental to its purchase, from a licensee holding a sale licence in Form R.S. VI.]

(3) Such pass shall be in four parts and shall be dealt with as under-

Part I shall be kept on the record of the officer granting the pass;

Part II shall be handed over to the applicant for sending it with the consignment;

Part III shall be sent to the person holding a sale licence or Warehouse Officer or Distillery Officer, as the case may be, from whom the rectified spirit is to be purchases; and

Part IV shall be sent <sup>3</sup>[through the Inspector of Prohibition and Excise in whose jurisdiction the licensed premises of the person holding a sale licence or the warehouse or distillery, as the case may be, is situated,] to the Inspector of Prohibition and Excise of the place to which rectified spirit is to be transported.

(4) Part II of the requisition shall also be handed over to the applicant alongwith part II of the transport pass.

**21.** The transporter shall then present Part II of the transport pass and Part II of the requisition to the person holding a sale licence or the Warehouse or Distillery Officer, as the case may be, who shall check these parts with Part III of the transport pass and of the requisition received by him under rules 19 and 20, respectively. If they are found to tally in all respect the said person or the Warehouse or Distillery Officer, as the case may be may issue the quantity of rectified spirit stated in the transport pass and make an endorsement to that effect under his signature on Part II and III of the transport pass and also on Parts II and III of the requisition and hand over Part II of the transport pass and of the requisition to the transporter and retain Part III thereof on his record.

**22.** (1) No person other than a person holding a licence to sell rectified spirit or a licence to possess it shall be granted any requisition in Form R.S.III or a transport pass in Form R.S.IV.

(2) No such requisition in Form R.S.III or a transport pass in Form R.S.IV shall be granted unless the transport is incidental to the purchase of rectified spirit.

1. Ins. by G.N. of 19-11-1957.

2. Added by G.N. of 4-11-1968.

3. Ins. by G.N. of 24-2-1956.



**23.** (1) Any person desiring to transport rectified spirit shall make an application <sup>1</sup>[in Form R.S. IV-A] to an officer duly authorised in that behalf for a pass. If the said Officer on receiving the application is satisfied that there is no objection to grant the pass applied for he may grant the applicant a pass in Form R.S. V:

Provided that, no such pass shall be necessary for the transport of rectified spirit by a person holding a licence in Form R.S.I.

(2) The pass shall be in three parts and shall be dealt with as under-

Part I shall be kept on the record of the officer granting the pass ;

Part II shall be handed over to the applicant for sending it with consignment ; and

Part III shall be sent to the Inspector of Prohibition and Excise of the place to which rectified spirit is to be transported.

(3) The provisions of sub-rule (i) shall not apply to the transport of rectified spirit to which the provisions of rule 20 apply.

**24.** Nothing in rules 17 to 23 shall apply to the transport in bond of rectified spirit under the Bombay Rectified Spirit (Transport-in-Bond) Rules, 1951.

**<sup>2</sup>[Retail Sale]**

**25.** <sup>2</sup>[Any person desiring to sell rectified spirit by retail] shall apply to the Collector for a licence in that behalf. The application <sup>4</sup>[shall be accompanied by a challan evidencing payment of a fee of ten rupees for such application and shall contain the following particulars:

(i) Name and address of the applicant;

(ii) <sup>2</sup>[Place where he wants to sell rectified spirit by retail] with census No. of the house or building, name of street, city, town or village, as the case may be;

(iii) Where any rectified spirit was sold at the above place in the past and if so, the years during which it was sold;

(iv) Whether the applicant held any licence to sell rectified spirit in the past and if so, the years during which he held the licence.

**26.** On receipt of the application under rule 25, the Collector shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may grant the applicant a licence in Form R.S. VI on payment of a fee <sup>4</sup>[(inclusive of consideration) of one hundred rupees.]

**27.** <sup>5</sup>[(1)] No licence in Form R.S. VI shall be granted for a period exceeding one year at a time and in no case shall such period extend beyond 31<sup>st</sup> March next following the date of the commencement of the licence.

<sup>6</sup>[(2) Every application for renewal of a licence in form R.S. VI shall be accompanied by challan evidencing payment of a fee of five rupees.]

**28.** The licensee shall not sell rectified spirit except in sealed bottles bearing a label specifying-

(i) the name of the manufacturer;

(ii) <sup>2</sup>[the country or State of manufacturer ;]

(iii) the place of bottling; and

(iv) the name and address of the bottler;

<sup>3</sup>[(v) quantity of spirit contained.]

1. Ins. by G.N. of 19-11-1957

2. Subs. by G.N. of 26-9-1966

3. Added *ibid.*

4. Ins. by G.N. of 16-3-1988

5. Renumbered *ibid.*

6. Added *ibid.*

- 29.** (1) The licensee shall not obtain his supply of rectified spirit except from-
- (i) a Government or licensed distillery;
  - (ii) a bonded Warehouse;
  - (iii) a manufacturer or dealer in any part of India outside the State of Maharashtra ;
  - <sup>1</sup>[(iv) his licensed premises for which a bottling licence in Form R.S., VI-A has been issued];

Provided that, the licensee may obtain his supply of rectified spirit from a place outside India through a Customs House.

- (2) The licensee shall not bring rectified spirit to the licensed premises except under a transport pass issued under rule 20 or 23.

<sup>2</sup>**30.** The licensee shall pay the fees prescribed under the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954, for the pass for the transport of rectified spirit obtained by him in accordance with rule 29 before such transport pass is issued to him.]

**31.** The licensee shall not sell rectified spirit except to a person, who holds a licence to possess the same and produces Part II of the requisition in Form R.S. III and of the transport pass in Form R.S.IV in his favour in that respect:

Provided that, no such requisition and transport pass shall be necessary in the case of a purchaser <sup>3</sup>\* \* \* \* \* holding a licence in Form R.S.I. The licensee shall on each occasion enter in such licence <sup>3</sup>\* \* \* \* \* the details of the sale of such spirit and sign below such entry.

**32.**<sup>4</sup>[(1)] The licensee shall carry on the business of his rectified spirit shop either personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* signed by himself and countersigned by an Officer not lower in rank than a Sub-Inspector of Prohibition and Excise:

Provided that any such *nokarnama* signed by the licensee shall be valid unless and until countersignature is refused. If for any reason the Collector shall order the withdrawal of any *nokarnama* issued by the licensee, the *nokarnama* shall be forthwith withdrawn. For every *nokarnama* issued by him the licensee shall pay such fee as may from time to time be prescribed for this privilege by the State Government under the Act. No *nokarnama* shall be issued to any person under 21 years of age.

<sup>4</sup>[(2)]The licensee shall maintain accounts in Form R.S. VI-D and shall submit returns in Form R.S. VI-E.]

**33.** (1) The licensee shall not sell, transfer or sublet the right of vend conferred upon him by the licence nor shall he in connection with the exercise of the said right enter into any agreement or arrangement which in the opinion of the Collector is of the nature of a sub-lease.

(2) No person will be recognized as a partner of the licensee for the purpose of the licence unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence, or if the partnership is entered into after the granting of the licence unless the Collector agrees on application made to him to alter the licence and to add the names of the partners in the licence.

1. Ins. by G.N. of 26-9-1966

2. Subs. by G.N. of 19-11-1957

3. Deleted by G.N. of 4-11-1968

4. Added by G.N. of 26-9-1966.

**34.** The licensee shall abide by the conditions of the licence and the provisions of Act and rules, regulations and order made thereunder and shall give an undertaking to that effect.

**35.** The licence may be suspended or cancelled in accordance with the provisions of Section 54 or 56 of the Act.

**36.** In case the licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith surrender the whole of the unsold stock of rectified spirit in balance with him to the Collector.

**<sup>1</sup>[Wholesale Sale]**

**37.** Any person desiring to sell rectified spirit by wholesale shall apply to the Collector for a licence in that behalf. The application <sup>2</sup>[shall be accompanied by a challan evidencing payment of a fee of ten rupees for such application and] shall contain the following particulars, that is to say-

- (i) Name and address of the applicant;
- (ii) Place where he wants to sell rectified spirit by wholesale with census No. of the house or building, name of street, city, town or village, as the case may be;
- (iii) Whether rectified spirit was sold at the above place in the past and, if so, the years during which it was sold;
- (iv) Whether the applicant held any licence to sell rectified spirit, in the past and, if so, the years during which he held the licence;
- (v) Whether the applicant holds any licence at present under the Bombay Prohibition Act, 1949, or the Medical and Toilet Preparations (Excise Duties) Act, 1955, and the rules thereunder and, if so, the details of each of such licences;
- (vi) Whether the place of the licence now applied for fire-Proof and whether it has been approved by the Municipal or other local authorities for the storage of spirit;
- (vii) An undertaking in writing to the effect that the applicant shall abide by the provisions of the Act and the rules, regulations and orders, made thereunder and the conditions of the licence applied for;
- (viii) A declaration in writing, whether the applicant has been convicted at any time of an offence punishable under any of the provisions of the Bombay Prohibition Act, 1949 or of any prohibition or excise law in force in any part of India and whether any prosecution under that Act or such prohibition or Excise law is at present pending against him in any court of law.

**38.** On receipt of the application under rule 37, the Collector shall make such inquiries as he deems necessary and, if he is satisfied that there is no objection to grant the licence applied for, he may, with the previous approval of the Commissioner, grant the applicant a licence in Form R.S. VII on payment of an annual fee <sup>2</sup>[Inclusive of consideration of five hundred rupees.]

**39.** The licence in Form R.S. VII may be granted for the first time for a period not exceeding three years but the period shall not extend beyond 31<sup>st</sup> March of the third year from the date of the commencement of the licence. It may, thereafter, be renewed from year to year. <sup>3</sup>["on payment of application fee of Rs. 5 and licence fee as prescribed in rule 38."]

1. Rules 37-54 were added by G.N. of 26.9.1966.

2. Ins. by G.N. of 16.3.1988

3. Added *ibid.*

40. (1) The licensee shall not obtain his supply of rectified spirit except from-
- (i) a Government or licensed distillery;
  - (ii) a bonded warehouse;
  - (iii) a manufacturer or dealer in any part of India outside the State; or
  - (iv) a place outside India through a Customs House.

(2) The licensee shall not bring rectified spirit to the licensed premises except under a transport-in-bond pass prescribed under the Bombay Rectified Spirit (Transport-in-Bond) Rules, 1951.

41. The licensee shall not sell rectified spirit except to a person, who holds a licence to possess the same and produces Part II of the requisition in Form R.S. III or an indent in Form I.D. I and the transport pass Form R.S.IV or the transport-in-bond pass prescribed under the Bombay Rectified Spirit (Transport-in-Bond) Rules, 1951 issued in his favour in that respect.

42. The provisions of rules 32, 33, 34, 35 and 36 shall *mututis mutandis* apply to the licensee.

43. (1) The licensee shall keep in the licensed premises in bound books or stout paper, paged and stamped with the seal of the Collector, Mamlatdar, Tahsildar or Mahalkari, accounts in Form R.S. VII-D and R.S. VII-E. The accounts shall be clearly and correctly written up-to-date daily. With the accounts in Form R.S. VII-D shall be filed the passes under the cover of which rectified spirit was received or sold. The account shall be open to inspection by the Collector or any other officer empowered under section 122 of the Bombay Prohibition Act, 1949.

(2) The licensee shall submit not later than the 15<sup>th</sup> of every month returns in Form R.S. VII-F to the District Prohibition and Excise Officer in duplicate and shall maintain register in Form R.S. VII-G.

#### **Bottling**

44. Any person holding a licence for sale of rectified spirit and desirous of obtaining a licence to bottle, rectified spirit may make an application to the Collector in that behalf. The application <sup>1</sup>[shall be accompanied by a challan evidencing payment of a fee of ten rupees for such application and] shall contain the following particular that is to say:-

1. The name and address of the applicant;
2. The number of the sale licence held by the applicant;
3. The place where the spirit will be bottled;
4. Approximate quantity of spirit to be bottled during a year.

45. (1) If after making such inquiries as he may deem necessary, the Collector is satisfied that the applicant is a fit person to hold the licence and that the premises in which he proposes to carry on the bottling operations are suitable and are in conformity with the requirements laid down in rule 46, he may, subject to the conditions hereafter provided, grant licence in Form R.S. VI-A.

(2) The licence shall be granted <sup>1</sup>[or renewed] for a period not exceeding one year at a time and in no case such period shall be extended beyond 31<sup>st</sup> March next following the date of the commencement of the licence, on payment of a fee <sup>1</sup>[(inclusive of consideration) of two hundred rupees.]

<sup>1</sup>["(3) Every application for renewal of a licence in Form R.S. VI-A shall be accompanied by a challan evidencing payment of five rupees for such application."]

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1. Ins. by G. N. of 16-3-1988.

**46.** (1) Separate rooms or compartments having their grills embedded in cement shall be provided in the licensed premises in which bottling operations are intended to be carried on. Each such room or compartment shall be used only for one of the purposes specified below, namely:-

- (i) the storage of rectified spirit in bulk before bottling;
- (ii) the carrying on of bottling operations; and
- (iii) the storage of rectified spirit in sealed bottles.

(2) Every room or compartment in the licensed premises shall be well ventilated and all the windows thereof shall be securely barred and wire netted, the net having the mesh of not more than 2.5 centimeters. Every such room or compartment shall bear on the outside a sign board on which shall be legibly painted in oil colour the purpose for which the room or compartment is used.

(3) The premises shall be sufficiently fire-proof and approved by the municipal authorities.

**47.** (1) After a licence has been granted for bottling, no addition to or alterations in any room or compartment or any of the permanent fixtures of the licensed premises shall be made without the previous approval of the Collector.

(2) The licensee shall provide suitable office accommodation, with sanitary arrangements, for the Prohibition and Excise Officer within the licensed premises and shall also supply such furniture and other articles for the Officer's use as the Collector may consider necessary.

(3) No smoking or naked lights or fires shall be allowed within the licensed premises.

(4) At the close of each day on which any business takes place, the licensed premises and every room or compartment therein shall be locked by the licensee and the Prohibition and Excise Officer supervising the bottling operations with separate locks.

**48.** (1) The licensee shall not carry on bottling operations except in the presence of the Prohibition and Excise Officer as may be deputed in that behalf.

(2) Except with the permission of the Collector, the licensee shall not carry on bottling operations or other business on a Sunday or a public holiday and on any other day bottling operations shall not be carried on before 10-30 a.m. or after 5.00 p.m. and on Saturday before 10.30 a.m. and after 1.30 p.m. The licensed premises shall not be kept open on Saturday after 2.00 p.m. and on any other day after 5.30 p.m. on every working day except Saturday, there will be a recess of half an hour from 1.00 p.m. to 1.30 p.m.

**49.** Before commencing the bottling operations, the licensee shall make an application at least ten days in advance to the District Prohibition and Excise Officer giving the following particular, namely:-

- (a) quantity of rectified spirit or absolute alcohol to be bottled; and
- (b) the duration during which the bottling operations shall be carried on.

**50.** (1) No rectified spirit shall be bottled unless an account of the quantity and strength has been taken by the Prohibition and Excise Officer.

(2) The licensee shall keep in Form R.S. VI-B true accounts of the quantity of all rectified spirit received used in the bottling operations and removed from the licensed premises and transferred to the R.S. VI/R.S. VII licensed premises. The accounts of rectified spirit and absolute alcohol shall be separate and shall be written at the end of each day on which bottling operations are carried on. The Prohibition and Excise Officer deputed for supervising the bottling operations shall check the accounts at the end of each day's work.

3. (a) The licensee shall not obtain his supply of rectified spirit except from, -
- (i) a Government or licensed distillery;
  - (ii) a bonded warehouse;
  - (iii) a [manufacturer or dealer] in any part of India outside the State of Maharashtra; or
  - (iv) a place outside India through a Customs House;

Provided that a holder of a licence in Form R.S. VII shall not obtain his supply of rectified spirit except from the stock held by him under the licensee in Form R.S. VII.

(b) The licensee (not being a licensee holding a licence in Form R.S. VII), shall not bring rectified spirit to the licensed premises except under a transport pass issued under rule 20 or 23.

4. The licensee (not being a licensee holding a licence in Form R.S. VII), shall pay the fees prescribed under the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954 in respect of the pass for the transport of rectified spirit obtained by him in accordance with sub-rule (3) before such transport pass issued to him.

5. The licensee shall store all rectified spirit intended for bottling in clean and sound cask or containers. After the rectified spirit is stored in the casks or the containers, they shall be sealed with the seal of the Prohibition and Excise Officer. Each cask or container shall bear a serial number and a description of its capacity. No alternations shall be made in the casks or containers, not any device be used which is likely to render the accounts of the spirit contained in any such cask or container unreliable or checking thereof by the Prohibition and Excise Officer difficult.

**51.** The licensee shall allow samples upto 350 milliliters of each kind of spirit to be taken free of cost by the Prohibition and Excise Officer whenever required by him for being sent to the Director, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra, or to any other officer appointed in that behalf for chemical analysis. The prohibition and Excise Officer shall give the licensee a written acknowledgement for the sample or samples drawn by him for analysis.

**52.** (1) The bottles to be used shall be cleaned and rinsed, immediately before bottling commences, with a freshly prepared solution of permanganate of potash in the proportion of 7 centigrams to one litre of water, or any other disinfectant of such strength as may, from time to time, be prescribed by the Commissioner.

(2) Rectified Spirit shall be bottled in bottles of the capacities of 250 milliliters, 500 milliliters and 750 milliliters.

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1. Subs. by G.N. of 10.8.1968.

(3) The bottles shall, as soon as they are filled, be closed with pilfer-proof closing machine. Each bottle shall bear a label, the design and superscription of which have been previously approved by the Commissioner and shall show -

- (a) the description of the contents of the bottle, *i.e.* rectified spirit or absolute alcohol;
- (b) the full name, or initials of the manufacturer of rectified spirit/absolute alcohol;
- (c) the full name, address and licence number of the bottling licensee; and
- (d) quantity of spirit contained.

No particulars other than those specified above shall be printed or shown on the same or any other label on the bottles.

(4) The labels or capsules shall not indicate that the rectified spirit has been bottled under Prohibition and Excise or Official Supervision or in any way misdescribe the rectified spirit bottled under these rules :

Provided that in the case of rectified spirit bottled in a Government bonded warehouse, the bottles may be labeled or capsuled as "Bottled in the Prohibition and Excise Bonded Warehouse ....."

(5) The Prohibition and Excise Officer shall see that the labeling and closing of bottles have not been done in contravention of the provisions of the Indian Merchandise Marks Act, 1889.

(6) The whole of the contents of a cask or contained shall be bottled in one operation.

(7) Rebottling shall not be carried out without the previous permission of the Commissioner.

**53.** After each bottling operation, the licensed premises shall be got cleaned to the satisfaction of the Prohibition and Excise Officer.

**54.** The licensee shall not be entitled to claim refund of transport fee or special fee on the wastages of rectified spirit exceeding 0.5 per cent during the bottling operations.]

#### FORM R.S. I

[Rule 5(1) (a)]

Licence No.

*Licence for the possession of rectified spirit including absolute alcohol for medicinal use by a Registered Medical Practitioner <sup>1</sup>[or a Pathologist.]*

Licence is hereby granted under and subject to the Provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder, to ..... of ..... (hereinafter called "the licensee") on payment of a fee of Rs. .... in advance authorising him to buy, possess, transport and use rectified spirit including absolute alcohol (hereinafter called "spirit") during the period from ..... to ..... at his premises situated at ..... (hereinafter referred to as "the licensed premises"), subject to the following conditions, namely:-



1. The licensee shall not use the spirit for any purpose except for\* .....

<sup>2</sup>[2. The licensee shall not use spirit exceeding quart bottles/quart bottles in the aggregate during a period of any three calendar months/six months.

3. The licensee shall not buy any quantity of spirit exceeding quart bottles during the said period:

Provided that, the licensee may during any three calendar months/six months buy spirit not exceeding the quantity permitted to be used in six months.

4. The licensee shall not possess quart bottles or spirit at any one time:

Provided that, he may possess spirit in a bottles quantity not exceeding the quantity permitted to be used in two months].

5. The licensee shall not obtain his supply of spirit except from a licensee holding <sup>2</sup>[a retail sale licence]. He shall not remove the spirit purchased by him from the licensed premises of such licensee, unless he gets the details of its purchase entered on the reverse of his licence by the said licensee or any other person authorised by him in writing in this behalf. The licensee shall be entitled to obtain his quota of spirit from such licensee without the production of any requisition or transport pass but merely on presentation of this licence.

6. The licensee may transport from the licensed premises of the licensee holding <sup>2</sup>[a retail sale licence] to his licensed premises that quantity of spirit only which has been purchased by him on the date of transport in question and entered in his licence against that date, as provided in condition 5.

7. The licensee shall keep all the spirit received by him in a place in the licensed premises under lock and key and all issues of spirit from the said place shall be made in the presence of the licensee or a person duly authorised by him in writing in this behalf. He shall not keep or use spirit at any place, other than the licensed premises.

8. Notwithstanding anything contained in conditions 6 and 7, the licensee may transport, possess and use spirit obtained under the licence throughout the State of Maharashtra, if the quantity to be transported, possessed or used does not exceed <sup>2</sup>[300 milliliters]and this licence is produced for inspection on demand by an officer of the Prohibition and Excise Department not lower in rank than a Naik or Police Officer not lower in rank than a Head Constable.

Granted this ..... day of ..... 19 .. .

Seal of the Collector

Collector of .....

\* The purpose for which the spirit is to be used should be clearly stated here.

2. Added by G.N. of 4-11-1968.

1. Subs. by G.N. of 28.1.1974.



**(Reverse of the licence in Form R.S. I)***Details of purchase of rectified spirit made by licensee*

Date	Aggregate quantity of rectified	Quantity of rectified	Quantity of rectified spirit purchased		<sup>1</sup> [Licensee holding a retail sale licence]		
	Spirit permitted to be used in 1/2/3 months	Spirit to be used in two months	On the date	Progressive total for each period of two months	Licence No.	Name and address	Signature or signature of his authorised nokar
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

**FORM R.S. II**<sup>2</sup>[(See rule 5)]

Licence No. ....

*Licence for the possession and use of rectified spirit including absolute alcohol for industrial, medicinal, scientific, <sup>1</sup>[educational and pathological] and other similar purposes.*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter called "the licensee") on payment of a fee of Rs. .... in advance, authorising him to buy, possess and use rectified spirit including absolute alcohol (hereinafter called "spirit") during the period from ..... to ..... at his premises situated at ..... (hereinafter referred to as "the licensed premises"), subject to the following conditions, namely :-

*Conditions*

- The licensee shall not use the spirit for any purpose except for\* .....
- (1) The licensee shall not buy spirit except on a requisition countersigned by an officer of the Prohibition and Excise Department duly authorised in that behalf :

<sup>2</sup>[Provided that no such requisition shall be necessary for a licensee who has obtained an order of exemption under rule 16.B of the Bombay Rectified Spirits Rules, 1951]

(2) The licensee shall not buy spirit in any <sup>3</sup>[three calendar months/six months] subject to fire proof storage limit allowed by municipal or other competition authorities/ during the period of the licence more than <sup>4</sup>[..... bulk liters/bottles of 750/500/250 ..... milliliters each] in the aggregate;

(3) The licensee shall not use spirit exceeding <sup>3</sup>[..... bulk litres/bottles of 750/500/250 ..... milliliters each] in any six months subject to fire proof storage limit allowed by municipal or other competitive three calendar months/authorities.

\*The purpose for which the spirit is to be used should be clearly stated here. In the case of use for industrial purpose the specific industrial purpose should be mentioned.

- Subs. by G. N. of 4-11-1968
- Added, *ibid.*
- Subs. by G. N. of 28-1-1974.
- Subs. by G. N. of 26-9-1966

3. The licensee shall not have in his possession more than bulk <sup>1</sup>[litres/bottles of 750/500/250 milliliters each] of spirit at any one time.

4. The licensee shall keep all the spirit received by him in a place in the licensed premises approved by the local Inspector of Prohibition and Excise under lock and key and all issues of spirit from the said place shall be made in the presence of the licensee or a person duly authorised by him in writing in that behalf.

5. (1) The licensee shall maintain such accounts as may be prescribed by the <sup>1</sup>[the State Government] under the Act. The account shall be kept in a bound book, paged and stamped with the seal of the Collector <sup>2</sup>[<sup>3</sup>] or the Mamlatdar or Tahsildar], or the Mahalkari or any other officer authorised in that behalf by the Collector.]

(2) The licensee <sup>4</sup>[other than the one who has obtained an order of exemption under rule 16-B of the Bombay Rectified Spirit Rules, 1951], shall keep; along with the account book, the requisitions and transport passes relating to the spirit received at the licensed premises.

(3) The licensee shall furnish such returns as may be prescribed by the <sup>1</sup>[the State Government] under the Act.

(4) The licensee shall furnish to the Collector such other information relating to the subject-matter of this licence as the Collector may from time to time require.

6. The licensee shall pay to Government such cost of the Prohibition and Excise staff if it is appointed for supervision over the use of rectified spirit, as may be fixed by the Commissioner.

7. The licensed premises, the spirit kept therein and account books, requisitions and transport passes referred to in condition 5 and this licence shall at all times be open to inspection by the Collector, or any Prohibition and Excise or Police Officer not lower in rank than a Sub-Inspector of Prohibition and Excise or Police, as the case may be, or by any other officer empowered under section 77 (a) of the Bombay Prohibition Act, 1949, who may be deputed or authorised by the Collector or the Superintendent of Prohibition and Excise <sup>5</sup>[or the District Inspector of Prohibition and Excise] in this behalf.

8. The accounts, requisitions and transport passes referred to in condition 5 and the licence shall be preserved by the licensee during the whole of the period of this licence.

Granted this..... day of ..... 19

Seal of Collector

Collector of .....

---

1. Subs. by G. N. of 28-1-1974.  
 2. Ins. by G. N. of 26-7-1957.  
 3. Subs. by G. N. of 25-7-1963.  
 4. Ins. by G. N. of 4-11-1968.  
 5. Ins. by G. N. of 25-7-1963.

## [FORM R. S. II-A

[See rule 15(b)]

R.S.II licence No. ....

Name of the licensee .....

Period of the licence .....

Monthly return showing rectified spirit (including absolute alcohol) received used and held in balance during the month of ..... 20.

Date	Opening balance		Quantity received			
	Litres/Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250ml. each	Litres/Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250ml. each
1	2		3			

Source of supply	Transport pass		Totals of columns 2 and 3		
	No.	Date	Litres/Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml each
4	5		6		

Litres/Bottles of 750 ml. each	Quantity used		Closing balance			Remarks, if any and initials of the licensee
	Bottles of 500 ml. each	Bottles of 250 ml. each	Litres/Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each	
	7		8			9

**FORM R. S. II-B**

[See rule 15(b)]

R.S.II licence No. ....  
 Name of the licensee .....  
 Period of the licence .....

*Monthly return showing rectified spirit (including absolute alcohol) received used and held in balance during the month of ..... 20.*

Month	Opening balance on the first day of the month			Quantity purchased		
	Litres/Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250ml. each	Litres/Bottles of 750 ml. each	Bottles of 500ml. each	Bottles of 250ml. each
1		2			3	

Source of supply	Transport pass		Totals of columns 2 and 3		
	No.	Date	Litres/Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each
4		5		6	

Litres/Bottles of 750 ml. each	Quantity used			Closing balance on the last day of the month			Remarks, if any and initials of the licensee
	Bottles of 500 ml. each	Bottles of 250 ml. each	Litres/Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each		
	7			8		9	

Signature of the licensee].

**FORM A**

(See rule 6)

*Form of bond to possess and use rectified spirit including absolute alcohol for industrial, medicinal, scientific, <sup>1</sup>[educational and pathological] and other similar purposes in accordance with the provisions of the Bombay Prohibition Act, 1949.*

Whereas I/we .....residing at .....  
in ..... taluka of the ..... district have made an application on  
..... to the Collector of ..... for a licence authorising me/us to  
possess and use rectified spirit including absolute alcohol as specified in the said appli-  
cation from ..... to .....or may make any application hereafter for the  
renewal of the said licence, I/we hereby bind myself / ourselves jointly and severally that  
I/we shall use rectified spirit including absolute alcohol for the possession and use of  
which licence has been granted to me/us or may be renewed to me/us, as the case may be,  
for ..... Purposes at my/our place ..... Situated at ..... in  
the town of ..... district in the State of Maharashtra in accordance with the  
provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders  
made thereunder and in case of my/our making default in the observance of the provi-  
sions of the said Act and the rules, regulations and orders made thereunder and the  
conditions of the said licence, we hereby bind ourselves jointly and severally and each  
and every one of my/our respective heirs, executors, administrators and representatives  
to forfeit to the Governor of Maharashtra the sum of Rs. .... which shall be  
recoverable from me/us as arrears of land revenue.

Place :

Dated this ..... Day of ..... 19 .

In the presence of -

- 1.
- 2.

Signature (s) of the Principal (s).

We (1) ..... (2) ..... residing at ..... in the  
..... taluka of ..... district do hereby declare ourselves sureties for  
the above named ..... that he/they shall do and perform all that he/they has/  
have undertaken to do and perform and in case of his/their making default therein, I/we  
hereby bind myself /ourselves jointly and severally to forfeit to the <sup>2</sup>[Governor of  
Maharashtra] the sum of Rs. .... which shall be recoverable from me/us  
arrears of land revenue.

Place :

Dated this ..... day of ..... 19 .

In the presence of -

- |    |    |
|----|----|
| 1. | 1. |
| 2. | 2. |

Signatures of sureties.

---

1. Subs. by G.N. of 4-11-1968.  
2. Subs. by G.N. of 27-7-1963.

**<sup>1</sup>[FORM B**

(See rule 16-B)

*Form of Bond to use duty-free rectified spirit (including absolute alcohol)<sup>2</sup> \* \* \**

Whereas I/we ..... of ..... in the village/town of ..... have made an application to<sup>3</sup>\* \* ..... the Collector of ..... for exempting me/us from the payment of duty on the rectified spirit (including absolute alcohol) required by me/us for use in\* ..... I/we hereby bind myself/ourselves jointly and severally that if the exemption applied for is granted, I/we shall use the rectified spirit (including absolute alcohol), in respect of which such exemption has been granted, for the said purpose at ..... situated at ..... in the village / town of ..... in the district of ..... in accordance with the Bombay Rectified Spirit Rules, 1951, and the conditions specified in the Order of Exemption referred to in the rule 16-C of the said rules and in case of my/our making default in the observance of the said rule, and the conditions of the Order of Exemption I/we bind myself/ourselves jointly and severally and each and every one of my/our respective heirs, executors, administrators and representatives to forfeit to the<sup>4</sup>[Governor of Maharashtra] the sum of Rs. ....

Place :

Date this ..... day of ..... 19 .

In the presence of -

- 1.
- 2.

Signature

We (1)..... of ..... and (2)..... of ..... do hereby declare ourselves sureties for the abovenamed that he/they shall do and perform all that he/they has/have undertaken to do and perform and in case of his/their making default therein, I/we hereby bind myself/ourselves jointly and severally to forfeit to the<sup>4</sup> [Governor of Maharashtra] the sum of Rupees .....

Place :

Dated this ..... day of ..... 19 .

In the presence of —

- |    |    |
|----|----|
| 1. | 1. |
| 2. | 2. |

(Signatures of the Sureties)]

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\* Here specific <sup>1</sup>(the) purpose for which rectified spirit is required.  
 1. Ins. by G.N. of 18-3-1953.  
 2. Deleted by G.N. of 4-11-1968.  
 3. Deleted by G.N. of 11-7-1961.  
 4. Subs. by G.N. of 25-7-1963.

**FORM R. S. III**

[See rule 18]

No.....

*Requisition for rectified or absolute alcohol***Part I**

(To be kept with the Inspector of Prohibition and Excise countersigning the requisition.)

Place .....

Date .....

To,

Messrs.....

The <sup>Warehouse</sup> Officer,  
Distillery

Sir(s),

Please supply me/us with <sup>1</sup>[litres/bottles of \* milliliters each] of rectified spirit/  
/ absolute alcohol for ..... Purposes.The number of my rectified spirit                      <sup>Sale licence</sup> issued by  
<sup>1</sup>[possession licence/bottling licence.]

the Collector of ..... is .....

Yours faithfully,

Signature of the purchaser.

Countersigned.

Inspector of Prohibition and Excise ..... Date ..... No.....

Seal of the  
Officer  
Countersigning  
The requisition.

Part II handed over to the licensee on .....

Part III sent to the supplying licensee, warehouse officer or distillery officer on  
.....Part IV sent to the Inspector of Prohibition and Excise in whose charge the  
Licensed premises of the person holding a sale licence, warehouse or distillery is  
situated on .....

Intimation of the supply received on .....

Verified with the Licensee's accounts on .....

Signature of the Inspector of  
Prohibition and Excise.

1 Subs. by G.N. of 26-1-1966.

**FORM R. S. III**

[See rule 18]

No.....

*Requisition for rectified spirit or absolute alcohol*

**Part II**

(To be handed over to the applicant and to be kept by him with the passes.)

Place .....

Date .....

To,

Messrs.....

The Warehouse Officer,  
Distillery

Sir(s),

Please supply me/us with <sup>1</sup>[litres/bottles of \* milliliters each] of rectified spirit / absolute alcohol for ..... Purposes.

The number of my rectified spirit sale licence issued by <sup>1</sup>[possession licence/bottling licence.] the Collector of ..... is.....

Yours faithfully,

Signature of the purchaser.

Countersigned.

Inspector of Prohibition and Excise ..... Date ..... No.....

Seal of the  
Officer  
Countersigning  
The requisition.

Rectified spirit/absolute alcohol supplied on .....

Signature of the person holding a sale licence or  
of The Warehouse Officer,  
Distillery

---

<sup>1</sup> Subs. by G.N. of 26-9-1966.





**FORMRS.III**

(See rule 18)

No.....

*Requisition for rectified spirit or absolute alcohol*

**Part IV**

(To be sent to the Inspector of Prohibition and Excise in whose charge the licensed premises of a person holding a sale licence, warehouse or distillery is situated.

Place.....

Date.....

To,

Messrs.....

The Warehouse Officer,  
Distillery

Sir(s),

Please supply me/us with <sup>1</sup>[litres/bottles of \*millilitres each] of rectified spirit / absolute alcohol for ..... Purposes.

The number of my rectified spirit sale licence issued by <sup>1</sup>[possession licence/bottling licence.] the Collector of ..... is .....

Yours faithfully,

Signature of the purchaser.

Countersigned.

Inspector of Prohibition and Excise ..... Date ..... No.....

Seal of the  
Officer

Countersigning

The requisition.

Verified from the register of the supplying Licensee or the Warehouse/Distillery Officer on .....

Intimation of the supply sent to the Prohibition and Excise Officer countersigning the requisition on .....

Signature of the Inspector of  
Prohibition and Excise.

1. Subs. by G. N. of 26-9-1966.

<sup>1</sup>[FORMS R.S. III-A

[See rule 20 (1)]

*Application for a pass for the transport of rectified spirit (including absolute alcohol) from the licensed premises of a person holding a sale licence or from a Government warehouse or distillery<sup>2</sup> [or any licensed distillery or warehouse] to the licensed premises of a licensee holding a licence in Form R.S.II. <sup>3</sup>[Rs. VI or R.S. VI-A].*

1. Name and address of the applicant
2. Kind of licence held by the applicant and its number and date and by whom granted.
3. Quantity and description of rectified spirit to be transported.

Kind of spirit	<sup>3</sup> [Proof litres]	<sup>3</sup> [Dozen bottles each of 750 millilitres]	<sup>3</sup> [Dozen bottles each of 500 millilitres]	<sup>3</sup> [Dozen bottles each of 250 millilitres]
(1)	(2)	(3)	(4)	(5)
Rectified Spirit				
Absolute Alcohol				

<sup>\*</sup>(4) (a) The amount of fees paid if, any :

Rs. P.

Transport Fee	..	
Special Fee	..	_____
Total fees	..	_____

- (b) Name of the Treasury in which the fees are paid and the challan number and date.
- (5) Place to which rectified spirit is to be transported.
- (6) Route
- (7) Purpose for which rectified spirit is to be transported.
- (8) Name and address of the place from which rectified spirit is to be transported.
- (9) Kind of the licence held in respect of the premises from which rectified spirit is to be transported and its number and date.
- (10) Period within which rectified spirit will be transported.

*\* These particulars are not to be given in the case of transport of rectified spirit by a person holding, a licence in Form R.S.II, incidental to its purpose from a person holding a sale licence in Form R.S.VI*

1. Ins. by G. N. of 19-11-1957.

2. Subs. by G. N. of 28-2-1961

3. Subs. by G. N. of 26-9-1966

I request that a transport pass for the above quantity of rectified spirit may be issued to me.

I hereby undertake to abide by the conditions of the transport pass and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulation and order made thereunder.

Place :

Date :

Signature of the applicant.

To,

The Collector of .....

Through the District Prohibition and Excise Officer .....

**<sup>1</sup>[FORM R.S. IV**

[See rule 20 (2)]

*Pass for the transport of rectified spirit (including absolute alcohol) from the licensed premises of a person holding a sale licence or from a Government warehouse or distillery <sup>2</sup>[or any licensed distillery or warehouse] to the licensed premises of a licensee holding a licence in Form R.S.II, <sup>3</sup>[R.S.I or R.S. VI-A].*

**Part I**

(Counterfoil).

- (1) Serial Number.
- (2) Name and address of the person  
transporting the rectified spirit  
(including absolute alcohol).
- (3) Licence number of the transporter.

1. Subs. by G. N. of 19-11-1957.

2. Ins by G. N. of 28-2-1961

3. Subs by G. N. of 26-9-1966

## 4. Quantity and description of the spirit--

Kind of spirit	¹ [Proof litres]	¹[Dozen bottles each of 750 millilitres]	¹[Dozen bottles each of 500 millilitres]	¹[Dozen bottles each of 250 millilitres]	*Amount to fees paid		
					Pass Fee Rs. P.	Special Fee Rs. P.	Total Fee Rs. P.
Rectified Spirit :							
Absolute Alcohol							

- (5) Route.
- (6) Name and address of the person holding a sale licence or Government warehouse or distillery.
- (7) Number and date of the requisition order.
- (8) The purpose for which rectified spirit is to be transported.
- (9) Date up to which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder authorising the abovementioned transport, subject to the following condition, namely:-

The consignment shall not be broken in transit.

Dated:

Signature of the Officer issuing the pass.

Designation .....

Seal of the  
Officer issuing  
the pass

\* These particulars are not to be given in the case of transport of rectified spirit by a person holding a licence in Form R.S.II, incidental to its purpose from person holding a sale licence in Form R.S.VI

1. Ins. by G. N. of 26-9-1966

**FORM R. S. IV**

**PART II**

*Pass of the transport of rectified spirit (including absolute alcohol) from the licensed premises of a person holding a sale licence or from a Government warehouse or distillery <sup>1</sup>[or any licensed distillery or warehouse] to the licensed premises of a licensee holding a licence in Form R.S. II [R.S. VI. or R.S. VI A]*

[To be handed over to the applicant for sending with the consignment]

- (1) Serial Number
- (2) Name and address of the person transporting the rectified spirit (including absolute alcohol).
- (3) Licence Number of the transporter.
- (4) Quantity and description of the spirit.

Kind of spirit	<sup>1</sup> [Proof litres]	<sup>2</sup> [Dozen bottles	<sup>2</sup> [Dozen bottles	<sup>2</sup> [Dozen bottles	*Amount of fees paid					
		each of 750 milliliters]	each of 500 milliliters]	each of 250 milliliters]	Pass Fee	Special Fee	Total Fee			
					Rs.	P.	Rs.	P.	Rs.	P.

Rectified Spirit :  
Absolute Alcohol

- (5) Route.
- (6) Name and address of the person holding a sale licence or Government warehouse or distillery.
- (7) Number and date of the requisition order.
- (8) The purpose for which rectified spirit is to be transported.
- (9) Date upto which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder authorising the abovementioned transport, subject to the following condition, namely:-

The consignment shall not be broken in transit.

Dated:

Signature of the Officer issuing the pass.

Designation .....

Seal of the  
Officer issuing  
the pass

Rectified Spirit/Absolute Alcohol supplied on .....

Signature of the person holding a sale licence or  
of the Warehouse Distillery Officer.

\*These particulars are not to be given in the case of transport of rectified spirit by a person holding a licence in Form R.S.II, incidental to its purchase from person holding a sale licence in Form R.S. VI.  
1. Subs. by G. N. of 28-2-1961.  
2. Subs. by G. N. of 26-9-1966

**FORM R.S. IV**

*Pass of the transport of rectified spirit (including absolute alcohol) from the licensed premises of a person holding a sale licence or from a Government warehouse or distillery <sup>1</sup>[or any licensed distillery or warehouse] to the licensed premises of a licensee holding a licence in Form R.S. II [R.S. VI. or R.S. VI A]*

**PART III**

[To be sent to the person holding a sale licence or Warehouse Officer or Distillery Officer from whom the rectified spirit is to be purchased]

- (1) Serial Number
- (2) Name and address of the person transporting the rectified spirit (including absolute alcohol).
- (3) Licence Number of the transporter.
- (4) Quantity and description of the spirit.

Kind of spirit	<sup>2</sup> [Proof litres]	<sup>2</sup> [Dozen bottles each of 750 milliliters]	<sup>2</sup> [Dozen bottles each of 500 milliliters]	<sup>2</sup> [Dozen bottles each of 250 milliliters]	*Amount to fees paid		
					Pass Fee	Special Fee	Total Fee
					Rs. P.	Rs. P.	Rs. P.

Rectified Spirit :  
Absolute Alcohol

- (5) Route.
- (6) Name and address of the person holding a sale licence or Government warehouse or distillery.
- (7) Number and date of the requisition order.
- (8) The purpose for which rectified spirit is to be transported.
- (9) Date upto which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder authorising the abovementioned transport, subject to the following condition, namely:-

The consignment shall not be broken in transit.

Dated:

Signature of the Officer issuing the pass.  
Designation .....

Seal of the  
Officer issuing  
the pass

Rectified Spirit/Absolute Alcohol supplied on .....

Signature of the person holding a sale licence or  
of the Warehouse Distillery Officer.

\*These particulars are not to be given in the case of transport of rectified spirit by a person holding a licence in Form R.S.Ii, incidental to its purchase from person holding a sale licence in Form R.S. VI.  
1. Subs. by G. N. of 28-2-1961.  
2. Subs. by G. N. of 26-9-1966.

**FORM R.S. IV**

*Pass of the transport of rectified spirit (including absolute alcohol) from the licensed premises of a person holding a sale licence or from a Government warehouse or distillery <sup>1</sup>[or any licensed distillery or warehouse] to the licensed premises of a licensee holding a licence in Form R.S. II [R.S. VI. or R.S. VI A]*

**PART IV**

<sup>2</sup>[To be sent through the <sup>3</sup>[Inspector or the Sub-Inspector of Prohibition and Excise, as the case may be], in whose jurisdiction the licensed premises of the person holding a sale licence or warehouse or distillery, as the case may be, is situated, to the <sup>3</sup>[Inspector or the Sub-Inspector of Prohibition and Excise, as the case may be,] of the place to which rectified spirit is to be transported].

- (1) Serial Number
- (2) Name and address of the person transporting the rectified spirit (including absolute alcohol).
- (3) Licence Number of the transporter.
- (4) Quantity and description of the spirit.

Kind of spirit	<sup>4</sup> [Proof litres]	<sup>4</sup> [Dozen bottles each of 750 milliliters]	<sup>4</sup> [Dozen bottles each of 500 milliliters]	<sup>4</sup> [Dozen bottles each of 250 milliliters]	*Amount of fees paid		
		Rs. P	Rs. P	Rs. P	Pass Fee	Special Fee	Total Fee
Rectified Spirit :							
Absolute Alcohol							

- (5) Route.
- (6) Name and address of the person holding a sale licence or Government warehouse or distillery.
- (7) Number and date of the requisition order.
- (8) The purpose for which rectified spirit is to be transported.
- (9) Date upto which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder authorising the abovementioned transport, subject to the following condition, namely:-

The consignment shall not be broken in transit.

Dated:

Signature of the Officer issuing the pass.  
Designation .....

Seal of the  
Officer issuing  
the pass

Rectified Spirit/Absolute Alcohol supplied on .....

Signature of the person holding a sale licence or  
of the Warehouse Distillery Officer.

\* These particulars are not to be given in the case of transport of rectified spirit by a person holding a licence in Form R.S.II, incidental to its purchase from person holding a sale licence in Form R.S.VI.  
 1. Subs. by G. N. of 28-2-1961                      3. Subs. by G. N.  
 2. Subs. by G. N. of 24-2-1956                      4. Subs. by G. N. of 26-9-1966.



<sup>1</sup>[FORM R. S. IV-A

[See rule 23 (1)]

*Application for a pass for the transport (not incidental to purchase) of  
rectified spirit (including absolute alcohol)*

- (1) Name and address of the applicant
- (2) Kind of licence held by the applicant and its numbers and date and by whom granted.
- (3) Quantity and description of rectified spirit to be transported.

Kind of spirit	<sup>2</sup> [Proof liters]	<sup>2</sup> [Dozen bottles each of 750 milliliters]	<sup>2</sup> [Dozen bottles each of 500 milliliters]	<sup>2</sup> [Dozen bottles each of 250 milliliters]
(1)	(2)	(3)	(4)	(5)
Rectified Spirit				
Absolute Alcohol				

- (4) Place to which rectified spirit is to be transported.
- (5) Route.
- (6) Purpose for which rectified spirit is to be transported.
- (7) Name and address of the place from which rectified spirit is to be transported.
- (8) Kind of the licence held in respect of the Premises from which rectified spirit is to be transported and its No. and date.
- (9) Period within which rectified spirit will be transported

I request that a transport pass for the above quantity of rectified spirit may be issued to me.

I hereby undertake to abide by the conditions of the transport pass and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and order made thereunder.

Signature of the applicant

Place :

Date :

To,

The Collector of .....

Through the District Prohibition and Excise Officer .....

1. Subs. by G. N. of 19-11-1957.
2. Subs. by G. N. of 26-9-1966.

**<sup>1</sup>[FORM R. S. V**

[See rule 23 (1)]

*Pass for the transport (not incidental to purchase) of rectified spirit (including absolute alcohol)*

**PART I**

*(Counterfoil)*

- (1) Serial Number .. ..
- (2) Name and address of the person transporting the rectified spirit (including absolute alcohol).
- (3) Licence Number of the transporter
- (4) Quantity and description of the spirit

Kind of spirit	<sup>2</sup> [Proof liters]	<sup>2</sup> [Dozen bottles each of 750 milliliters]	<sup>2</sup> [Dozen bottles each of 500 milliliters]	<sup>2</sup> [Dozen bottles each of 250 milliliters]
(1)	(2)	(3)	(4)	(5)
Rectified Spirit	..	..		
Absolute Alcohol	..	..		

- (5) Route. .. ..
- (6) Place from which rectified spirit is to be transported.
- (7) Place to which rectified spirit is to be transported.
- (8) Purpose for which rectified spirit is to be transported.
- (9) Date upto which the pass shall be valid

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder authorising the abovementioned transport, subject to the following conditions, namely :

The consignment shall not be broken in transit.

Dated:

Signature of the Officer issuing the pass.

Designation .....

Seal of the  
Officer issuing  
the pass

1. Subs. by G. N. of 19-11-1957.  
2. Subs. by G. N. of 26-9-1966.

**FORM R. S. V**

*Pass for the transport (not incidental to purchase) of rectified spirit (including absolute alcohol)*

**PART II**

*(To be handed over to the transporter for sending with the consignment.)*

- (1) Serial Number .. .. .
- (2) Name and address of the person transporting the rectified spirit (including absolute alcohol).
- (3) Licence Number of the transporter
- (4) Quantity and description of the spirit

Kind of spirit	<sup>1</sup> [Proof liters]	<sup>1</sup> [Dozen bottles each of 750 milliliters]	<sup>1</sup> [Dozen bottles each of 500 milliliters]	<sup>1</sup> [Dozen bottles each of 250 milliliters]
(1)	(2)	(3)	(4)	(5)
Rectified Spirit	..	..		
Absolute Alcohol	..	..		

- (5) Route. .. .
- (6) Place from which rectified spirit is to be transported.
- (7) Place to which rectified spirit is to be transported.
- (8) The purpose for which rectified spirit is to be transported.
- (9) Date upto which the pass shall be valid

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder authorising the abovementioned transport, subject to the following condition, namely :

The consignment shall not be broken in transit.

Dated:

Signature of the Officer issuing the pass.

Designation .....

Seal of the  
Officer issuing  
the pass

1. Subs. by G. N. of 26-9-1966.

**FORM R.S.V.**

*Pass for the transport (not incidental to purchase) of rectified spirit (including absolute alcohol)*

**PART III**

*(To be sent to the Inspector of Prohibition and Excise at the place to which rectified spirit is to be transported)*

- (1) Serial number .. .. .
- (2) Name and address of the person transporting the rectified spirit (including absolute alcohol).
- (3) Licence Number of the transporter .. ..
- (4) Quantity and description of the spirit ..

Kind of spirit	<sup>1</sup> [Proof litres]	<sup>1</sup> [Dozen bottles each of 750 mililitres]	<sup>1</sup> [Dozen bottles each of 500 mililitres]	<sup>1</sup> [Dozen bottles each of 250 mililitres]
(1)	(2)	(3)	(4)	(5)

- Rectified Spirit .. ..
- Absolute alcohol .. ..
- (5) Route .. .. .
- (6) Place from which rectified spirit is to be transported.
- (7) Place to which rectified spirit is to be transported.
- (8) The Purpose for which rectified spirit is to be transported.
- (9) Date up to which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder authorising the abovementioned transport, subject to the following condition, namely :

The consignment shall not be broken in transit.

Dated :

Signature of the officer issuing the pass.

Designation.....

Seal of the  
Officer issuing  
the pass.

1. Subs. by G. N. of 26-9-1966.

**FORM R.S. VI**

[See rule 26]

Licence No.

*Licence for the <sup>1</sup>[retail] sale of rectified spirit including absolute alcohol*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder, to ..... of ..... (hereinafter called "the licensee") on payment of a fee of Rs. .... authorising him to buy, possess and sell rectified spirit including absolute alcohol (hereinafter referred to as "rectified spirit") at his shop situated at ..... (hereinafter referred to as the "licensed premises") during the period from ..... to ..... (both days inclusive), subject to the following conditions, namely :

*Conditions*

1. The licensee shall not keep in his licensed premises intoxicants on any kind which he is not authorised to sell.
2. The licensee shall not keep rectified spirit in any place except in the licensed premises.
3. The licensee shall not sell rectified spirit except in the licensed premises nor shall he allow any rectified spirit to be consumed in the said premises.
4. The licensee shall not sell or have in his licensed premises adulterated or spurious rectified spirit of any kind.
- <sup>2</sup>[5. The licensee shall not rack or vat rectified spirit, except with the permission of the Commissioner or any other office empowered by him in that behalf.]
6. The licensee shall affix to the front of his licensed premises a signboard inscribed with his name and the words "Licensed to sell rectified spirit."
7. The licensed premises and all rectified spirit therein contained shall at all times be open to inspection by the Collector, by an officer not lower in rank than a Sub-Inspector of Prohibition and Excise or by an Officer empowered under section 122 of the Bombay prohibition Act, 1949.
8. The doors and windows of the licensed premises not opening on to a public road shall be securely closed or barred by the licensee with iron bars and wire-netting, unless for special reasons exemption is allowed by the Collector in writing.
9. The licensee shall maintain such accounts as may be prescribed by <sup>2</sup>[the State Government] under the Act. The accounts shall be written in a bound book paged and stamped with the seal of the Superintendent of Prohibition and Excise or the District Inspector of Prohibition and Excise, as the case may be. The accounts, the transport passes covering the receipts at the licensed premises, the requisitions received from the purchasers and transport passes covering the sales shall at all times be open for inspection by the Collector, by an officer not below the rank of a Sub-Inspector of Prohibition and Excise or by an Officer empowered under section 122 of the Bombay Prohibition Act, 1949.

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1. Ins. by G. N. of 4-11-1968.

2. Subs. by G. N. of 26-9-1966.

10. The licensee shall submit such returns as may be prescribed by <sup>1</sup>[the State Government] under the Act.

11. The licensee shall also maintain such registers as may be prescribed by the Commissioner under the Act.

12. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the holder of the licence, in case of sale or transfer, or the heir or legal representative of the holder of the licence, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it has been granted.

Granted this ..... day of ..... 19 ..

Collector of .....

Seal of the  
Collector.

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**<sup>2</sup>[FORM R. S. VI-A**

[See rule 45]

*Licence for the Bottling of Rectified Spirit*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder, to .....  
.....  
of .....  
(hereinafter referred to as the licensee) on payment of a fee of Rs. 100 (Rupees one hundred only) authorising him to carry on the operations of bottling of rectified spirit (hereinafter referred to as the spirit) at the premises situated at ..... (hereinafter referred to as the "licensed premises") for the period commencing from the ..... day of the month of ..... 19 and ending on the 31st day of March 19 (both days inclusive), subject to the following conditions, namely :

1. The licensee shall not carry on the operations of bottling of any spirit other than rectified spirit.

2. The licensee shall carry on the bottling at the licensed premises subject to the provisions and conditions for the bottling of rectified spirit under the Bombay Rectified Spirit Rules, 1951.

3. All spirit shall, before it is bottled, be filtered in such a manner as may be prescribed by the Collector or the District Officer of Prohibition and Excise from time to time.

4. (1) The licensee shall keep in Form R. S. VI-B true accounts of the quantities of all rectified spirit received and bottled and removed from the licensed premises. The accounts shall be written at the end of each day on which bottling operations take place.

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1. Subs. by G. N. of 26-9-1966.  
2. Forms R. S. VI-A to R. S. VII-G were inserted, *ibid*.

(2) The licensee shall send monthly return in Form R. S. VI-C to the Superintendent/District Inspector of Prohibition and Excise showing opening balance, receipt, use for bottling, losses and closing balance of spirit during the month. The returns for rectified spirit and absolute alcohol shall be separate.

(3) The account books shall at all times be open to, and produced on demand for inspection by the Commissioner, or the Collector or any other Prohibition and Excise Officer duly empowered in this behalf.

(4) The accounts shall be preserved for a period of twelve months after the expiry of the period of the licence.

(5) All premises used by the licensee for the storage of rectified spirit and for the operations of bottling shall be open to inspection by the Commissioner or the Collector or any other Prohibition and Excise Officer duly empowered in this behalf.

5. Each cask, tank or vat to be used by the licensee shall be gauged so as to show its depth at every centimeter and millimetre and shall be provided with a gauge-rod and a discharge cock having an internal diameter of two and half centimetre or of any other size approved by the Commissioner.

6. Except with the permission of the Collector, the licensee shall not transfer or sub-let the right of bottling granted to him by the licence nor shall be in connection with the exercise of the said right enter into any agreement which in the opinion of the Collector is of the nature of a sub-lease. No person shall be recognised as the partner of the licensee for the purpose of this licence, unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence; or if the partnership is entered into after the grant of the licence, unless the Collector agrees on application made to him to alter the licence and to add the name of the partner in the licence.

7. The licensee shall abide by the conditions of the licence and the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and the orders which may be issued by the Commissioner, Collector or the District Prohibition and Excise officer for carrying out the provisions of the said Act, rules, regulations and orders and shall not do anything which would have the effect of directly or indirectly defeating or (frustrating) the Prohibition policy adopted by the Government of Maharashtra.

8. The licensee, his heirs, legal representatives or assignees, shall have no claim whatever to the continuance or renewal of the licence after the expiry of the period of the licence for which it is (granted). It shall be entirely within the discretion of the Collector whether to permit or not the assignee of the licensee, in case of transfer, or the heir or legal representative of the licensee in case of death, to have the benefit of the licence for the unexpired portion of the term for which it was granted.

9. The licence may be suspended or cancelled by the Collector in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Granted this ..... day of .....19 .. .

Place .....

Seal of the

Collector

Collector .....

*Note.*—Separate accounts shall be maintained for Rectified spirit and Absolute Alcohol.

**FORM R. S. VI-B**

[See rule 50(2) and condition 4(1) of the licence in Form R. S. VI-A]

Register of account of rectified spirit/ absolute alcohol received for bottling use, issued held in balance during the month of .....19

Date	Opening balance of R. S./A. A	Quantity of rectified spirit/ absolute alcohol received	Source of supply	Transport/ Import pass		Total of columns (2) and (3) R. S./A. A.
				No.	Date	
(1)	(2)	(3)	(4)	(5)		(6)
	Litres ml.	Litres ml.				

Bottled Stocks

Quantity used for bottling R. S./A. A.	Quantity of wastage in bottling operations	Closing balance of rectified spirit/absolute alcohol	Opening balance of R. S./A. A. No. of bottles			No. of bottle filed with rectified spirit/absolute alcohol		
			750 ml.	500 ml.	250 ml.	750 ml.	500 ml.	250 ml.
(7)	(8)	(9)	(10)			(11)		
Litres ml.	Litres ml.	Litres ml.						

Bottled Stocks

Total of columns (10) and (11) bottles of R. S./A. A.			No of bottles of R. S./A.A. transferred to R.S.VI/R.S.VII licensed premises			Transport pass		Closing balance of R.S./A.A. in bottles			Remarks if any and initials of the licensee
750 ml.	500 ml.	250 ml.	750 ml.	500 ml.	250 ml.	No.	Date	750 ml.	500 ml.	250 ml.	
(12)			(13)			(14)		(15)			(16)

Checked and found correct.

(Sd.) .....  
Signature of the Prohibition and Excise Officer.



## FORM R.S.VI-C

[See condition 4(2) of the licence in Form R. S. VI-A]

Monthly return showing rectified spirit/absolute alcohol received for bottling, used and issued and held in balance during the month of .....19

Opening balance of R. S./A. A. on the 1st day	Quantity of rectified spirit/ absolute alcohol received during the month	Total of columns (1) and (2) of R. S./A. A.	Quantity used for bottling R. S./A. A. in the month	wastage in bottling operations
(1)	(2)	(3)	(4)	(5)
Litres ml.	Litres ml.	Litres ml.	Litres ml.	Litres ml.

## Bottled Stocks

Closing balance on the last day of the month	Opening balance on the 1st day of the month of R. S./A. A.			No. of bottles filled during the month			Total columns (7) and (8) bottles of R. S./A. A.		
	750 ml.	500 ml.	250 ml.	750 ml.	500 ml.	250 ml.	750 ml.	500 ml.	250 ml.
(6)	(7)			(8)			(9)		
Litres ml.									

No. of bottles transferred to R. S. VI/R. S. VII licensed premises			Closing balance of Rectified spirit/Absolute alcohol on the last day of the month			remarks, if any and the Signature of the licensee
750 ml.	500 ml.	250 ml.	750 ml.	500 ml.	250 ml.	
(10)			(11)			(12)

**FORM R. S. VI-D**

[ See rule 32 (1)]

R. S. VI licence No. ....

Name of the licensee.....

Period of the licence.....

*Register of account of rectified spirit (including absolute alcohol) received, sold and held in balance during the month of ..... 19 .*

Date	Opening balance (Litres)			Quantity received (Litres)			Source of Supply
(1)	(2)			(3)			(4)
	Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each	Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each	
	Total of columns 2 and 3 Litres			Quantity sold in each transaction (Litres)			Name, licence No. and address of the purchaser
Transport pass No.      Date	(6)			(7)			(8)
(5)	Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each	Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each	
No. and date of the transport pass of purchaser holding R. S. II licence	Total quantity sold during the whole month Litres			Closing balance (Litres)			Remarks, if any and initials of the licensee
(9)	(10)			(11)			(12)
	Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each	Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each	

**FORM R.S.VI-E**

[ See rule 32 (1)]

R. S. VI licence No. ....

Name of the licensee.....

Period of the licence.....

*Register of account of rectified spirit (including absolute alcohol) received, sold and held in balance during the month of ..... 19 .*

Month (1)	Opening balance on the first day of the month (Litres) (2)			Quantity received (Litres) (3)		
	Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each	Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each

Source of supply (4)	No. and date of the transport pass under which received (5)	Total of columns 2 and 3 (Litres) (6)		
		Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each

Quantity sold during the month (Litres) (7)			Closing balance on the last day of the month (Litres) (8)			Remarks, if any and the initials of the licensee (9)
Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each	Bottles of 750 ml. each	Bottles of 500 ml. each	Bottles of 250 ml. each	

Signature of the Licensee.

**FORM R.S. VII**

[See rule 38]

*Licence for the Storage in bond and for the Wholesale sale of Rectified Spirit including Absolute Alcohol*

Licence is hereby granted, under the subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), (hereinafter referred to as “ the Act ”) and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter called “ the licensee ”) authorising him to buy, store in bond and sell by wholesale rectified spirit including absolute alcohol (hereinafter referred to as “ rectified spirit ”) ..... (hereinafter referred to as the “ licensed premises ”) subject to the following conditions, namely :

1. The licensee shall remain in force from ..... to ..... and it may thereafter be renewable from year to year with such modifications as the Government of Maharashtra, may consider necessary.

2. The licensee shall pay into the Government treasury a sum of Rs. .... at the rate of Rs. 100 per annum as licence fee.

3. *Storage of intoxicant other than rectified spirit prohibited.*—Except with the permission of the Collector, the licensee shall not store or sell in his licensed premises any intoxicant other than rectified spirit.

4. *Transaction to be under Excise Supervision.*—(1) All transactions pertaining to rectified spirit on the licence premises shall be carried out under excise supervision.

(2) The licensee shall pay to Government in advance at the beginning of each quarter commencing from the date of the licence such cost of the Prohibition and Excise staff appointed at the licensed premises for the purpose of excise supervision and contingent expenditure as may be fixed by the Commissioner from time to time.

5. *Working Hours.*—(1) The licensee shall transact his business under the licence between 10-30 a.m. to 5-30 p.m. with a recess of half an hour from 1-00 to 1-30 p.m. from Monday to friday (both days inclusive) and from 10-30 a.m. to 2-00 p.m. on Saturdays.

(2) The licensed premises shall not be kept open on such days or during such hours or period as may be prescribed by the Government of Maharashtra under the Act, nor shall any rectified spirit be sold to any person on such days or during such hours or period.

(3) The licensee shall be hung up in a conspicuous place in the licensed premises to the front of which shall be affixed a sign board bearing the following inscription in legible character in English and Marathi.

Name of the licensee .....  
Licensed to sell rectified spirit by wholesale.

Authorised hours of sale—

On all working days except Saturdays	.. ..	11-00 a.m. to 4-00 p.m.
Authorised recess	.. ..	1-00 p.m. to 1-30 p.m.
On Saturdays	.. ..	11-00 a.m. to 1-00 p.m.

(4) Except with the Special permission of the Collector no such transaction shall be carried out on Sundays and Public Holidays notified under section 25 of the Negotiable Instruments Act, 1881, or beyond the prescribed hours.

(5) If any member of excise staff is required to be on duty at the licensed premises beyond prescribed hours or on Sundays or Public Holidays with the special permission of the Collector the licensee shall pay to Government such amount as the Commissioner may direct, as over-time allowance.

6. *Minimum Stock.*—(1) The licensee shall maintain at the licensed premises such minimum stock of rectified spirit as may from time to time be fixed by the Commissioner.

(2) The licensee shall store rectified spirit in vats and tanks securely closed. The premises shall be sufficiently fire proof and approved by the municipal authorities and shall not be used or intended for human occupation.

7. *Accounts and returns-Nokarnamas.*— (1) The licensee shall keep, in the licensed premises an up-to-date list showing the names of all authorised agents and servants.

(2) The licensee shall maintain registers in Form R. S. VII-A, R. S. VII-B and R. S. VII-C regarding the casks and vats in use in his licensed premises.

8. *Issues.*—(1) No issues of rectified spirit under bond (i.e. without payment of duty) or an payment of duty shall be made unless their details are shown in the registers in Forms R. S. VII-D and R. S. VII-G which shall be maintained by the licensee and unless in the case of issues which are not under bond or duty free the amount of duty has been paid in the Government treasury. All issues of rectified spirit should be under transport pass granted by the Collector or the Prohibition and Excise Officer authorised in that behalf.

(2) Issues of rectified spirit on which excise duty is recoverable should be made only on receipt and verification of the triplicate copy of the challan (showing the payment of the duty) which will be received from the Chief Accounts Officer of Prohibition and excise, Bombay, or Treasury Officer concerned, with the original challan produced by the licensee identifying for the spirit or with the report received from the Prohibition and Excise Officer counter-signing the requisition in cases where the triplicate copies of the challans are not received by the Prohibition and Excise Officer in charge of the warehouse. The Prohibition and Excise Officer in charge of the warehouse, should make a note on the original challan for having issued rectified spirit and then return it to the party concerned.

(3) The Commissioner shall have powers to charge duty on losses of rectified spirit if he considers them excessive and not satisfactorily explained by the licensee, at such rate as may for the time being be applicable to rectified spirit :

Provided that no such duty shall be charged on the quantity of rectified spirit which the Commissioner may from time to time allow as a loss.

(4) Issues of rectified spirit shall be made by measures or by any other method approved by the Commissioner. The licensee shall provide such measures, weight and apparatus and also a complete set of testing instruments for testing rectified spirit as may be required by the Commissioner.

(5) Rectified spirit should be issued to licensees in full litres only. Fraction of a litre or less than four litres should not be issued except when rectified spirit is supplied free of excise duty.

9. *Sale and export.*—The licensee shall not sell rectified spirit to any person outside the State of Maharashtra except with the permission of the Collector. No such sale shall be effected unless the licensee is satisfied that the export of rectified spirit is covered by a valid export pass.

10. *Price of spirit.*—The price at which the licensee shall sell rectified spirit shall not exceed the ceiling price fixed by Government from time to time.

11. *Packing, Bottling, etc.*—No rectified spirit shall be racked bottled, blended or reduced by the licensee except in accordance with the provisions of the Act and the rules, regulations and orders made thereunder.

12. *No adulteration.*—The licensee shall not adulterate or in any manner cause to deteriorate any rectified spirit or receive or keep on the licensed premises or warehouse or sell rectified spirit which is or has been adulterated or which has deteriorated.

13. *Vend of other intoxicants banned .*—The licensee shall not without the permission in writing of the Collector have directly or indirectly any share, or interest in the Vend of country spirit or any other intoxicant nor shall he employ any person who holds such interest.

14. *Licensed premises etc. open to inspection.*—(1) The licensed premises and all rectified spirit contained therein shall at all times be open to inspection by the Collector and the Prohibition and Excise Officers empowered under section 122 of the Act and in Greater Bombay also by the Commissioner of Police, Bombay, and elsewhere also by the District Superintendents of Police.

(2) The licensee shall, when called upon by any Prohibition and Excise Officer not below the rank of a Sub-Inspector, give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish information regarding the management of the said premises and shall answer all reasonable questions to the best of his knowledge and belief. He shall also, on demand, allow the Inspecting Officer to take without payment, samples of 350 millilitres of rectified spirit for analysis.

(3) The licensee shall keep a visit book pagged and stamped with the seal of the Collector in which visiting officers may record remarks when inspecting the licensed premises. The licensee shall, on the termination of the period of his licence deliver up the visit book, the accounts and the licence to the local Prohibition and Excise Inspector or Sub-Inspector.

15. *Licensee to comply with orders etc.*—The licensee shall comply promptly with all lawful orders and directions issued from time to time under the Act and the rules, regulations and orders made thereunder by the Prohibition and Excise Officer not lower in rank than a Sub-Inspector.

16. *Licensee, his heirs, etc. not to have claim to continuance or renewal of the licence.*—It shall be entirely within the discretion of the Collector, to permit or not the assignee of the holder in case of sale or transfer, or the heir or legal representative of the holder of the licence, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it has been granted.

Granted this ..... day of .....19 ..

Place .....

Seal of the  
Collector

Collector .....

**FORM R.S. VII-A**  
[See licence condition No. 7(2)]

*Vat Account*

Vat No .....

Total Depth .....

Contents .....

Date	Vat dip	Bulk litres	Tempera- ture	Indication	Strength	Proof litres	Quantity received or sent from	
							Receiver	Vat
							Proof litres	Proof litres
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

No. of receiver or vat	Decrease vat or in pumping from receiver	Found in vats casks or other vesels Columns 24 to 28	Deficiencies proof litres			
			Blending and reducing	Evaporation	Racking	Other
			Proof litres	Proof litres	(13)	(14)
(10)	(11)	(12)	(13)	(14)	(15)	(16)

Proof litres	Excess Deficiency	Increase		Date when racked	Bulk litres	Issues	
		P. G. racking	P. G. other			Proof litres	
		(19)	(20)			Transferred to another Vat	For redistillation
(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)

Sent under bond	Proof litres		Register and page	Remarks	Officer's initials
	Issue for duty	Issues duty free			
(25)	(26)	(27)	(28)	(29)	(30)

**FORM R.S. VII-B**  
[See licence condition No. 7(2)]

Register of Casks .....

No. of	Date	Particulars of		Date	Capacity	Date	Capacity	Date	Capacity
		Date	Capacity						
		Litres	Litres						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(9)

Date	Capacity	Date	Capacity	Date	Capacity	Date	Capacity	Remarks
(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)



**FORM R.S. VII-C**

[See licence condition No. 7(2)]

*Register of Dimensions and Capacities of Vats**PART I—**Account of Regauging*

Discription of vessel	No. of vessel	1st Gauging			1st Reguaging			
		Page	Date	Initials	Page	Date	Initials	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
2nd Regauging		3rd Regauging			4th Regauging			
Page	date	Initials	Page	date	Initials	Page	date	Initials
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)

*PART II—*

## TABLE OF DIMENSIONS OF NO.

Gauged by

Depth	Dimensions	Area of Centimetre	Contents
(1)	(2)	(3) Liters	(4) Liters

*PART III—*TABLE NO.  
TENTHS

0	1	2	3	4	5	6	7	8	9	Dip.
Litres	Litres	Litres	Litres	Litres	Litres	Litres	Litres	Litres	Litres	Centim- etres

Note.—Separate accountts shall be maintained for rectified spirit and absolute alcohol.

**FORM R.S. VII-D**

[See rule 43 (1)]

*Spirit Stock Account of ..... Warehouse*

On hand and Received					
Date	Opening balance	From what receiver or vat or distillery or ware-house	Register and page	Quantity from receiver or distillery or warehouse P. L.	Transferred from another vat P. L.
(1)	(2)	(3)	(4)	(5)	(6)

On hand and received			Delivered and in hand				
Received			Excess deficiency in transit ordered to be charged with duty	Total	Book and page	Date	Destination or purpose
Increase from							
Racking P. L.	Transit P. L.	Other P. L.	P. L.	P. L.	P. L.	P. L.	
(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)

Delivered and in hand						
Issues						
Transferred another vat P. L.	Issued for redistillation P. L.	Sent under bond P. L.	for duty P. L.	Issued duty free P. L.	Blending and reducing P. L.	Evaporation P. L.
(15)	(16)	(17)	(18)	(19)	(20)	(21)

## FORM R.S. VII-D

Delivered and in hand						
Deficiencies allowed				Excess in deficiencies		
Racking	Transit	Other	Transit	Reducing Blending Evaporation and other	Total	Closing balance
P. L.	P. L.	P. L.	P. L.	P. L.	P. L.	P. L.
(22)	(23)	(24)	(25)	(26)	(27)	(28)

Delivered and in hand									
Bulk litres for duty						Remarks	Date of receipt of spirit removed under bond	officer's Initials	
(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	

*Note.—Separate accounts shall be written for rectified spirit and absolutely alcohol*

**FORM R.S. VII-E**

[See rule 43 (1)]

*Registered of Spirit received at Warehouses from Distilleries*

Date of receipt	Date of permit from Distillery or Warehouse	Name of Distillery or Warehouse from which received	Cask Number	Bulk liters	Advised Temperature	Strength
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Proof litres	Weight of full package	Weight of empty Package	Received weight of spirit	Temperature	Received		Weight of Spirit per litre
					Indication	Strength	
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

Bulk litres	Proof litres	Loss in transit		Increase in transit	Vat to which spirit added and date	Remarks
		Allowed	Excess			
(16)	(17)	(18)	(19)	(20)	(21)	(22)

*Note.—Separate accounts shall be maintained for rectified and absolute alcohol and separate returns shall be sent for rectified spirit and absolute alcohol.*



Bulk litres for duty							
Closing balance	Total during the month	Duty per litre	Strength				
			Litre	Litre	Litre	Litre	Litre
(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)

P. L. From 1st April.

Note.—Separate accounts shall be maintained for rectified spirit and absolute alcohol.

**FORM R.S. VII-G**

[See rule 43 (2)]

*Register of Duty-paid Spirits Issued to . . . . .*

Date of presentation of permit at the distillery or warehouse	Serial No.	Permits		Name of Taluka or State	Name of shop
		No.	Date		
(1)	(2)	(3)	(4)	(5)	(6)

Route to be taken	No. on each cask	Registered capacity of each cask	Spirit actually contained each cask	Temperature	Indication
(7)	(8)	(9)	(10)	(11)	(12)

Strength	Proof litres	Which drawn	Date and hour when the spirit was issued	Initials of issuing officer	Remarks
(13)	(14)	(15)	(16)	(17)	(18)

**[42] THE BOMBAY RECTIFIED SPIRIT (TRANSPORT IN BOND)  
RULES, 1951**

**G. N., R. D., No. 946/51(A), dated 21st August 1951  
(B. G., Pt. IV-B, p. 2310)**

1. Amended by G. N., R. D., No. 946/51 (a), dated 20th Octobr 1951 (B. G., Pt. IV-B. p. 2760).
2. Amended by Corrig., R. D., No. 2697 (b), dated 19th February 1955 (B. G., Pt. IV-B. p. 757).
3. Amended by G. N., H. D., No. RTS. 1060/53856 (b)-III, dated 28th February 1961 (M. G., Pt. IV-B. p. 308).
4. Amended by Corrig., H. D., No. RTS. 1060/53856 (b)-III, dated 15th December 1961 (M. G., 1962, Pt. IV-B. p. 1).
5. Amended by G. N., H. D., No. RTS. 1162/31886-III, dated 25th February 1964 (M. G., Pt. IV-B. p. 266).
6. Amended by G. N., H. D., No. DNS. 1065/40774-II-A(I), dated 30th March 1974 (M. G., Pt. IV-B. p. 604).
7. Amended by G. N., H. D., No. BPA. 2081/5/PRO-2, dated 10th March 1981 (M. G., Pt. IV-B. p. 242).
8. Amended by G. N., H. D., No. BPA. 2081/7-(II)-PRO-2, dated 4th November 1981 (M. G., Pt. IV-B. p. 1933).
9. Amended by G. N., H. D., No. BPA. 2081/7/(ii)-PRO-2, dated 22nd May 1982 (M. G., Pt. IV-B. p. 546).
10. Amended by G. N., H. D., No. BPA. 2082/(II)-PRO-2, dated 12th November 1982 (M. G., Pt. IV-B. p. 1098)
11. Amended by G. N., H. D., No. BPA. 1086/77/(III)-PRO-2, dated 14th January 1987 (M. G., Pt. IV-B. p. 177).
12. Amended by G. N., H. D., No. BPA. 1086/77/(III)-PRO-2, dated 17th February 1987 (M. G., Pt. IV-B. p. 274).
13. Amended by G. N., H. D., No. BPA. 1088/XXV-PRO-2, dated 16th March 1988 (M. G., Pt. IV-B. p. 299-300).
14. Amended by G. N., H. D., No. BPA. 1088/8(I)-PRO-2, dated 10th August 1988 (M. G., Pt. IV-B. p. 674-75).

15. Amended by G. N., H. D., No. BPA. 1090/I/PRO-2, dated 12th January 1990 (M. G., Pt. IV-B. p. 273).
16. Amended by G. N., H. D., No. BPA. 1090/II-PRO-3, dated 1st December 1990 (M. G., Pt. IV-B. p. 2852).
17. Amended by G. N., H. D., No. BPA. 1090/II-PRO-3, dated 8th March 1991 (M. G., Pt. IV-B.).
18. Amended by G. N., H. D., No. BPA./1091/3014/VII/PRO-3, dated 21st June 1992 (M. G., Pt. IV-B.).
19. Amended by G. N., H. D., No. MLS./1094/1/IV/Exc-2, dated 22nd March 1994 (M. G., Pt. IV-B. P. 544).
20. Amended by G. N., H. D., No. BPA. 1095/2435/Exc-2, dated 28th April 1997 (M. G., Pt. IV-B. P. 481).
21. Amended by G. N., H. D., No. BPA./1096/I/III/Exc-II, dated 12th July 1999 (M. G., Pt. IV-B. P. 1036).

In exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification, Revenue Department, No. 9688/24, dated 30th April 1928, the Government of Bombay is pleased to make the following rules, namely :

1. These rules may be called the Bombay Rectified Spirit (Transport in Bond) Rules, <sup>1</sup>[1951].
2. In these rules, unless there is anything repugnant in the subject or context,—
  - (a) “ Act ” means the Bombay Prohibition Act, 1949 ;
  - (b) “ Bonded laboratory ” means a laboratory or manufactory where spirit is stored without payment of duty for use in the manufacture of medicinal and tiolet preparations <sup>2</sup>[or for use for industrial purpose] on the execution of a bond in that behalf ;
  - (c) “ Distillery Officer ” means a officer-in-charge of <sup>3</sup>[a Government distillery or any licensed distillery ;]
  - (d) “ Form ” means a form appended to these rules ;
  - (e) “ Medicinal and tiolet preparations ” include perfumed spirits and essences ;
  - (f) “ Officer-in-charge ” means an officer of the Prohibition and Excise Department appointed at a bonded laboratory for the purpose of supervising the operations relating to the manufacture and issue of medicinal and tiolet preparations there from <sup>4</sup>[or as the case maybe, relating to the use of spirit for industrial purposes ;]
  - (g) “ Spirit ” means rectified spirit and includes absolute alcohol ;

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1. Subs. by G. N. of 20-10-1951.  
 2. Subs. by G. N. of 25-2-1964.  
 3. Subs. by G. N. of 28-2-1961.  
 4. Added. by G. N. of 25-2-1964.



(h) "Transport in bond " means the transport of rectified spirit from a Government distillery or warehouse <sup>1</sup>[or any licensed distillery or warehouse] to a bonded laboratory without payment of duty;

(i) "Warehouse Officer" means an officer-in-charge of a Government warehouse, <sup>1</sup>[or any licensed warehouse.]

<sup>2</sup>[3. Any person desiring to purchase and transport in bond spirit from a Government distillery or warehouse or from a licensed distillery or warehouse to a bonded laboratory in the State shall [except where he has submitted an indent under rule 26 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, in respect of manufacture of medicinal and toilet preparations in a bonded laboratory, in which case such indent shall be valid for the purposes of this rule] submit an indent in Form 1 in triplicate to the Officer in-charge. The Officer-in-charge shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to allow the purchase and transport in bond of spirit indented for, he may countersign the indent. The original copy of the indent shall be sent by the person indenting to the distillery or the warehouse licensee, the duplicate shall be sent through the Officer-in-charge to the Distillery or Warehouse Officer and the triplicate shall be retained as office copy.]

4.. <sup>2</sup> [(1) On receipt of the duplicate of the indent from the Officer-in-Charge the Distillery or warehouse Officer shall, if the spirit is to be purchased from a Government distillery or warehouse, intimate to the person indenting the amount to be paid in respect of the cost of spirit required by him.]

2.. The <sup>2</sup>[ person indenting] shall pay the amount in Greater Bombay, into the treasury of the Chief Accounts Officer of Prohibition and Excise, Bombay, and elsewhere, into the Huzur Treasury. On payment of the amount, the Chief Accounts Officer of Prohibition and Excise, Bombay, or the Treasury Officer, as the case may be, shall grant the <sup>2</sup>[ person indenting] a chalan in token of acknowledgement of the said amount <sup>3</sup>[ The person indenting shall then produce the chalan, before the Distillery or Warehouse Officer.]

<sup>3</sup> [(3) If the spirit is to be purchased from a private licensed distillery or warehouse, the Distillery or Warehouse Officer shall require the person indenting to produce before him intimation issued by the distillery or warehouse licensee for having received the cost of spirit.]

<sup>2</sup> [ 5. <sup>4</sup> (1) The Distillery or Warehouse Officer may then, if he is satisfied, after making such enquiries as he deems necessary, that there is no objection to allow the purchase and transport in bond of spirit indented for, issue a pass in Form II. The spirit shall be issued in casks, drums or other receptacles duly sealed with the seal of the Distillery or Warehouse Officer. The officer shall keep Part I of the pass on his record, shall also fill in the particulars to be filled in by him on the reverse of Parts II and III of the pass and shall hand over part II of the pass to the purchaser duly endorsed and forward Part III with an impression of the seal placed on the drums, casks or other receptacles, to the officer-in-charge.]

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1. Added by G. N. of 28-2-1961.

2. Subs. by G. N. of 25-2-1964.

3. Added, *ibid*.

4. Ins. by G. N. of 30-3-1974.

<sup>3</sup>[(2) (a) No pass in Form II shall be issued under sub-rule (1) unless transport fee at the following rates is paid :

- |   |                          |
|---|--------------------------|
| (i) Extra Neutral Alcohol/Silent Spirit issued for the manufacture of Indian made Foreign Liquor. | Rs. 3 per bulk litre.    |
| (ii) Rectified Spirit issued for manufacture of Indian Made Foreign Liquor.                       | Rs. 2 per bulk litre.    |
| (iii) Rectified Spirit issued for manufacture of Country Liquor.                                  | Re. 1.25 per bulk litre. |

<sup>4</sup>[(2) (a) No pass in Form II shall be issued under sub-rule (1) unless administrative fee at the following rates is paid :

- |  |                           |
|--|---------------------------|
| (ii) Rectified Spirit, Extra Neutral Alcohol issued to Medicinal and Tiolet Preparation Units. | Re. 1 per bulk litre.     |
| (ii) Rectified Spirit for industrial purpose   | Re. 0.30 per bulk litre.] |

4, 5. <sup>5</sup>[\* \* \*]

6. <sup>1</sup>\* \* \* \* \*

7. <sup>1</sup>\* \* \* \* \*

8. (1) On arrival of the consignment at the bonded laboratory, the Officer-in-charge shall compare the particulars given in Part II with those in Part III of the pass, shall examine the seals and if he has no reason to believe that the consignment has been tampered with, he shall admit the consignment into the laboratory.

(2) The Officer-in-charge shall then draw samples from each cask or drum and examine them to see that the particulars as regards the quantity and strength of spirit actually ascertained by him correspond with those given by the Distillery or Warehouse Officer in Part III of the pass accompanying the consignment. The consignment shall then be entered in the register maintained by him for the purpose. He shall then return Part III duly completed to the Distillery or Warehouse Officer <sup>2</sup>[and retain Part II on his record.] In case of any wastage of spirit found by the Officer-in-charge on arrival of the consignment in excess of the sanctioned <sup>6</sup>[wastage of 0.3 per cent per 100 kilometers but not exceeding 1 per cent in aggregate or actual loss whichever is less] he shall report the fact to the Collector for obtaining the orders of the Commissioner as regards the amount of duty to be levied on such excess wastage from the persons liable to pay the same.

1. Deleted by G. N. of 25-2-1964.

2. Subs. by G. N. of 25-2-1964.

3. Subs. by G. N. of 21-6-1992.

4. Added by G. N. of 22-3-1994.

5. Deleted by G. N. 12-7-1999.

6. Sub. by G. N. of 28-4-1997.

<p>[FORM 1 (See rule 3) <i>(Indent for rectified spirit/absolute alcohol)</i> Bonded Laboratory of— Shri/Sarvashri .....</p>	<p>[FORM 1 (See rule 3) <i>(Indent for rectified spirit/absolute alcohol)</i> Bonded Laboratory of— Shri/Sarvashri .....</p>	<p>[FORM 1 (See rule 3) <i>(Indent for rectified spirit/absolute alcohol)</i> Bonded Laboratory of— Shri/Sarvashri .....</p>
<p>(PART I) (To be sent to the Distillery or Warehouse licensee). Indent No. To The Distillery/Warehouse, Officer..... Sir, Please issue .....</p>	<p>(PART II) (To be sent to the Distillery or Warehouse Officer (through the Officer-in-Charge)). To The Distillery/Warehouse, Officer..... Sir, Please issue .....</p>	<p>(PART III) (To be retained by the indentor on his record) To The Distillery/Warehouse, Officer..... Sir, Please issue .....</p>
<p>litres rectified spirit/absolute alcohol for use in the manufacture of medicinal and toilet preparations/for industrial purposes in my/our Bonded Laboratory at .....</p>	<p>litres rectified spirit/absolute alcohol for use in the manufacture of medicinal and toilet preparations/for industrial purposes in my/our Bonded Laboratory at .....</p>	<p>litres rectified spirit/absolute alcohol for use in the manufacture of medicinal and toilet preparations/for industrial purposes in my/our Bonded Laboratory at .....</p>

i. Sub.by G. N. of 25-2-1964.

<p>I/we _____ shall pay duty at the rate levied by the State Government on rectified spirit/absolute alcohol, on all wastages in excess of the prescribed allowance.</p> <p>Place _____</p> <p>Date _____</p> <p>Signature of the licensee.</p> <p>Licence No. _____</p> <p>Countersigned. _____</p> <p>Officer-in-charge, Bonded Laboratory. _____</p> <p>Date _____</p> <p>Seal of the Officer countersigning the indent. _____</p> <p>(Delete the words not applicable).</p>	<p>I/we _____ shall pay duty at the rate levied by the Stat Government on rectified spirit/absolute alcohol, on all wastages in excess of the prescribed allowance.</p> <p>Place _____</p> <p>Date _____</p> <p>Signature of the licensee.</p> <p>Licence No. _____</p> <p>Countersigned. _____</p> <p>Officer-in-charge, Bonded Laboratory. _____</p> <p>Date _____</p> <p>Seal of the Officer countersigning the indent. _____</p> <p>(Delete the words not applicable).</p>	<p>I/we _____ shall pay duty at the rate levied by the State Government on rectified spirit/absolute alcohol, on all wastages in excess of the prescribed allowance.</p> <p>Place _____</p> <p>Date _____</p> <p>Signature of the licensee.</p> <p>Licence No. _____</p> <p>Countersigned. _____</p> <p>Officer-in-charge, Bonded Laboratory. _____</p> <p>Date _____</p> <p>Seal of the Officer countersigning the indent. _____</p> <p>(Delete the words not applicable).</p>
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## FORM II

<sup>1</sup>[(See rule 5)]

## PART I

*Transport-in-Bond Pass for Indian-made Rectified Spirit*<sup>1</sup>[(For record in the office of the Distillery/Warehouse Officer)]

No. \_\_\_\_\_ of 20 \_\_\_\_\_

Mr.

Messrs.

2\*       \*       \*       \*       \*

is/are permitted to transport \_\_\_\_\_ <sup>1</sup>[ litres] of Indian  
 made rectified spirit of the strength of \_\_\_\_\_  
 from the Government Distillery/Warehouse at \_\_\_\_\_ to his/their  
 Bonded Laboratory at \_\_\_\_\_ *via* \_\_\_\_\_ (route) under the  
 terms of a bond executed by him/them with the Collector of  
 for the amount of \_\_\_\_\_ on account of duty leviable on  
 such spirit under the Bombay Prohibition Act, 1949.

The pass will remain in force up to \_\_\_\_\_ p.m on the \_\_\_\_\_ day  
 of \_\_\_\_\_ 19 \_\_\_\_\_

Dated \_\_\_\_\_ 19 \_\_\_\_\_ <sup>1</sup>[Distillery/Warehouse Officer]

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1. Subs. by G. N. of 25-2-1964.  
 2. Deleted, *ibid.*

## FORM II—Contd.

## PART I

*Transport-in-Bond Pass for Indian-made Rectified Spirit*

[(For the Transporter (s))]

No. \_\_\_\_\_ of 19

Mr. \_\_\_\_\_

Messrs.

Manufacturers of medicinal and toilet preparations at

is/are permitted to transport \_\_\_\_\_<sup>1</sup>[ litres] of Indian-

made rectified spirit of the strength of

from the Government Distillery/Warehouse at \_\_\_\_\_ to his/their

Bonded Laboratory at \_\_\_\_\_ via \_\_\_\_\_ (route) under the

terms of a bond executed by him/them with the Collector of

for the amount of \_\_\_\_\_ on account of duty leviable on

such spirit under the Bombay Prohibition Act, 1949.

The pass will remain in force up in \_\_\_\_\_ p.m on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19

<sup>1</sup>[Distillery/Warehouse Officer]

Dated \_\_\_\_\_ 19

Proof <sup>1</sup>[litres] of Indian-made rectified spirit as per details in columns 1 to 7 on the  
reverse have this day been issued.

To \_\_\_\_\_ Distillery/Warehouse Officer.

The Officer-in-charge

Bonded Laboratory.

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1. Subs. by G. N. of 25-2-1964.

## FORM II—Contd.

## (Reverse of Part II)

Advised							Received																						
(1)	Cask, Drum or package No.	(2)	Registered capacity	(3)	Actual contents	(4)	Thermometer indication	(5)	Hydrometer indication	(6)	Strength	(7)	Proof [litres]	(8)	Actual contents	(9)	Thermometer indication	(10)	Hydrometer indication	(11)	Strength	(12)	Proof [litres]	(13)	Proof [litres] Loss in transit	(14)	Proof [litres] Increase in transit	(15)	Remarks

*Endorsement of Officer receiving spirit*

Compared with the pass received from the Distillery/Warehouse Officer, and recorded.

Dated 19 .

Officer-in-charge of Laboratory.

## FORM II—Contd.

## PART III

## Transport-in-Bond Pass for Indian-made Rectified Spirit

<sup>1</sup>[(To be forwarded to the Officer-in-charge)]

No. \_\_\_\_\_ of 19 \_\_\_\_\_

Mr. \_\_\_\_\_

Messrs. \_\_\_\_\_

Manufacturers of medicinal and toilet preparations at \_\_\_\_\_

is/are permitted to transport \_\_\_\_\_<sup>1</sup>[ litres] of Indian-

made Rectified spirit of the strength of \_\_\_\_\_

from the Government Distillery/Warehouse at \_\_\_\_\_ to his/their

Bonded Laboratory at \_\_\_\_\_ via \_\_\_\_\_ (route) under the

terms of a bond executed by him/them with the Collector of \_\_\_\_\_

for the amount of \_\_\_\_\_ on account of duty leviable on

such spirit under the Bombay Prohibition Act, 1949.

The pass will remain in force up to \_\_\_\_\_ p.m on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

Dated \_\_\_\_\_ 19 \_\_\_\_\_<sup>1</sup>[Distillery/Warehouse Officer]

2\*

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\*

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1. Subs. by G. N. of 25-2-1964.

2. Deleted, *ibid.*



**FORM II—Contd.**  
**(Reverse of Part III)**

Advised							Received							
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Cask, Drum or package No.	Registered capacity	Actual contents	Thermometer indication	Hydrometer indication	Strength	Proof <sup>1</sup> [litres]	Actual contents	Thermometer indication	Hydrometer indication	Strength	Proof <sup>1</sup> [litres]	Proof <sup>1</sup> [litres] Loss in transit	Proof <sup>1</sup> [litres] Increase in transit	Remarks

<sup>1</sup>[Forwarded] to the Officer-in-charge of the Bonded laboratory at Column 1 to 7 having been duly filled in.

Dated 19

Distillery/Warehouse Officer,

Returned to the Distillery/Warehouse Officer, Columns 8 to 15 having been duly filled in.

Date 19

Officer-in-charge of Laboratory.

2\* \* \* \* \*

1. Subs. by G. N. of 25-2-1964.
2. Deleted, *ibid.*

**(43) G. N., R. D., No. RTS 1154, dated 27th September 1954**

(B. G., Pt. IV-B, p. 1177)

*Amended by G. N., H. D., No. BPA.1059/55336-III, dated 27th July 1963**(M. G., Pt. VI-B, p. 1239)*

In exercise of the powers, conferred by section 143, read with section 107, of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is hereby pleased to direct that the <sup>1</sup>[Commissioner of Prohibition and Excise], may grant remission in respect of the amount of the Excise duty leviable under the said Act on rectified spirit required by any Hakeem or Vaidya subject to the following rules, namely :

1. No remission shall be granted, unless the rectified, spirit is required by any Hakeem or Vaidya for use in the manufacture of any medicinal preparation in accordance with the Unani or Ayurvedic system of medicine, as the case may be.

2. Remission to be granted shall be to the extent of any amount paid for the purchase of the rectified spirit in excess of the amount at the rate of Rs. 5 per proof gallon.

3. (1) Any Hakeem or Vaidya desiring to be entitled to remission under these rules shall make an application to the Commissioner through the Collector for permission in that behalf.

(2) The application shall contain the following particulars, namely :

- (i) Name and address of the applicant (in full).
- (ii) Whether the applicant is a Hakeem or Vaidya and whether he is a registered medical practitioner and if so, his registration number and the Act under which he is registered.
- (iii) Period for which the applicant has been practising as a Hakeem or Vaidya.
- (iv) Whether the applicant pursues any other profession or calling.
- (v) Place where the rectified spirit will be stored and used.
- (vi) Names of the medicinal preparations in the manufacture of which the rectified spirit will be used and whether they are prepared in accordance with the Unani or Ayurvedic system of medicine.
- (vii) Name of the Government distillery or warehouse from which the applicant desires to purchase rectified spirit.
- (viii) An undertaking in writing that the applicant shall abide by the provisions of the Act and rules, regulations and orders made thereunder.

4. On receipt of the application under rule 3 the Commissioner shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant remission of excise duty he may by order permit the applicant to purchase the rectified spirit on payment of excise duty at the rate of Rs. 5 per proof gallon from the Government distillery or warehouse mentioned in such order.

5. The applicant shall not obtain, possess or use rectified spirit unless he holds a licence granted under the Bombay Rectified Spirit Rules, 1951.

6. The applicant shall not obtain any rectified spirit under these rules except when it is to be used in the manufacture of medicinal preparations by a process of admixture not involving distillation.

7. The applicant shall obtain rectified spirit from such Government distillery or warehouse as may be mentioned in the order issued by the Commissioner under rule 4 on payment of the cost-price, excise duty and other excise dues recoverable thereon.

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1. Subs. by G. N. of 25-7-1963.

8. The duty shall be paid in advance in the nearest Government treasury and no refund thereof shall be allowed on account of dryage or wastage. A copy of the challan showing the amount of duty paid into a Government treasury shall be produced on demand by a Prohibition and Excise Officer.

9. (1) The rectified spirit supplied from the distillery or warehouse shall be kept in a separate strong room in the Government Liquor Warehouse assigned to the applicant on payment of such rent as may be fixed by the Commissioner or at the place stated in his application, if approved by the Commissioner. No room for keeping the rectified spirit shall be approved unless it consists of brick walls and its windows are secured with iron bars and expanded metal of  $\frac{1}{2}$ " or  $\frac{3}{4}$ " mesh.

(2) The room where rectified spirit is kept or mixed with other ingredients and, the windows shall, except during the working hours, be securely closed and entrance door of the room shall be locked by a Revenue Lock, the key of which shall remain with the Prohibition and Excise Officer (hereinafter referred to as the "Supervising Officer") appointed to supervise the work at the applicant's place. The applicant shall also apply his own lock to the door or doors in addition to the Revenue Lock.

10. The quantity of the rectified spirit required from day-to-day shall be withdrawn and mixed with other ingredients in the manufacture of medicinal preparations in the presence of the Supervising Officer.

11. The applicant shall give to the Supervising Officer at least 24 hours previous intimation in writing of his intention to start the operation of mixing the rectified spirit with other ingredients and shall state therein the hour of starting the operation and the approximate time during which the operation will be finished. He shall pay to Government in advance such supervision charges for the days on which the Supervising Officer is required to attend the operations as may be fixed by the State Government from time to time.

12. No work requiring the presence of the Supervising Officer shall be carried on in the approved room on any day after sunset or before sunrise or on a Sunday or Public holiday.

13. (1) All finished products shall, before removal from the approved room be transferred to bottles, china jars or any other containers which can be securely corked and sealed or capsuled.

(2) The bottles, china jars or other containers containing finished preparations shall not be removed from the approved room unless—

(i) They bear labels showing the applicant's name and address, the name of the medicinal preparations and the spirit contents. If any such preparation is dangerous to human life the containers shall bear a red label with the word "Poison" printed thereon; and

(ii) A sample from each finished preparation has been taken by the Supervising Officers for analysis by the Chemical Analyser to the Government of Maharashtra for determining the spirit contents and for certifying that the preparation is a *bona fide* medicinal preparation :

Provided that samples from the kinds of preparations which have once been tested and duly certified by the Chemical Analyser to the <sup>1</sup>[Government of Maharashtra] need not be taken but the Supervising Officer may draw samples from the preparation which he has reason to believe to be not in conformity with the formula tested and certified by the Chemical Analyser to the <sup>1</sup>[Government of Maharashtra] or to be not a *bona fide* medicinal preparation :

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1. Subs. by G. N. of 25-7-1963.

Provided further that a sample or not less than 4 fluid ounces shall be taken in duplicate by the Supervision Officer in the presence of the applicant and the cork of each bottle containing the sample shall be sealed by the Supervision Officer with his official seal specifying the name of the preparation on each sample and also the word "Poison" on a red label if it is dangerous to human life.

14. The unfinished products to which rectified spirit has been added and the balance of the finished product which has not been transferred to containers and sealed shall be kept in the approved room with labels fastened to the containers showing the total contents and the rectified spirit in each.

15. (1) The applicant shall allow the samples to be taken for analysis free of cost and shall also provide free of cost, tape, wire and case required for packing the samples.

(2) The transport charges for sending the sample to the Chemical Analyser to the <sup>1</sup>[Government of Maharashtra] shall be borne by Government.

(3) Only one bottle of each sample shall be sent to the Chemical Analyser to the <sup>1</sup>[Government of Maharashtra] under a letter of advice in the form in the Appendix appended to these rules. The duplicate sample shall, until the result of Analysis is reported, be kept in the approved room in a cupboard provided by the applicant which shall be locked by the Supervising Officer with a Revenue Lock and if not required any longer it shall be returned to the applicant.

16. If, on analysis, the Chemical Analyser to the <sup>1</sup>[Government of Maharashtra] certifies any preparation to be not a *bona fide* medicinal preparation, full excise duty at the rate applicable to potable foreign spirits (e.g., whisky and brandy) on the date of receipt of such certificate shall be leviable on the spirit contents of all the preparations so certified irrespective of the fact whether they are in stock or sold. The differential duty shall be immediately paid by the applicant into a Government treasury and a challan for such payment produced before the Supervising Officer who shall submit a report in the matter to the Superintendent or District Inspector of Prohibition and Excise concerned.

17. (1) The applicant may appoint agents or servants, who shall be granted requisite *nokarnamas* duly signed by him and countersigned by the Supervising Officer in token of his approval.

(2) The applicant shall, in the case of misconduct of any agent or servant and when asked by the Supervising Officer, remove such agent or servant.

18. The applicant and the Supervising Officer shall maintain accounts separately in such forms as may be prescribed by the Commissioner.

19. The accounts, passes, the stock of rectified spirit and the unfinished and finished preparations and the samples kept in the approved room shall be open for inspection by the Supervising Officer, Local Inspector of Prohibition and Excise, Collector or Commissioner or any Officer authorised in this behalf by the Commissioner.

20. The order permitting the applicant to obtain rectified spirit at the concessional rate of duty shall be liable to be withdrawn if—

(1) the concession is found to be abused ;

(2) any of the provisions of the Bombay Prohibition Act, 1949, the Dangerous Drugs Act, 1930, or the Bombay Opium Smoking Act, 1936, or any rule, regulation or order made under any of these Acts is infringed by the applicant or his agent or servant;

(3) there is a breach of any of the foregoing rules.

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1. Subs. by G. N. of 25-7-1963.

## APPENDIX

*Form of Advice of samples sent for estimating the alcoholic strength and certifying that the preparation is a " bona fide medicinal preparation " (and not a beverage).*

To, No.  
 The Chemical Analyser to the  
<sup>1</sup>[Government of Maharashtra] Bombay. Dated 20 .

Sir,  
 I beg to advise despatch of the undermentioned samples of medicinal preparations for (1) estimating the alcoholic strength thereof and (2) reporting whether they are *bona fide* medicinal preparations (and not beverages.)

Your's faithfully

Supervising Officer.

Name of Preparation	Batch No.	Strength found on analysis	Remarks	Initials
(1)	(2)	(3)	(4)	(5)

Certified that these samples show that the preparations in question are *bona fide* medicinal preparations (and not beverages).

Chemical Analyser to the  
<sup>1</sup>[Government of Maharashtra].

1. Subs. by G. N. of 25-7-1963.

**CHAPTER VII**  
**THE BOMBAY SPIRITUOUS PREPARATIONS**  
**(MANUFACTURING) RULES, 1955**

**(44) THE BOMBAY SPIRITUOUS PREPARATIONS**  
**(MANUFACTURING) RULES, 1955**

**G. N., R. D., No. SMP. 1060/33111-III, dated 14th December 1961**

**(M. G., Pt. IV-B, p. 1181)**

*Amended by G. N., H. D., No.. BPA. 1088/XV/PRO-2 dated 16th March 1988 (M. G. pt. IV-B p. 287)3.*

In exercise of the powers conferred by Section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to make to following Rules, namely :-

1. *Title* - These Rules may be called the Bombay Spirituous Preparations (Manufacturing) Rules, 1955.
2. *Extent and Commencement.* - (1) These rules shall extend to the whole of the State of Bombay.
  - (2) They shall come into force on 26th July 1955
3. *Definitions.* -In these Rules, unless there is anything repugnant in the subject or context,
  - (a) "Act" means the Bombay Prohibition Act, 1949 ;
  - (b) "Excise Supervision" means the supervision by the members of the staff of the Prohibition and excise Department appointed in that behalf by the Commissioner.
  - (c) "Form" means a form appended to these rules ;
  - (d) "licence" means a licence granted under these Rules ;
  - (e) "licensee" means a person who has been granted a licence under these Rules ;
  - (f) "licensed premises" means premises in respect of which a licence has been granted and includes a warehouse of the licensee approved by the Collector ;
  - (g) "Spirituous preparation" means—
    - (i) any medicinal or toilet preparation containing alcohol, or
    - (ii) any antiseptic preparation or solution containing alcohol, or
    - (iii) any flavouring extract, essence or syrup containing alcohol which is determined to be fit for use as intoxicating liquor by the State Government under section 6-A of the Act;
  - (h) "to manufacture spirituous preparations in bond", with its grammatical variations, means to manufacture spirituous preparatins without prepayment of excise duty leviable thereon but a bond for the payment of which on their removal after manufacture has been excuted.
4. *Application for licence to manufacture spirituous preparatins.*— (1) Any person desiring to manufacture spirituous preparations shall apply to the Collector for a licence in that behalf.

(2) The application shall contain the following particulars, namely :—

- (i) Name and address of the applicant ;
- (ii) Location of the premises where spirituous preparations will be manufactured, with the name of the building and the name of street, city, town or village, as the case may be;
- (iii) Names of spirituous preparations intended to be manufactured and their detailed formula <sup>1</sup>[and the quantities of each of the spirituous preparations manufactured during the last three preceding year (together with documents, if any, evidencing the manufacture of preparations in quantities so specified);
- (iv) Names of ingredients to be used in the manufacture of spirituous preparations;
- (v) Details of the process of manufacture;
- (vi) Whether the applicant carried on the business of manufacturing spirituous preparations in the past and if so, when and where.

5. *Grant of licence.*—

(1) On receipt of the application under Rule 4, the Collector may make inquiries for verification of the details stated in the application and also such other inquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence applied for, he shall forward the application and papers of inquiry with his remarks to the Commissioner who may, if he deems proper, accord approval to the manufacture of spirituous preparations specified in the application <sup>2</sup>[and having regard to the quantities of the spirituous preparations manufactured or imported during the three years immediately preceding the date of the application, the demand for such preparations and other relevant factors fix the quantity of the preparation to be manufactured,] and return the application and the papers to the Collector with his order. The Collector shall, in accordance with the Commissioner orders, grant the applicant a licence in Form S. P. I on payment of a <sup>3</sup>[fee of Rs. 200] :

Provided that where the spirituous preparation in respect of which the licence is applied for is merely Ayurvedic medicinal preparation in which alcohol is generated by the process of fermentation, a licence shall be granted on payment of a <sup>3</sup>[fee of Rs. 50].

(2) No licence in Form S. P. I shall be granted unless the applicant has executed a bond for payment of excise duty on the spirituous preparations manufactured and stored in bond at the licensed premises as prescribed in the regulations made by the Commissioner in that behalf.

6. *Duration of licence.*— No licence in Form S. P. I shall be granted for a period extending beyond 31st day of March next following the date of commencement of the licence and in no case shall such licence be granted for a period exceeding one year.

7. *What Spirituous preparations shall be manufactured and how.*—Except with the previous approval of the Commissioner the licensee shall not manufacture any spirituous preparation other than those specified in his license <sup>2</sup>[and in excess of the quantity fixed by the Commissioner.] He shall not manufacture any spirituous preparations except according to the process laid down in his application and approval by the Commissioner.

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1. Added. by G. N. of 14-12-1961.

2. Ins. *Ibid.*

3. Subs. by G. N. of 16-3-1988.

8. *Regulation of business of the licensee.*—(1) The licensee shall allow any officer empowered under section 122 of the Act to inspect at any time the licensed premises and all spirituous preparation manufactured or kept therein.

(2) The licensee shall, when so required by any officer not below the rank of a Prohibition and Excise Sub-Inspector, give an explanation in writing regarding any irregularity detected at his licensed premises and shall, if so required by him, furnish the information regarding the management of the said premises. He shall answer all questions put to him to the best of his knowledge and belief. He shall also allow any officer empowered under section 122 of the Act to take samples of any spirituous preparations, free of cost, for analysis, if required by such officer for that purpose.

(3) The licensee shall maintain at the licensed premises a “Visit Book” paged and stamped with the seal of the Collector or such other officer as may be authorised by him in this behalf, in which visiting officers may record any remarks when inspecting the said premises. The licensee shall, on the termination of the period of his licence, deliver up the said book, the account and the licence to the local Prohibition and Excise sub-Inspector or Inspector.

(4) No persons shall be recognised as the partners of the licensee for the purpose of the licence, unless the partnership has been disclosed to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence, or if the partnership is entered into after the granting of the licence, unless the Collector agrees on application made to him, to alter the licence and to add the name or names of the partner or partners in the licence,

9. *licensee to abide by the provisions of the Act.*—(1) The licensee shall comply with all lawful orders and directions issued from time to time by the Commissioner, Collector, Superintendent of Prohibition and Excise or District Inspector of Prohibition and Excise.

(2) The licensee shall abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the licence and shall give an undertaking to that effect.

### FORM S. P. I

(See rule 5)

Licence No.....

#### *Licence for the manufacture in-bond of spirituous preparations.*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder to .....residing at ..... (hereinafter referred to as “the licensee”) authorising him to manufacture in-bond spirituous preparations specified in condition 2 appearing herein below (hereinafter referred to as “the preparations”) at the premises situated at ..... (hereinafter referred to as “licensed premises”) on payment of a fee of Rs. ....during



the period from ..... to ..... (both days inclusive) on the following conditions, namely :-

CONDITIONS

1. The licensee shall not manufacture the spirituous preparations at any place other than the licensed premises.

<sup>1</sup>[2. The licensee shall not, without the previous approval of the Commissioner, manufacture any preparations other than those specified below and in excess of the quantity indicated against each of them :-

Preparation	Quantity
(1) .....	.....
(2) .....	.....
(3) .....	.....
(4) .....	.....
(5) .....	.....

3. The licensee shall not use, keep or have in his possession or allow any person in his employ or under his control to use, keep or have in his possession any material or utensil for the purpose of distilling spirit, except with the previous approval of the Commissioner.

4. The licensee shall use the same materials and ingredients and shall adopt the same process of manufacturing the spirituous preparations as were communicated by him in his application for the licence and approval by the Commissioner. No change in the materials ingredients or process shall be made without the previous permission of the Commissioner. A copy of the process signed by the licensee and countersigned by the Commissioner shall be kept with this licence.

5. The licensee shall not manufacture any of the spirituous preparations specified in this licence except under excise supervisions.

6. The Commissioner may appoint such staff at the licensed premises for excise supervision as he deems necessary.

7. The licensee shall pay to the State Government in advance at the beginning of each quarter commencing from the date of the licence such cost of the excise staff as may be fixed by the Commissioner.

8. The licensee shall not, except with the previous permission of the Superintendent of Prohibition and Excise or the District Inspector of Prohibition and excise, as the case may be, on any day carry on the operations of manufacturing the spirituous preparations after 6.00 p.m. (Standard Time) or before 10.00 a. m. (Standard Time) or carry on the said operations on any day between 1.00 p.m. and 2.00 p.m. (Standard time) or on Sundays and public holidays sanctioned by government.

9. The licensee shall, as soon as the manufacture of any spirituous preparation is finished, put it in full corked bottles, jars, carboys, casks drums other containers sealed and ready to be placed on sale, duly labelled with a label correctly showing the manufacturer's name, the place of manufacture, the name of the preparation and its spirit contents.

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1. Subs. by G. N. of 14-12-1961.

10. The licensee shall keep such accounts as may be prescribed by the Commissioner. These accounts shall be produced for inspection on demand by any officers empowered under section 122 of the Bombay Prohibition Act, 1949.

11. (1) The licensee shall carry on the operations of manufacturing the spirituous preparations either personally or through an agent or servant, duly authorised by him in this behalf by a written *nokarnama* signed by himself, and counter signed by a Prohibition and Excise Officer not lower in rank than a sub-Inspector.

Provided that any such *nokarnama* signed by the licensee shall be valid until such countersignature is refused :

Provided further that, no such *nokarnama* shall be necessary for the coolies and workmen employed by him to assist him in the manufacture of the preparation.

(2) The licensee shall pay a fee of Re. 1 for each *nokarnama* issued by him No such *nokarnama* shall be issued to a person below the age of 21 years.

12. The licensee shall not sell, transfer or sub-let the right of manufacture granted by this licence, nor shall he in connection with the exercise of the said right enter into any agreement or arrangement which in the opinion of the Collector is of the nature of a sub-lease.

13. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licensee, in case of sale or transfer or the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

14. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Granted this ..... day of ..... 19

Seal of the  
Collector

Collector

**Licensee (s)**

(45) **THE BOMBAY MEDICINAL AND TOILET PREPARATIONS  
(USE OF LIQUOR) RULES, 1955**

**G. N., R. D., No. 7105/51, dated 7th January 1955 (B. G., Pt. IV-B. p. 123)**

*Amended by Corrig., R. D., No. 7105/-51, dated 23rd February 1955 (B. G. Pt. IV-B p. 776).  
Amended by G. N., R. D., No. MIS. 1561/33915 (e)-N, dated 14th July 1962 (M. G. pt. IV-B.  
p. 2456).*

*Amended by G. N., H. D., No.. BPA. 1088/XI/PRO-2, dated 16th March 1988 (M. G. Pt. IV-B.  
p. 282-83).*

In exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bombay XXV of 1949), the Government of Bombay is pleased to make the following rules, namely :—

1. These Rules may be called the Bombay Medicinal and Toilet Preparations (Use of Liquor) Rules, 1955.

2. (1) In these rules unless there, is anything repugnant in the subject or context,—

(a) “ Act ” means the Bombay Prohibition Act, 1949 ;

(b) “ Form ” means a form appended to these rules ;

(c) “ Licence ” means a licence granted under rule 4 ;

(d) “ Licensed premises ” means the premises in respect of which a licence is granted under rule 4 ;

(e) “ Licensee ” means a person holding a licence under these rules.

(2) Words and expressions not defined in these rules shall have the meanings respectively assigned to them in the Act.

**Purchase, possession or use**

3. Any person desiring to purchase, possess or use any liquor for the manufacture of any medicinal or toilet preparation whether fit or unfit for use as intoxicating liquor shall apply to the Collector for a licence in that behalf. The application shall contain the following particulars, namely :—

(i) Name and Address of the applicant ;

(ii) Kind and quantity of liquor required per month together with its name, if any ;

(iii) Kind of medicinal or toilet preparation or preparations for the manufacture of which the liquor is required together with the names of such preparation or preparations ;

(iv) Place where the liquor will be kept and used ;

(v) Name and address of the person from whom the liquor is to be purchased and his licence number for the sale of liquor ;

(vi) The period for which the licence is required.

4. On receipt of an application under rule 3, the Collector shall make such inquiries as he may deem necessary and if he is satisfied that there is no objection to grant the licence applied for, he may grant the applicant a licence in Form A on payment of <sup>1</sup>[a fee <sup>2</sup>[inclusive of consideration ] of Rs. 100] specifying therein the kind of liquor together with its specification, if any, permitted to be used and also the quantity allowed to be used during the month.

5. (1) No such licence under rule 4 shall be granted for a period beyond 31st March next following the date of the commencement of the licence.

(2) No such licence shall be granted to a minor.

6. The licensee shall not use or allow to be used the liquor except in the licensed premises and except in his own presence or in the presence of any other person duly authorised a *nokarnama* granted by him in this behalf.

1. Subs. by G. N. of 14-7-1962.

2. Subs. by G. N. of 16-3-1988.

7. The licence shall not use the liquor except for the purpose for which it is permitted to be used.

<sup>1</sup>[8. The licensee shall maintain day-to-day accounts in Form A-1 of liquor purchased and used by him for the manufacture of medicinal or toilet preparations and shall submit before the 7th of every month to the local Superintendent of prohibition and Excise or District Inspector of Prohibition of Excise, as the case may be, a return in Form A-II of Liquor purchased and used by him in the preceding month for the manufacture of medicinal or toilet preparations.]

9. The licenced premises, the liquor kept therein and the account maintained in respect of such liquor shall at all times be open to inspection by any officer empowered under section 122 of the Act.

10. The licensee shall keep in his licensed premises a visit book paged and stamped with the seal of the Collector or any other officer authorised by him in this behalf in which visiting officers may record their remarks when inspecting the premises.

11. The licensee shall *abide* by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the licence and shall give an undertaking to that effect.

12. The licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Act.

13. In case the licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forth with surrender to the Collector the whole of the unused stock of liquor.

#### **Transport**

14. Any licensee desiring to transport liquor required by him for the purpose mentioned in his licence shall make an application to the local Inspector of Prohibition and Excise for a pass in that behalf specifying the following particulars, namely :—

- (i) Name and Address of the applicant ;
- (ii) Name and number of his licence for the possession and use of liquor ;
- (iii) Name, kind and quantity of liquor to be purchased ;
- (iv) Place to which the liquor is to be transported ;
- (v) Route by which the liquor is to be transported ;
- (vi) Period for which the licence is required to be valid.

15. On receipt of the application under rule 14, the Inspector shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the pass applied for may grant the applicant a pass in Form B. The pass shall be prepared in quadruplicate and one copy of it shall be retained by the Inspector on his record, one copy shall be handed over to the applicant, one copy shall be sent to the person from whom the liquor is to be purchased and one copy shall be sent to the Inspector of Prohibition and Excise in whose charge the person from whom the liquor is to be purchased holds a licence.

16. Notwithstanding anything contained in these rules, no licence for the possession and use of rectified spirit or absolute alcohol for the manufacture of any medicinal or toilet preparation or pass for the transport thereof shall be necessary under these rules, if the licensee holds a valid licence or pass for the aforesaid purpose under the Bombay Rectified Spirit Rules, 1951.

17. Except as provided in Rule 16 the Provisions of these rules shall be in addition to and not in derogation of the provisions of the Bombay Rectified Spirit Rules, 1951 in so far as they relate to the matters dealt with in these rules.

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1. Subs. by G. N. of 14-7-1962.

**FORM A**

**( Rule 3)**

( G. C. A.)

Licence No.

*Licence for the purchase, possession or use of liquor for the manufacture of medicinal and toilet preparation*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to ..... of ..... hereinafter called “ the licensee ”) on payment of Rs. .... in advance, authorising him to purchase, possess or use the liquor(s) specified below during the period from ..... to ..... at his premises situated at ..... (hereinafter referred to as “ the licensed premises ” ), subject to the following conditions, namely :—

*Liquors*

\* (1)

\* (2)

\* (3)

1. The licensee shall not use the said liquor(s) for any purpose except for the manufacture of † .....

2. (1) The licensee shall not transport the said liquor(s) unless it is covered by a pass in Form B.

(2) The licensee shall not purchase the said liquor(s) in any one month exceeding ..... bulk gallon/quart bottles in the aggregate.

(3) The licensee shall not purchase the liquor except from .....

3. The licensee shall not have in his possession more than ‡..... bulk gallons/quarts of the said liquor(s) in the aggregate at any one time.

4. The licensee shall comply with all lawful orders of the Commissioner, Collector, Superintendent of Prohibition and Excise or the Local Inspector of Prohibition and Excise.

5. In case the licensee is suspended or cancelled during its currency or is not renewed on its expiry, the licensee shall forthwith surrender the whole of the unsold stock of the said liquor(s) to the Collector.

6. This licence may be suspended or cancelled in accordance with the provisions of the sections 54 and 56 of the Bombay Prohibition Act, 1949.

Granted this ..... day of ..... 20

Seal of the

Collector

Collector

\* Here state the names of liquors permitted to be used.

† Here state the names of medicinal or toilet preparation for the manufacture of which liquor (s) is/are allowed.

‡ Here state the names and address of person from whom liquor is to be purchased.

**<sup>1</sup>[FORM A-I]**

( See rule 8)

*Account of liquor received and used for the manufacture of spirituous medicinal preparation and/or toilet preparations for the month of 20 .*

Licence No. ....

Name of the licensee.....

Period of the licence.....

Date	Opening balance		Quantity purchased or received		Number and date of pass under which purchased received	Quantity used	
	Kind of liquor	Quantity	Kind of liquor	Quantity		Total of columns (2) and (3)	Kind of liquor
(1)	(2)	(3)	(3)	(4)	(5)	(6)	(6)

Closing balance		Medicinal or toilet preparations manufactured		Liquor used for the said preparations	Remarks	Initials of the licensee or his authorised agent
Kind of liquor	Quantity	Preparations	Preparations			
(7)	(7)	(8)	(8)	(9)	(9)	(10)

1. Ins. by G. N. of 14-7-1962.

**FORM A-II**

( See rule 8)

*Monthly return showing liquor received and used for the manufacture of spirituous medicinal preparation and/or toilet preparations for the month of . . . . . 20 . .*

Licence No. ....

Name of the licensee.....

Period of the licence.....

Opening balance		Quantity purchased or received		Quantity used		
Kind of liquor	Quantity	Kind of liquor	Quantity	Total of columns (1) and (2)	Kind of liquor	Quantity
(1)	(2)	(2)	(3)	(3)	(4)	(4)

Medicinal or toilet preparation manufactured						
Closing balance		Preparation		Liquor used for the said preparation		Remarks
Kind of liquor	Quantity	Name	Quantity	Kind of liquor	Quantity	
(5)	(6)	(6)	(6)	(6)	(6)	(7)

Signature of the Licensee]

**FORM B**

( Rule 15)

( G.C.A.)

Licence No.

*Pass for the transport of liquor to be used for the manufacture of medicinal and toilet preparations*

Pass is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to . . . of . . . (hereinafter called "the licensee") authorising him to transport the liquors specified below subject to the following conditions, namely :—

*Liquors*

\*(1)

\*(2)

\*(3)

*Conditions*

1. The pass-holder shall not transport the Liquor exceeding the quantities stated below :—

Name of liquor	Quantity
(1)	
(2)	
(3)	

2. The liquors shall not be transported otherwise than from . . . to . . . by the following route, namely :—

3. The liquors shall be conveyed to . . . before the sunset of . . .

4. The consignment of the liquor shall not be broken in transit.

Place :

Date :

Inspector of Prohibition and Excise.

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\* Here state the names of liquors.



**[46] THE BOMBAY TOILET PREPARATIONS  
(SALES) RULES, 1954**

**G. N., R. D., No. 10484/45(b), dated 26th June 1954 (B. G., Pt. IV-B, p. 867)**

1. Amended by G. N., R. D., No. SMP. 1055, dated 10th October 1955 (B. G., Pt. IV-B, p. 1903).
2. Amended by G. N., R. D., No. MIS. 1561/33915 (d)-N, dated 14th July 1962 (M. G., Pt. IV-B, p. 2454).
3. Amended by G. N., H. D., No. BPA. 1059/55336- III, dated 25th July 1963 (M. G., Pt. IV-B, p. 1239).
4. Amended by G. N., H. D., No. BPA. 1088/XIII-PRO-2, dated 16th March 1988 (M. G., Pt. IV-B, p. 285-86).

Whereas the Government of Bombay is satisfied that it is necessary to make and to bring into force the following rules at once without previous publication ;

Now, therefore, in exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf the Government of Bombay is pleased to make the following Rules, namely :—

1. *Title*—These rules may be called the Bombay Toilet Preparations (Sales) Rules, 1954.
- <sup>1</sup>2. *Extent*—In these Rules extend to the whole of the State of Maharashtra.]
3. *Definition*—In these Rules, unless there is anything repugnant in the subject or context,—
  - (1) “ Act ” means the Bombay Prohibition Act, 1949 ;
  - (2) “ Form ” means a form appended to these Rules ;
  - (3) “ Licence ” means a licence granted under rule 5 ;
  - (4) “ Licensed premises ” means the premises in respect of which a licence has been granted under rule 5 and includes a warehouse of a licensee approved by the Collector ;
  - (5) “ Licensee ” means a person who has been granted a licence under rule 5 ;
  - (6) “ Spirituous toilet preparations ” means liquid toilet preparations containing alcohol which are fit for use as intoxicating liquor.”

4. *Application for licence*.—Any person desiring to sell spirituous toilet preparations shall apply to the Collector for a licence to sell such preparations. The application <sup>2</sup>[shall be accompanied by a chalan evidencing payment of a fee of Rs. 10 for such application and] shall contain the following particulars, namely :—

- (i) Name and address of the applicant ;

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1. Subs. by G. N. of 25-7-1963.

2. Ins. by G. N. of 16-3-1988.

(ii) Location of the shop or premises where spirituous toilet preparations will be sold with the name of the building and the name of street, city, town or village, as the case may be ;

(iii) Whether the applicant held any licence in the past to sell any kind of spirituous toilet preparations. If so, the period during which such licence was held.

5. *Grant of licence.*—On receipt of the application, the Collector may make inquiries for verification of the details stated in the application and also such other inquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence applied for, he may grant the applicant a licence in Form “ S. M. P. III ” on payment of <sup>1</sup>[a fee of Rs. 100]

6. *Duration of licence.*— A licence under rule 5 shall not be granted for a period beyond 31<sup>st</sup> March next following the date from which it commences.

<sup>2</sup>[“6A. *Renewal of Licence.*—Any licence under rule 5 shall not be granted for a period not exceeding one year on payment of application fee of Rs. 5 and licence fee prescribed in rule, 5 unless there is reason to believe that there has been a breach of any of the terms and conditions of the licence and/or that the licensee has not been working the licence properly.”

7. *Kinds of spirituous toilet preparations which cannot be kept or sold.* The licensee shall not keep in his licensed premises any spirituous toilet preparations which have not been lawfully obtained, transported or imported.

8. *Sale how made.* All sales of spirituous toilet preparations shall be made subject to the issue of cash memo or an invoice. The original copy of such cash memo or invoice shall be sent along with the consignment and the duplicate shall be preserved by the licensee for the period of one year from the date of the sale. The cash memo or invoice shall show the name and address of the purchaser and the quantity of spirituous preparations sold by the licensee.

9. *Regulation of business of licensee.*—(1) The licensee may carry on his business under the licence either personally or by an agent or servant duly authorised by him in this behalf.

<sup>3</sup>[(1-A) The licensee shall maintain a register of day-to-day accounts in Form ‘A’ of spirituous toilet preparations received and sold by him and shall submit before the 7th of every month to the Superintendent of Prohibition and Excise or District Inspector of Prohibition and Excise, as the case may be, in Form ‘B’ of spirituous toilet preparations received and sold by him in the preceding month].

(2) The licensed premises and all spirituous toilet preparations therein contained shall at all times be open to inspection by any officer empowered under section 122 of the Act.

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1. Subs. by G. N. of 14-7-1962.

2. Ins. by G. N. of 16-3-1988.

3. Subs. *ibid.*

(3) The licensee shall, when so required by any Prohibition Officer not below the rank of a Sub-Inspector of Prohibition and Excise, give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish any information regarding the management of the said premises. He shall answer all questions put to him to the best of his knowledge and belief. He shall also, if so required, allow any officer empowered under section 122 of the Act to take samples of spirituous toilet preparations, free of costs, for analysis.

(4) The licensee shall provide a visit-book paged and stamped with the seal of the Collector or any other officer authorised by him in this behalf in which visiting officers may record any remarks when inspecting the licensed premises. The licensee shall, on the termination of the period of the licence, deliver up the visit book and the licence to the local Prohibition and Excise Inspector.

(5) No person shall be recognised as the partner of the licensee for the purpose of this licence, unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of the licence unless the collector agrees, on application made to him in that behalf to alter the licence and add the name of the partner in the licence.

10. *Licensee to abide by provisions of Act.*—(1) The licensee shall comply with all lawful orders and directions issued from time to time by the Commissioner, Collector, Superintendent or District Inspector of Prohibition and Excise.

(2) He shall abide by the Provisions of the Act and the rules, regulations and order made thereunder and the conditions of the licence and shall give an undertaking to that effect.

**FORM S.M.P.III**

(See rule 5)

Licence No.....

*Licence for the sale of Spirituous Toilet Preparations*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder to .....of.....(hereinafter referred to as “ the licensee ”) on payment of a licence fee of Rs. .... authorising him to sell spirituous toilet preparations (hereinafter referred to as “ the said preparations”), at his shop situated at ..... (hereinafter referred to as “the licensed premises”) during the period from ..... to ..... subject to the conditions, stated below :—

1. The licensee shall not keep or sell the said preparations at any place other than the licensed premises :

Provided that the licensee may store the said preparation in his warehouse situated at .....

2. The licensee shall not keep in the licensed premises intoxicants of any kind which he is not authorised to sell.

3. The licensee shall keep affixed to the licensed premises a signboard showing the name of the shop.

4. The licensee shall display the licence at a conspicuous place in the licensed premises.

5. The licensee, his heirs, legal representatives or assignees, shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licensee, in case of sale or transfer and the heir or legal representatives of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

6. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Granted this ..... day of .....20 ..

Seal of the  
Collector

Collector of .....

**[FORM A]**

[See rule 9 (1-A)]

*Register of accounts of spirituous toilet preparationns received and sold by a person holding a licence in Form S. M. P. III.*

No. \_\_\_\_\_ during the month of ..... 20 ..

Name of the licensee .....

Address .....

Name of the toilet preparation .....

Date	Opening balance	Quantity received	From whom received	Total [Columns (2) and (3)]
(1)	(2)	(3)	(4)	(5)

Quantity sold	To whom sold	Closing balance	Signature of the licensee	Remarks
(6)	(7)	(8)	(9)	(10)

**FORM B**

[See rule 9 (1-A)]

*Monthly return of spirituous toilet preparations received and sold during the month of ..... 20 ..*

Name of the licensee .....

Address .....

S. M. P. III Licence No.....

Name of spirituous toilet preparation	Opening balance on the 1st day of the month	Quantity received during the month	Total [Columns (2) and (3)]	Quantity sold during the month	Closing balance on the 1st day of the month	Signature of the licensee
(1)	(2)	(3)	(4)	(5)	(6)	(7)

1. Added. by G. N. of 14-7-1962.

**[47] THE BOMBAY SPIRITUOUS MEDICINAL PREPARATIONS  
(SALE) RULES, 1954**

**G. N., R. D., No. 10484/45(a), dated 26th June 1954 (B. G., Pt. IV-B, p. 815)**

1. Amended by G. N., R. D., No. SMP. 1055, dated 8th May 1956 (B. G., Pt. IV-B, p. 696).
2. Amended by G. N., R. D., No. SMP. 1457/50/148, dated 16th July 1958 (B. G., Pt. IV-B, p. 753).
3. Amended by G. N., R. D., No. SMP. 1957/14170, dated 16th July 1958 (B. G., Pt. IV-B, p. 753).
4. Amended by G. N., R. D., No. BPA. 1358/35989-J, dated 2nd April 1959 (B. G., Pt. IV-B, p. 559).
5. Amended by G. N., R. D., No. SMP. 1058, dated 19th November 1959 (B. G., Pt. IV-B, p. 1588).
6. Amended by G. N., R. D., No. SMP. 1060/47101-III, dated 9th September 1961 (M. G., Pt. IV-B, p. 745).
7. Amended by G. N., R. D., No. MIS. 1561/3391 (c)-N, dated 14th July 1962 (M. G., Pt. IV-B, p. 2451).
8. Amended by Corrig. R. D., No. MIS. 1561/3395, dated 22nd January 1963 (M. G., Pt. IV-B, p. 172).
9. Amended by G. N., R. D., No. SMP. 1261/61106-III, dated 4th April 1963 (M. G., Pt. IV-B, p. 454).
10. Amended by Corrig. H. D., No. SMP. 1261/61106-III, dated 3rd May 1963 (M. G., Pt. IV-B, p. 485).
11. Amended by G. N., R. D., No. BPA. 1059/55339-III, dated 25th July 1963 (M. G., Pt. IV-B, p. 1239).
12. Amended by G. N., H. D., No. SMP. 1162/62790-III, dated 12th August 1964 (M. G., Pt. IV-B, p. 1062).
13. Amended by G. N., R. D., No. SMP. 1164/18535-III, dated 18th November 1965 (M. G., Pt. IV-B, p. 1824).
14. Amended by G. N., R. D., No. BPA. 1088/XIV-PRO-2, dated 16th March 1988 (M. G., Pt. IV-B, p. 286-87).

Whereas the Government of Bombay is satisfied that it is necessary to make and to bring into force the following rules at once without previous publication ;

Now, therefore, in exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf the Government of Bombay is pleased to make the following Rules, namely :—

1. *Title*—These rules may be called the Bombay Spirituous Medicinal Preparations (Sale) Rules, 1954.

<sup>1</sup>[2. *Extent*—These Rules extend to the whole of the State of Maharashtra.]

3. *Definition*—In these Rules, unless there is anything repugnant in the subject or context,—

(1) “ Act ” means the Bombay Prohibition Act, 1949 ;

(2) “ Form ” means a form appended to these Rules ;

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1. Subs.. by G. N. of 25-7-1963.

(3) "Licence" means a licence granted under these Rules ;

(4) "Licensed premises" means the premises in respect of which a licence has been granted under these Rules and includes a warehouse of a licensee approved by the Collector ;

(5) "Medical prescription" means a prescription in writing issued by a registered medical practitioner ;

(6) <sup>1</sup>\* \* \* \* \*

(7) "Spirituous medicinal preparations" means any medicinal preparation in liquid form containing alcohol which is fit for use as intoxicating liquor."

#### PART I

##### LICENCE FOR SALE OF SPIRITUOUS MEDICINAL PREPARATIONS

4. *Application for licence to sell spirituous medicinal preparations.*—Any person desiring to sell spirituous medicinal preparations shall apply to the Collector for a licence in that behalf. The application <sup>3</sup>[accompanied by a chalan evidencing payment of a fee of Rs. 10] shall contain the following particulars, namely :—

(i) Name and address of the applicant ;

(ii) Location of the shop or premises where spirituous medicinal preparations will be sold with the name of the building and the name of street, city, town or village, as the case may be ;

(iii) Whether the applicant held any licence in the past to sell any kind of spirituous medicinal preparations. If so, the year and the period during which such licence was held.

5. *Grant of licence.*—On receipt of the application, the under rule 4, the Collector may make inquiries for verification of the details stated in the application and also such other inquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence applied for, he may grant the applicant a licence in Form "S. M. P. I" on payment of <sup>4</sup>[a fee of rupees one hundred]

6. *Duration of licence.*—A licence under rule 5 shall not be granted for a period beyond 31<sup>st</sup> March next following the date from which it commences.

<sup>5</sup>["6A. *Renewal of Licence.*—Any licence granted under rule 5 shall be renewed for a period not exceeding one year on payment of application fee of Rs. 5 and licence fee as prescribed in rule 5."]

7. *Sale of spirituous medicinal preparations on production of medical prescription.*—The licensee shall not sell any spirituous medicinal preparation to any person unless he produces a medical prescription in that behalf.

8. *Sale of spirituous medicinal preparations to certain persons.*—(1) Notwithstanding anything contained in rule 7, the licensee may sell any medicinal preparation without the production of any medicinal prescription to—

(1) a person holding licences under rule 5 ;

(2) a person incharge of a hospital or dispensary ;

(3) a registered medical practitioner ;

<sup>2</sup>[(4) Inspectors appointed under section 21 of the Drugs Act, 1949 ;]

1. Deleted by G. N. of 25-7-1963.

2. Ins. by G. N. of 16-7-1958.

3. Ins. by G. N. of 16-3-1988.

4. Subs. *idid.*

5. Added *ibid.*

<sup>1</sup>[(5) a person holding a special permit in Form ' A ' (prescribed under Government Notification, Revenue Department, No. 3015/51, dated the 31st March 1952, for the possession and use of any intoxicant for medicinal, scientific research, educational and such other purposes ;

(6) a person holding licence in Form ' A ' under the Bombay Medicinal and Tiolet Preparations (Use of Liquor) Rules, 1955].

<sup>2</sup>[(2) All sales made under sub-rule (1) shall be subject—

(a) to the issue of cash memos or invoices the originals of which shall be sent along with the consignments and the duplicates shall be preserved by the licensee for a period of one year from the date of sale ; and

<sup>3</sup>(b) except as otherwise provided by these rules, to the production by the purchaser of a valid transport pass or an export licence in Form D granted under the Bombay Spirituous Preparations (Inter-State Trade and Commerce) Control Rules, 1957, or an export pass granted under the Maharashtra Spirituous Preparations (Inter-State Trade and Commence) Control Rules, 1957, or an export pass granted under the Maharashtra Spirituous Preparations (Import and Export) Rules, 1963.]

(3) The cash memo, or invoice shall show the name and address of the purchaser and the particulars of the medicinal preparations sold.]

9. *Preservation of prescriptions.*—The licensee shall preserve all medical prescriptions presented to him for the purchase of the spirituous medicinal preparations or true copies thereof for a period of one year from the date of the sale.

<sup>4</sup>9-A. *Transport of spirituous medicinal preparations.*—(1) Any licensee desiring to transport any spirituous medicinal preparation shall make an application for the grant of transport pass to the Collector within whose jurisdiction the licensed premises of the licensee selling such preparation is situated. The application shall be submitted to the said Collector through the local Superintendent of Prohibition and Excise, or the District Inspector of Prohibition and Excise and shall contain the following particulars, namely :—

(1) The name and address of the applicant.

(2) The kind of the licence held by him and its number and date.

(3) The name(s) and quantity(ies) of spirituous medicinal preparation(s) required to be transported.

(4) The purpose for which spirituous medicinal preparation(s) is/are to be transported.

(5) The place from which spirituous medicinal preparation(s) is/are to be transported.

(6) The place to which spirituous medicinal preparation(s) is/are to be transported.

(7) The name of the person authorised to transport.

(8) The route (state also the place from and to which transport of spirituous medicinal preparation will be by road) by which spirituous medicinal preparation(s) is/are proposed to be removed.

(9) The period for which the pass is required.

(2) On receipt of the application under sub-rule (1) the Superintendent of Prohibition and Excise or the District Inspector of Prohibition and Excise, as the case may be shall make such inquiries as he may deem necessary and then forward it to the Collector concerned with his recommendation. If the Collector is satisfied that there is no objection to grant the transport pass to the applicant, he may grant him a pass in Form " S.M.P. I-A " on payment of <sup>5</sup>[a fee of Re. 1.00 nP.]

1. Added by G. N. of 9-9-1961.

2. Subs. by G. N. of 19-11-1959.

3. Subs by G. N. of 12-8-1964.

4. Subs. by G.N. of 16-7-1958.

5. Subs by G. N. of 14-7-1962.



3. The transport pass shall be in four parts and each part shall be dealt with as under :—

*Part I shall be kept on the record of the Collector granting the pass.*

*Part II shall be forwarded to licensee from whom spirituous medicinal preparation(s) is/are to be obtained for transport.*

*Part III shall be handed over to the applicant for sending it with the consignment of spirituous medicinal preparations and for record thereafter by him.*

*Part IV shall be forwarded to the District Prohibition and Excise Officer of the place to which the spirituous medicinal preparation(s) is/are to be transported.]*

10. *Regulation of businesses of licensee :—*

(1) A licensee holding a licence under rule 5 may carry on his business under the licence either personally or by an agent or servant duly authorised by him in that behalf.

<sup>1</sup>[(2) The licensee shall maintain a register of day-to-day accounts in Form ' A ' of spirituous medicinal preparations received, and sold by him and shall submit before the 7th of every month, to the Superintendent of Prohibition and Excise or District Inspector of Prohibition and Excise, as the case may be, a return in form ' B ' of spirituous medicinal preparations received and sold by him in the proceeding month.]

(3) The licensed premises and all spirituous medicinal preparations therein contained shall at all times be open to inspection by any officer empowered under section 122 of the Act.

(4) The licensee shall, when so required by any Prohibition Officer not below the rank of a Sub-Inspector of prohibition and Excise, give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish any information regarding the management of the said premises. He shall answer all questions put to him to the best of his knowledge and belief. He shall also, if so required, allow any officer empowered under section 122 of the Act to take samples of spirituous medicinal preparations free of cost for analysis.

(5) The licensee shall provide a visit book paged and stamped with the seal of the Collector or any other officer authorised by him in this behalf in which visiting officers may record any remarks when inspecting the licensed premises. The licensee shall, on the termination of the period of his licence, deliver up the visit book, the accounts, and the licence to the local prohibition and Excise Inspector.

(6) No person shall be recognised as the partner of the licensee for the purpose of this licence, unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence, or if the partnership is entered into after the granting of the licence unless the Collector agrees, on application made to him, in that behalf to alter the licence and add the name of the partner in the licence.

11. *Licensee to abide by the provisions of the Act.—*

(1) A licensee holding a licence under rule 5 shall comply with all orders and directions issued from time to time by the Commissioner, Collector, Superintendent or District Inspector of prohibition and Excise.

(2) The licensee shall abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the licence and shall give an undertaking to that effect.

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1. Subs. by G. N. of 14-7-1962.

## PART II

*Licence to Registered Medicinal Practitioners and persons in Charge of Hospitals and Dispensaries for dispensing Spirituous Medicinal Preparations*

12. *Application for licence for dispensing spirituous medicinal preparations.*— Any registered medicinal practitioner or any person in charge of a hospital or dispensary desiring to dispense spirituous medicinal preparations shall apply to the Collector for a licence for dispensing such medicinal preparations. The application shall contain the following particulars :

- (i) Name and address of the applicant ;
- (ii) Whether the applicant is a registered medicinal practitioner, his registration number and the name of the authority by which he has been registered ;
- (iii) Where the applicant is a person in charge of a hospital or dispensary his designation and the name of the hospital or dispensary of which he is in charge.

13. *Grant of licence.*—On receipt of an application under rule 12, the Collector may make inquiries for verification of the details stated in the application and also such other inquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence applied for he may grant the applicant a licence in Form “ S. M. P. II. ” On payment of <sup>1</sup>[a fee of <sup>2</sup>[rupee ten] per annum] :

<sup>3</sup>[provided that for the purpose of charging the fee, the fraction of a year shall be reckoned as one complete year.]

<sup>4</sup>[14. *Duration of licence.*— The licence under rule 13 may be granted or renewed for a period not exceeding three years at a time, so however as not to extend beyond the 31st day of March according to the duration for which the licence is granted ;

Provided that in the case of a registered medical practitioner, such licence may be granted or renewed for a period not exceeding three years at a time but not beyond 31st March of the third year from the date of the commencement of the licence.]

15. *Inspection of licensed premises, etc.*

(1) The licensed premises and all medicinal preparations therein contained shall at all times be open to inspection by any officer empowered under section 122 of the Act.

(2) The licensee shall, when so required by any Prohibition Officer not below the rank of a Sub-Inspector of Prohibition and Excise, give an explanation in writing regarding any irregularities detected at his licensed premises and shall furnish any information regarding management of the said premises. He shall answer all questions put to him to the best of his knowledge and belief. He shall also, if so required, allow any officer empowered under section 122 of the Act to take samples of medicinal preparations free of cost for analysis.

<sup>5</sup>[15.A. *Transport of spirituous medicinal preparation.*

(1) No licensee shall transport any spirituous medicinal preparation exceeding <sup>6</sup>[five litres] in quantity except under a valid transport pass.

1. Subs. by G. N. of 2-4-1959.

3. Added by G. N. of 2-4-1959.

5. Subs. by G. N. of 16-7-1958

2. Subs. by G. N. of 16-3-1988.

4. Subs. by G. N. of 4-4-1963.

6. Subs. by G. N. of 18-11-1965.

(2) Any licensee desiring to transport any spirituous medicinal preparation exceeding <sup>1</sup>[five litres] in quantity shall make an application for the grant of transport pass to the Collector or any other Officer authorised by him in this behalf (hereinafter referred to as the ' authorised officer ' ) within whose jurisdiction the licensed premises of the licensee selling such preparation is situated. The application shall be submitted to the said Collector or the authorised officer through the local Superintendent of Prohibition and Excise or the District Inspector of Prohibition and Excise and shall contain the following particulars, namely:—

1. The name and address of the applicant.
2. The kind of the licence held by him and its number and date.
3. The name (s) and quantity (ies) of spirituous medicinal preparations (s) required to be transported.
4. The purpose for which spirituous medicinal preparation(s) is/are to be transported.
5. The place from which spirituous medicinal preparation (s) is/are to be transported.
6. The place to which spirituous medicinal preparation (s) is/are to be transported.
7. The name of the person authorised to transport.
8. The route (state also the place from and to which transport of spirituous medicinal preparations will be by road) by which spirituous medicinal preparation (s) is/are proposed to be removed.
9. The period for which the pass is required.

(3) On receipt of the application under sub-rule (1) the superintendent of Prohibition and Excise or the district Inspector of Prohibition and Excise, as the case may be, shall make such inquiries as he may deem necessary and then forward it with his recommendation to the Collector or the authorised Officer concerned. If the Collector or the authorised Officer is satisfied that there is no objection to grant the transport pass to the applicant, he may grant him a pass in Form " S. M. P. I-A " on payment of <sup>2</sup>[a fee of Re. 1.00nP.]

(4) The transport pass shall be in four parts and each part shall be dealt with as under :

*Part I shall be kept on the record of the Collector granting the pass.*

*Part II shall be forwarded to the licensee from whom spirituous medicinal preparation (s) is/are to be obtained for transport.*

*Part III shall be handed over to the applicant for sending it with the consignment of spirituous medicinal preparations and for record thereafter by him.*

*Part IV shall be forwarded to the District Prohibition and Excise Officer of the place to which the spirituous medicinal preparation (s) is/are to be transported.*

16. *Licensee to abide by the provisions of the Act.*

1. The licensee shall comply promptly with all orders and directions issued from time to time by the Commissioner, Collector, Superintendent or District Inspector of Prohibition and Excise.

2. The licensee shall abide by the provisions of the Act and the rules, regulations and orders made thereunder <sup>3</sup>[and also by all the conditions of the licence which may be imposed by the State Government at the time of granting the licence or at any time during the currency of the licence] and shall give an undertaking to that effect.

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1. Subs. by G. N. of 18-11-1965.

2. Subs. by G. N. of 14-7-1962.

3. Subs. by G. N. of 2-4-1959.

**FORM S.M.P.I**

(See rule 5)

Licence No.....

*Licence for the sale of Spirituous Medicinal Preparations*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder to ..... of .....(hereinafter referred to as “the licensee”) on payment of a licence fee of Rs. .... authorising him to sell spirituous medicinal preparations at his shop situated at ..... (hereinafter referred to as “the licensed premises”) during the period from ..... to ..... on the following conditions, namely :—

1. The licensee shall not keep or sell spirituous medicinal preparations at any place other than the licensed premises :

Provided that he may, with the permission of the Collector, store such medicinal preparation in his warehouse situated at .....

2. The licensee shall not keep in the licensed premises any intoxicants which he is not authorised to sell.

3. The licensee shall keep affixed to the licensed premises a signboard showing the name of the shop.

4. The licensee shall display the licence at a conspicuous place in the licensed premises.

5. The licensee, his heirs, legal representatives or assignees, shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licensee, in case of sale or transfer the heir or legal representatives of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

6. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

Date :

Seal of the  
Collector

Collector of .....

**<sup>1</sup>FORM 'A'**

[See rule 19 (2)]

*Register of accounts of spirituous medicinal preparations received and sold by a person holding a licence in Form S. M.*

*P. I*

No. . . . . during the month of . . . . . 20 . . . . .

Name of the Licence.....

Address .....

Name of the spirituous medicinal preparation .....

Date	Opening balance	Quantity received	From whom received	Total [Columns (2) and (3) ]	Quantity sold	To whom sold	Closing balance	Signature of the licensee	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

1. Ins.by G. N. of 14-7-1962.

**<sup>1</sup>FORM 'B'**

[See rule 19 (2)]

*Monthly return of spirituous medicinal preparations received and sold during the month of* ..... 20 .

Name of the Licence.....

Address .....

S. M. P. I Licence No. ....

Name of the spirituous medicinal preparation	Opening balance on the 1st day of the month	Quantity receive during the month	Total [Columns (2) and (3)]	Quantity sold during the month	Closing balance on the last day of the month	Signature of the licence
(1)	(2)	(3)	(4)	(5)	(6)	(7)

1. Ins.by G. N. of 14-7-1962.

**FORM S.M.P. 1-A**

(See rules 9-A and 15-A)

*Pass for the transport of spirituous medicinal preparations*

Part I.—For record in the office of the Collector or the Authorised Officer]

No. .... dated ..... 20 .

1. Name and address of the transporter.
2. Kind of licence held by the transporter and its number and date.
3. Name and quantity of spirituous medicinal preparations are to be transported.
4. Place from which spirituous medicinal preparations are to be transported.
5. Place to which spirituous medicinal preparations are to be transported.
6. Route.
7. Purpose for which spirituous medicinal preparations are to be transported.
8. Name of consignor and his full address.
9. Date upto which the pass shall be valid.

This pass is granted under the subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder authorising the above transport of spirituous medicinal preparations subject to the following conditions, namely :—

- (a) The whole quantity of spirituous medicinal preparations shall be transported in one consignment only and its bulk shall not be broken in transit.
- (b) The pass holder shall give an undertaking in writing to the Collector or the authorised officer to abide by the above conditions.

Seal

Signature of the Collector or  
the authorised officer

**FORM S.M.P. 1-A**

(See rules 9-A and 15-A)

*Pass for the transport of spirituous medicinal preparations*

Part II.—To be forwarded to the person from whom spirituous medicinal preparations are obtained for transport.

No. .... dated ..... 20 .

1. Name and address of the Transporter.
2. Kind of licence held by the transporter and its number and date.
3. Name and quantity of spirituous medicinal preparations are to be transported.
4. Place from which spirituous medicinal preparations are to be transported.
5. Place to which spirituous medicinal preparations are to be transported.
6. Route.
7. Purpose for which spirituous medicinal preparations are to be transported.
8. Name of consignor and his full address.
9. Date upto which the pass shall be valid.

This pass is granted under the subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder authorising the above transport of spirituous medicinal preparations subject to the following conditions, namely :—

- (a) The whole quantity of spirituous medicinal preparations shall be transported in one consignment only and its bulk shall not be broken in transit.
- (b) The pass holder shall give an undertaking in writing to the Collector or the authorised officer to abide by the above conditions.

Seal

Signature of the Collector or  
the authorised officer

1. Ins. by G. N. of 8-5-1956.
2. Subs. by G. N. of 16-7-1958.

**FORM S.M.P. 1-A**  
(See rules 9-A and 15-A)

*Pass for the transport of spirituous medicinal preparations*

Part III.—To be handed over to the transporter for sending with the consignment and for record thereafter by him.

No. .... dated ..... 19 . . . . .

1. Name and address of the Transporter.
2. Kind of licence held by the transporter and its number and date.
3. Name and quantity of spirituous medicinal preparations are to be transported.
4. Place from which spirituous medicinal preparations to be transported.
5. Place to which spirituous medicinal preparations to be transported.
6. Route.
7. Purpose for which spirituous medicinal preparations are to be transported.
8. Name of consignor and his full address.
9. Date upto which the pass shall be valid.

This pass is granted under the subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder authorising the above transport of spirituous medicinal preparations subject to the following conditions, namely :—

- (a) The whole quantity of spirituous medicinal preparations shall be transported in one consignment only and its bulk shall not be broken in transit.
- (b) The pass holder shall give an undertaking in writing to the Collector or the authorised officer to abide by the above conditions.

Seal

Signature of the Collector or  
the authorised officer

**FORM S.M.P. 1-A**  
(See rules 9-A and 15-A)

*Pass for the transport of spirituous medicinal preparations*

Part IV.—To be forwarded to the [District Prohibition and Excise Officer] of the place to which the spirituous medicinal preparations are to be transported.

No. .... dated ..... 19 . . . . .

1. Name and address of the Transporter.
2. Kind of licence held by the transporter and its number and date.
3. Name and quantity of spirituous medicinal preparations are to be transported.
4. Place from which spirituous medicinal preparations to be transported.
5. Place to which spirituous medicinal preparations to be transported.
6. Route.
7. Purpose for which spirituous medicinal preparations are to be transported.
8. Name of consignor and his full address.
9. Date upto which the pass shall be valid.

This pass is granted under the subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder authorising the above transport of spirituous medicinal preparations subject to the following conditions, namely :—

- (a) The whole quantity of spirituous medicinal preparations shall be transported in one consignment only and its bulk shall not be broken in transit.
- (b) The pass holder shall give an undertaking in writing to the Collector or the authorised officer to abide by the above conditions.

Seal

Signature of the Collector or  
the authorised officer



**FORM S.M.P. II**

(See rule 13)

Licence No. ....

*Licence to Registered Medical Practitioners and Persons-in-charge of  
Hospitals or dispensaries for dispensing Spirituous Medicinal  
Preparations*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter referred to as "medical practitioner" person-in-charge) on payment of a licence fee <sup>1</sup>[of .....] authorising him to dispense spirituous medicinal preparation at his dispensary, the hospital or dispensary situated at ..... (hereinafter referred to as "the licensed premises") during the period from ..... to ..... subject to the following conditions, namely :—

1. The medicinal practitioner/person-in-charge shall not keep in the licensed premises any intoxicants which he is not authorised to dispense or keep.
2. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

Date :

Seal of the  
Collector

Collector of .....

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1. Subs. by G. N. of 2-4-1959.

**(48) THE MAHARASHTRA SPIRITUOUS PREPARATIONS  
(IMPORT AND EXPORT) RULES, 1963**

**G. N., H.D., No. SMP-1460/22851-III, dated 5th December 1963**

**(M. G., Pt. IV-B, P. 1639)**

Amended by G. N., H. D., No. MIS-1164/77479-III, dated 24th January 1968  
(M. G., Pt. IV-B, p. 211).

Amended by Corrig., H. D., No. MIS-1164/77479-III, dated 16th October 1968  
(M. G., Pt. IV-B, p. 1550).

In exercise of the powers conferred by clause (b) of sub-section (2) of section 143 read with sections 11 and 53 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of all previous Rules in so far as they relate to the matters provided for in these Rules, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the said section 143 :

1. *Short title.*—These Rules may be called the Maharashtra Spirituous Preparations (Import and Export) Rules, 1963.

2. *Extent.*—These Rules extend to the whole of the State of Maharashtra.

3. *Definitions.*—In these Rules, unless the content requires otherwise,—

(1) “Act” means the Bombay Prohibition Act, 1949 ;

(2) “Exporting Place” means a place outside the State of Maharashtra from which a spirituous preparation is imported ;

(3) “Form” means a form appended to these Rules ;

(4) “Importing Place” means the place outside the State of Maharashtra to which a spirituous preparation is exported ;

(5) “Place of Export” means the place in the State of Maharashtra from which a spirituous preparation is exported ;

(6) “Place of Import” means the place in the State of Maharashtra in which a spirituous preparation is imported ;

(7) “Spirituous Preparation” means and medicinal or toilet preparation containing alcohol, which is determined by the State Government under section 6-A of the Act to be fit for use as an intoxicating liquor.

**Procedure for the import of spirituous preparations**

4. *Importer to apply for Import Pass.*—Any person who holds a licence or permit under the Act for the sale or possession of any spirituous preparation or is permitted to possess or sell such preparation under the Act and who desires to import (hereinafter referred to as “importer”) any spirituous preparation shall apply in Form S.P./A-1 for an import pass to the Collector or any other officer duly authorised in this behalf.

5. *Issue of Pass.*—(1) On receipt of the application made under rule 4, the Collector or the officer authorised shall make such inquiries as he may deem necessary and if he sees no objection, he may grant the applicant an import pass in Form S. P. 1 on payment of a fee of Re. 1.

(2) Every pass granted under sub-rule (1) shall show the designations of the officers by whom, and the places at which, the consignment of spirituous preparations to be imported, is to be inspected *en route* under rule 9 and examined on arrival at the place of import under rule 10. In case of import by road, one of the inspecting officers shall be the Prohibition and Excise Officer-in-charge of the taluka in which the place where the consignment enters the limits of the State is situated, or an officer deputed by him in this behalf. In cases of import by rail direct to the place of import, one of the inspecting officers shall be the Prohibition and Excise Officer-in-charge of the place where the railway station to which the consignment is to be booked is situated or an officer deputed by him in this behalf.

(3) Every pass granted under sub-rule (1) shall be in four parts which shall be dealt with as under :—

PART I shall be retained on the records of the officer issuing the pass ;

PART II shall be sent by post to the Excise Officer at the exporting place ;

PART III shall be sent to the Superintendent of Prohibition and Excise or the District Inspector of Prohibition and Excise at the place of import ; and

PART IV shall be handed over to the importer or his agent together with the Form “Certificate-1” annexed thereto.

6. *Procedure to be followed at the exporting place.*—As soon as the consignment of spirituous preparations to be imported is ready for despatch from the exporting place, the importer or his agent shall obtain a certificate in the Form “Certificate-1” annexed to Part IV of the pass from the Excise Officer at the exporting place.

7. *Procedure in transit.*—Part IV of the pass and the certificate shall be sent along with the consignment while in transit and shall be produced for inspection on demand made by any Prohibition and Excise Officer or Police Officer not below the rank of a Sub-Inspector or any Revenue Officer not below the rank of an *Aval Karkun*.

8. *Timely intimation of arrival of consignment to be given to inspecting and examining officers.*—The importer or his agent shall to the inspecting and examining officers named in the pass at least three days previous intimation of the date and hour when the consignment will be ready for inspection or examination, as the case may be, at the places appointed for the purpose and shown in the pass. On receipt of such intimation, the officer concerned shall proceed himself or depute another officer to proceed to the place appointed for inspection or examination, as the case may be, to inspect or examine the consignment. The inspection and examination shall be made in accordance with the procedure prescribed in rules 9 and 10 respectively.

9. *Inspection of consignment enroute.*—On arrival of the consignment at the appointed place of inspection, the importer shall produce Part IV of the pass and the certificate before the inspecting officer named in the pass. The inspecting officer shall compare the number, marks and other particulars on each receptacle or package forming part of the consignment with those shown in the certificate issued by Excise Officer at the exporting place, and in the Railway receipt in the case of consignment sent by rail, and satisfy himself that the seals on such receptacles or packages are intact and that they have not been tampered with if on inspection any receptacles or package is found to have been tampered with, or otherwise damaged, the inspecting officer shall ask the importer to get in securely packed in his presence and after this has been done, the inspecting officer

shall re-seal such receptacle or package with his own seal and allow the consignment to proceed, after making necessary remarks on the pass and the certificate and noting thereon the impression of the seal with which such receptacle or package has been re-sealed by him. He shall then hand over to the importer Part IV of the pass and the certificate.

10. *Examination of consignment at place of import.*—(1) The importer shall, on arrival of the consignment at the place appointed for its examination and shown in the pass, produce Part IV of the pass and the certificate before the examining officer named in the pass. The examining officer shall examine the consignment and satisfy himself that—

(a) The numbers, marks and other particulars shown on each receptacle or package forming part of the consignment tally with those shown in the certificate issued by the Excise Officer at the exporting place and the note made by the inspecting officer ;

(b) The seals on each such receptacle or package are intact and that they have not been tampered with in transit ; and

(c) The number of bottles contained in the receptacles or packages is correct and that they are intact.

(2) If the examining officer finds on examination of the consignment under sub-rule (1) that the consignment does not tally with the details of the spirituous preparation given in Part IV of the pass and the certificate, the examining officers shall not release the consignment but report the facts to his immediate superior and act according to his orders.

11. *Drawing of samples and their disposal.*—The following procedure shall be observed in drawing samples and sending them either to the Director, Forensic Science Laboratory and Chemical Analyser to Government or the Director, Haffkine Institute, Bombay, for the purpose of analysis, as the Collector may direct, that is to say :-

(a) Two samples shall be drawn from each spirituous preparation, free of cost ;

(b) A sample shall be not less than four fluid ounces ;

(c) Each bottle of sample shall be properly corked and sealed with the examining officers seal and labelled as shown in the astric margin.

\*No. of Import Pass .....

Date of Import Pass .....

The name of spirituous prepatation .....

No. and date of forwarding letter .....

(d) The sample shall be drawn and sealed in the presence of the importer or his agent ;

(e) The duplicate samples shall be kept under lock until such time as the result of analysis has been received provided that they may forwarded to the Director, Forensic Science Laboratory and Chemical Analyser to Government or the Director, Haffkine Institute, Bombay, as the case may be, if he requires them for replacing the samples sent to him or for further analysis. The duplicate samples, when no longer required, shall be returned to the importer or his agent.

12. *Release of consignment after examination.*—The examining officer shall note the result of his examination under rule 10 on the reverse of Part IV of the pass and on the certificate. He shall then allow the consignment to be removed if he is satisfied that the consignment tallies in all respects with the details of the spirituous preparation given in Part IV of pass and the certificate.

13. *Importer to bear all costs and risks of conveyance.*—The cost of conveying the consignment of the spirituous preparation to the place of import and all risks incidental to such conveyance shall be borne by the importer.

**Procedure for export of spirituous preparations**

14. *Exporter to obtain a permit from the Excise Officer at the importing place .—* Any person who holds a licence or permit under the Act for the sale or possession of spirituous preparation or is permitted to possess or sell spirituous preparation under the Act and who desires to export any spirituous preparation (hereinafter referred to as “exporter”) to any other part of India shall first obtain a permit or No-objection certificate from the Collector or the Excise Officer at the importing place authorising him to export such spirituous preparation to that place.

15. *Application for Export Pass.*—On receipt of such permit, the exporter shall apply in Form S.P./A-2, for an export pass, to the Collector or any other officer duly authorised in this behalf along with the said permit.

16.. (1) *Issue of Export Pass.*—On receipt of the application under rule 15, the Collector or the officer authorised in that behalf shall make such inquiries as he may deem necessary, and if he sees no objection grant him an export pass in Form S.P. 2 on payment of a fee of Re. 1

(2) Every pass granted under this rule shall be in four parts which shall be dealt with as under—

PART I shall be retained on the record of the office of the Collector or the Officer granting the pass ;

PART II shall be handed over to the applicant ;

PART III shall be handed over to the applicant who shall send it along with the consignment to the person receiving spirituous preparations at the importing place ;

PART IV shall be sent by post to the Collector or the Excise Officer of the importing place with a request to endorse thereon the quantity of spirituous preparation in Bulk Gallon and Proof Gallon received at the importing place and to return it to the Collector or the Officer who issued the export pass.

17. *Removal of spirituous preparation under excise escort.*—Where the spirituous preparation which is to be exported is removed whether wholly or partly by road through the limits of the State of Maharashtra, the holder of the pass shall, on being required by the Collector or the aforesaid officer so to do, remove such spirituous preparation through such limits under excise escort and shall pay in advance the cost of the escort fixed by the Collector or the aforesaid officer in this behalf.

18. *Exporter to obtain Certificate-2 and deliver it to Collector or officer issuing Pass.*—The exporter shall, on the consignment of the spirituous preparations reaching its destination, obtain a certificate in Form “Certificate-2”, annexed to Part II of the pass from the Excise Officer at the importing place and deliver it immediately to the Collector or officer who issued the pass

19. *Genral.*—Notwithstanding anything contained in these Rules, no pass under these rules shall be necessary for the import or export of any spirituous preparation which is imported or exported under an import or export licence granted under the Bombay Spirituous Preparations (Inter-State Trade and Commerce) Control Rules, 1955.

**FORM S.P/A-1**

(See rule 4)

**Application for a pass to import spirituous preparations**

1. Name and address of the applicant ..
2. The description of spirituous preparation to be imported
  - (a) Name of the spirituous preparation (together with the name of the manufacture)
  - (b) Quantity .. ..
  - (c) Alcoholic strength of the spirituous preparation.
3. Place, i.e., Shop No./House No. where it is to be imported together with the names of village/town, taluka and district.
4. Name and address of the person from whom to be imported.
5. Exporting place (names of the village/town, taluka, district and State).
6. Route by which to be imported (please state railway route and also the road route, if any).
7. Purpose for which the spirituous preparation is required to be imported.
8. Whether the above spirituous preparation is available from any dealer or manufacturer in the State of Maharashtra and if so, why it is necessary to import it from outside.
9. Whether the applicant is dealer in the above spirituous preparation and similar preparations, and if so, since how long he is doing the business of such dealer.
10. Whether the applicant has imported this preparation in the pass and if so, when and from whom

- 11. Whether he holds a licence or permit for the sale or possession under—
  - (a) The Drugs Act, 1940 ;
  - (b) The Bombay Spirituous Medicinal Preparation (Sale) Rules 1954 ;
  - (c) The Bombay Spirituous Toilet Preparations (Sale) Rules 1954 ;
  - (d) The Bombay Spirituous Medicinal and Toilet Preparations (Use of Liquor) Rules, 1955 ;
  - (e) The Spirituous Preparations (Inter State Trade and Commerce) Control Act, 1955 ;
  - (f) The Bomaby Drugs (Control) Act, 1959.

I have been convicted on (date)\*  
 12. I have not been convicted at any time of an offence punishable under any provision of the Bomaby Prohibition Act, 1949, the Bombay Drugs (Control) Act, 1959, the Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955, the Dangerous Drugs Act, 1930 or the Drugs Act, 1940, or any other law relating to liquor, intoxicating drugs or opium ;<sup>1</sup> \* \* \*

I declare that the above particulars are correct.

I undertake that as soon as the consignment of the above spirituous preparation is received at the abovementioned destination. I shall inform the local Prohibition and Excise Officer of its arrival and shall keep the consignments intact for a period of 72 hours from the time of his receiving such intimation or till it is examined by him, whichever is earlier.

I request that an import pass under the Maharashtra Spirituous Preparations (Import and Export) Rules, 1963, for the import of the spirituous preparations as stated above may please be granted to me.

\* Strike out whichever is not applicable.

Place .....

Date.....

Signature of the applicant.

To

The Collector of.....

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1. Deleted by G.N. of 24-1-1968

**FORMS. P. 1**

[See rule 5 (1)]

**PART I***(For record in the office of the officer issuing the pass)***Pass for the import of spirituous preparation**

No. ....

Dated .....

Shri/Shrimati/Kumari/Messrs. ....  
of ..... is/are hereby authorised  
to import the undermentioned quantity of spirituous preparation from .....  
of ..... in the district of .....  
in the state of ..... to his/her/their premises at  
..... in the district of.....  
in the State of Maharashtra for the purpose of .....

*Name and quantity of spirituous preparation*

Number and description of each kind of receptacle of package	Name of the spirituous preparation	Quantity contained in each receptacle or package	Strength
		B.L.	P. L.

*Conditions*

The consignment shall be conveyed by rail and/or road to its destination direct, *via* ....., shall be inspected *en route* at ..... by ..... and on arrival at the destination shall be examined at ..... by .....  
It shall not be broken in transit.

This pass shall remain in force up to ..... a.m./p.m. of .....  
20 .

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and the conditions specified above.

Seal of  
the Collector  
or the  
Officer issuing  
the pass

Collector .....  
officer issuing the pass.



**FORM S. P. 1**

[See rule 5 (1)]

**PART II***(To be sent by post to the Excise officer at the exporting place)***Pass for the import of spirituous preparation**

No. ....

Dated .....

Shri/Shrimati/Kumari/Messrs. ....  
of ..... is/are hereby authorised to import the  
undermentioned quantity of spirituous preparation from .....  
of ..... in the district of ..... in  
the State of ..... to his/her/their premises at .....  
in the district of ..... in the State of  
Maharashtra for the purpose of .....

*Name and quantity of spirituous preparation*

Number and description of each kind of receptacle of package	Name of the spirituous preparation	Quantity contained in each receptacle or package	Strength
		B.L.	P. L.

*Conditions*

The consignment shall be conveyed by rail and/or road to its destination direct, *via* ....., shall be inspected *en route* at ..... by ..... and on arrival at the destination shall be examined at ..... by ..... It shall not be broken in transit.

This pass shall remain in force up to ..... a.m./p.m. of ..... 19 ..

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and the conditions specified above.

Seal of  
the Collector  
or the  
Officer issuing  
the pass

Collector .....  
officer issuing the pass.

**FORM S. P. 1**

[See rule 5 (1)]

**PART III**

*(To be sent to the Superintendent of Prohibition and Excise District Inspector of Prohibition and Excise at the importer's place)*

**Pass for the import of spirituous preparation**

No. ....

Dated .....

Shri/Shrimati/Kumari/Messrs. ....  
of ..... is/are hereby authorised to import the  
undermentioned quantity of spirituous preparation from .....  
of ..... in the district of ..... in the  
State of ..... to his/her/their premises at .....  
in the district of ..... in the  
State of Maharashtra for the purpose of .....

*Name and quantity of spirituous preparation*

Number and description of each kind of receptacle of package	Name of the spirituous preparation	Quantity contained in each receptacle or package	Strength
		B.L.	P. L.

*Conditions*

The consignment shall be conveyed by rail and/or road to its destination direct, *via* ....., shall be inspected *en route* at ..... by ..... and on arrival at the destination shall be examined at ..... by ..... It shall not be broken in transit.

This pass shall remain in force up to ..... a.m./p.m. of ..... 19 ..

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and the conditions specified above.

Seal of  
the Collector  
or the  
Officer issuing  
the pass

Collector .....  
officer issuing the pass.

**FORM S. P. 1**

[See rule 5 (1)]

**PART IV***(To be handed over to importer or his agent)***Pass for the import of spirituous preparation**

No. ....

Dated .....

Shri/Shrimati/Kumari/Messrs. .... of  
 ..... is/are hereby authorised to import the undermentioned  
 quantity of spirituous preparation from ..... of  
 ..... in the district of ..... in  
 the State of ..... to his/her/their premises at ..... in  
 the district of ..... in the State of  
 Maharashtra for the purpose of .....

*Name and quantity of spirituous preparation*

Number and description of each kind of receptacle of package	Name of the spirituous preparation	Quantity contained in each receptacle or package	Strength
		B.L.	P. L.

*Conditions*

The consignment shall be conveyed by rail and/or road to its destination direct, *via*  
 ....., shall be inspected *en route* at ..... by  
 ..... and on arrival at the destination shall be examined at  
 ..... by .....  
 It shall not be broken in transit.

This pass shall remain in force up to ..... a.m./p.m. of ..... 19 ..

This pass is granted under and subject to the provisions of the Bombay Prohibition  
 Act, 1949, the rules, regulations and orders made thereunder and the conditions specified  
 above.

Seal of  
 the Collector  
 or the  
 Officer issuing  
 the pass

Collector .....  
 Officer issuing the pass.

**FORM "CERTIFICATE-1"**

(See rule 6)

No. ....

Dated .....

Certified that Shri/Shrimati/Kumari/Messrs. ....  
 ..... of .....  
 who has/have been granted an import pass No. ....  
 dated ..... by .....  
 has/have been issued spirituous preparation from the premises of .....  
 ..... of ..... as  
 shown below :—

Name of the spirituous preparation	Number and description of each kind of receptacle or package	Marks and Nos. on packages or receptacles	Quantity contained in each receptacle or package	
			B.L.	P.L.

and that the receptacle and packages containing the said spirituous preparation are  
 securely packed in my presence and sealed with my official seal.

Signature and designation of the  
 Excise Officer at the exporting place.

Place .....

**FORM S.P./A-2**

(See rule 15)

**Application for a pass to export spirituous preparations**

1. Name and address of the applicant ..
2. The description of spirituous preparation  
to be exported—
  - (a) Name of the spirituous preparation  
(together with the name of the  
manufacturer)
  - (b) Quantity .. ..
  - (c) Alcoholic strength of the spirituous  
preparation.

3. Place, *i.e.*, Shop No./House No. where it is to be imported together with the name of village/town, taluka and district.
4. Name and address of the person to whom the spirituous preparation is to be exported.
5. Importing place (name of the village/town, taluka, district and State).
6. Route by which to be exported (please state railway route and also the road route, if any).
7. Whether the application for export of the spirituous preparation is accompanied by a corresponding import permit or no objection certificate granted by the Collector or Excise Officer of the district to which it is to be exported.
8. Whether the applicant has exported this preparation in past one year.
9. Whether the applicant holds a licence under :-
  - (a) The Drugs Act, 1940 ;
  - (b) The Bombay Spirituous Medicinal Preparation (Sale) Rules 1954 ;
  - (c) The Bombay Toilet Preparations (Sale) Rules 1954 ;
  - (d) The Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955;
  - (e) The Bombay Drugs (Control) Act, 1959.
10. I have been convicted on (date)\* of an offence punishable under any provision of the Bombay Prohibition Act, 1949, the Bombay Drugs (Control) Act, 1959, the Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955, the Dangerous Drugs Act, 1930 or the Drugs Act, 1940, or any other law relating to liquor, intoxicating drugs or opium ;<sup>1</sup> \* \* \* \*

I declare that the above particulars are correct.

I undertake that as soon as possible within three months of the expiry of the pass for the export of the abovementioned spirituous preparation, I shall produce before the local Superintendent of Prohibition and Excise or District Inspector of Prohibition and Excise, as the case may be, a receipt signed by the importer in token of his having received the spirituous preparation in question.

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<sup>1</sup>: Deleted by G.N. of 24-1-1968

I request that a pass under the Maharashtra Spirituous Preparations (Import and Export) Rules, 1963, for the export of the spirituous preparations referred to above may please be granted to me.

(\* Strike out whichever is not applicable)

Place .....

Date.....

Signature of the applicant.

To

The Collector of.....

### FORM S.P. 2

(See rule 16)

#### PART I

(To be retained on the record of the office of the Collector or the officer granting the pass)

#### Pass for the export of spirituous preparation

No. ....

Dated .....

1. Name and address of the exporter. . .
2. Kind of licence or permit held by the exporter and its No.
3. Quantity and name of spirituous preparation to be exported.
4. Name and address of the person to whom spirituous preparation is to be exported.
5. Place to which spirituous preparation is to be exported.
6. Place from which spirituous preparation is to be exported.
7. Route (State also the place up to which removal of spirituous preparation will be by road during its transit in the State of Maharashtra).
8. Period for which this pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and order made thereunder and subject to the following conditions, namely :-

(a) The whole quantity of spirituous preparation shall be exported in one consignment only and its bulk shall not be broken in transit.

(b) The pass-holder shall give an undertaking in writing to abide by the above condition.

Seal of  
the Collector  
or the  
Officer issuing  
the pass

Collector .....

Officer issuing the pass.

Place .....

---

**FORM S.P. 2**

(See rule 16)

**PART II**

(To be handed over to the applicant)

**Pass for the export of spirituous preparation**

No. ....

Dated .....

1. Name and address of the exporter. . .
2. Kind of licence or permit held by the exporter and its No.
3. Quantity and name of spirituous preparation to be exported.
4. Name and address of the person to whom spirituous preparation is to be exported.
5. Place to which spirituous preparation is to be exported.
6. Place from which spirituous preparation is to be exported.
7. Route (State also the place up to which removal of spirituous preparation will be by road during its transit in the State of Maharashtra).
8. Period for which this pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and order made thereunder and subject to the following conditions, namely :-

- (a) The whole quantity of spirituous preparation shall be exported in one consigned only and its bulk shall not be broken in transit;
- (b) The pass-holder shall give an undertaking in writing to abide by the above condition.

Seal of  
the Collector  
or the  
Officer issuing  
the pass

Collector .....  
Officer issuing the pass.

Place .....

**FORM "CERTIFICATE-2"**

(See rule 18)

No. ....

Dated .....

Certified that Shri/Shrimati/Kumari/Messrs. ....  
..... who has/have been  
granted an export pass No. .... dated .....  
..... by ..... has/have been  
delivered the spirituous preparation as shown below on .....  
..... to ..... of .....  
..... in the district of .....  
in the State of .....

Name of spirituous	No. of packages or receptacles	Quantity delivered			Remarks
		Bulk P.L.	Strength	Proof P.L.	

and that the seals on the packages and receptacles containing the above spirituous preparation were in tact at the time of delivery of the consignment at its destination.

Signature and designation of the Excise  
Officer at the importing place.

Place .....



**FORM S.P. 2**

(See rule 16)

**PART III***(To be sent by the application with the consignment to the person receiving it at the place of import)***Pass for the export of spirituous preparation**

No. ....

Dated .....

1. Name and address of the exporter. . .
2. Kind of licence or permit held by the exporter and its No.
3. Quantity and name of spirituous preparation to be exported.
4. Name and address of the person to whom spirituous preparation is to be exported.
5. Place to which spirituous preparation is to be exported.
6. Place from which spirituous preparation is to be exported.
7. Route (State also the place up to which removal of spirituous preparation will be by road during its transit in the State of Maharashtra).
8. Period for which this pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and order made thereunder and subject to the following conditions, namely :-

(a) The whole quantity of spirituous preparation shall be exported in one consignment only and its bulk shall not be broken in transit.

(b) The pass-holder shall give an undertaking in writing to abide by the above condition.

Seal of  
the Collector  
or the  
Officer issuing  
the pass

Collector .....

Officer issuing the pass.

Place .....

**FORM S.P. 2**

(See rule 16)

**PART IV**

*(To be sent by post to the Collector or the Excise Officer of the importing places)*

**Pass for the export of spirituous preparation**

No. ....

Dated .....

1. Name and address of the exporter. . .
2. Kind of licence or permit held by the exporter and its No.
3. Quantity and name of spirituous preparation to be exported.
4. Name and address of the person to whom spirituous preparation is to be exported.
5. Place to which spirituous preparation is to be exported.
6. Place from which spirituous preparation is to be exported.
7. Route (State also the place up to which removal of spirituous preparation will be by road during its transit in the State of Maharashtra).
8. Period for which this pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and order made thereunder and subject to the following conditions, namely :-

- (a) The whole quantity of spirituous preparation shall be exported in one consignment only and its bulk shall not be broken in transit.
- (b) The pass-holder shall give an undertaking in writing to abide by the above condition.

Seal of  
the Collector  
or the  
Officer issuing  
the pass

Collector .....  
Officer issuing the pass.

Place .....

[49] **G. N., R. D., No. SMP. 1054 dated 19th February 1955**  
**(B.G.Pt. IV-B, p. 759)**

Whereas the Government of Bombay considers that the following rule should be brought into force at once;

Now therefore, in exercise of the powers conferred by clause (v) of sub-section (2) of section 143 read with section 107-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to make the following rule, namely :-

“Every person who imports or manufactures any of the articles mentioned in section 24-A of the said Act which the State Government has determined under section 6-A to be unfit for use as intoxicating liquor shall.

(i) within forty-eight hours of its importation or manufacture, as the case may be, submit to the Collector in Form ‘A’ annexed hereto a declaration of the quantity of such article in his possession; and

(ii) maintain accounts of the said articles in Form ‘B’ annexed hereto and shall submit to the Collector before 5th day of every calendar month a monthly return in Form ‘C’ annexed hereto of the stock of such articles held by him during the preceding month and the quantity imported, manufactured, used, sold or exported during the said month and the amount of excise or countervailing duty paid on such article during that month.

**FORM A**

**Form of Declaration**

I, ..... (Name of the importer or manufacturer), of ..... hereby declare that I have \*imported on \*manufacturer on address ..... hereby declare that I have \*imported on \*manufacturer on ..... (Please state here the date, month and year) the following articles mentioned in section 24.A of the Bombay Prohibition Act, 1949, which the State Government have determined under section 6-A of the said Act to be unit for use as intoxicating liquor and that they are in my possession at present :-

Serial No.	Name of the article	Quantity imported	Quantity manufactured	Whether excise duty or counter-valing duty, if any, has been paid on the article	Amount of duty paid	Rate at which duty paid	Name of Treasury in which duty is paid and the date of payment	Evidence to show that duty has been paid together with corresponding chalan, receipt or pass
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
					Rs. a.p	Rs. a.p		

Date :

Place :

To,

The collector of

Signature of the importer or manufacturer

\*Strike off which is inapplicable.

**FORM B**

Register of account of the articles mentioned in section 24-A of the Bombay Prohibition Act, 1949, for the month  
 ..... of ..... 20 ..... Name of  
 the importer or manufacturer ..... address ..... Name of the article

(1) Date	(2) Open- ing balance	(3) Qty. impor- ted	(4) Date of impor- tation	(5) Amt. of excise duty or counter- vailing duty paid	(6) Chalan No. and date showing the payment of excise duty or counter vailing duty paid	(7) Name of the Treasury in which duty is paid	(8) Quantity manufa- red	(9) Date of manufa- cture	(10) Amt. of excise duty paid	(11) Chalan No. and date showing the payment of duty	(12) Name of the Treasury in which duty is paid	(13) Remarks if any, and initials of the importer or manufacturer
				Rs. a.p.					Rs.			

**FORM C**  
**Form of Return**

Monthly return of the articles mentioned in section 24-A of the Bombay Prohibition Act, 1949, for the month of Name of the importer or manufacturer –  
Address –

Name of the article									
Opening balance of the 1st day of the month	Quantity imported during the month	Quantity imported during the month	Total of Columns (1) to (3)	Amount of excise or counter-vailing duty paid on the article	Name of the treasury in which duty is paid	Chalan, receipt or pass No. under which duty is paid	Quantity used sold or exported during the month	[Closing on the last day of the month col. (4) and col. (8) ]	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
				Rs. a.p.					

Date :

Place :

To

The Collector

Signature of the importer or manufacturer.

(50) **THE BOMBAY PROHIBITION (BOARD OF EXPERTS)  
RULES, 1954**

**G. N., R.D., No. 6129/51 dated 15th April 1954 (B. G., Pt. IV-B, p. 589)**

- 1 Amended by G. N., R. D., No. 6129/51 (a), dated 21st April 1953 (B. G., Pt. IV-B, p. 1038).
- 2 Amended by G. N., R. D., No. EST 3556, dated 14th July 1956 (B. G., Pt. IV-B, p. 887).
- 3 Amended by G. N., H. D., No. SPB-1160/1828(6)-III dated 3rd June 1961 (M.G., Pt. IV-B, p. 527)
- 4 Amended by G. N., H.D., No. SPB 1160/1828/57-III, dated 14th November 1962 (M. G., Pt. IV-B, p. 3060).

In exercise of the powers conferred by section 143, read with section 6A, of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to make the following rules, namely :—

1. These rules may be called the Bombay Prohibition (Board of Experts) Rules, 1954.
2. The Board shall consist of<sup>1</sup> (ten) members appointed by the State Government, of whom one shall be the Chairman and another the Secretary. The Chairman and the Secretary shall also be appointed by the State Government.
3. No person shall be qualified to be appointed a member unless he —
  - (1) hold any of the following degrees :
 

M.B.B.S., M.D., Ph. D. (Pharm) : B.Sc., D.Sc., B. Pharm.; or an Ayurvedic degree or diploma conferring the right of registration under the Bombay Medical Practitioner's Act, 1938; or
  - (2) has at least five years' experience in the aggregate as a teacher, professor or principal in an Ayurvedic, pharmacological, pharmaceutical or medical college or institution; or
  - (3) has at least five years' experience as a chemist or pharmacologist in a manufactory of pharmaceuticals or drugs.
4. (1) Every meeting shall be presided over by the Chairman
  - (2) If at any meeting the Chairman is not present within 15 minutes of the time appointed for holding the meeting, the meeting shall be presided over by such one of the members present as may be chosen by the members present at the meeting to be Chairman for the meeting.
5. (1) All matters coming before the meeting of the Board shall be decided by a majority of the votes of the members present and voting.
  - (2) In the case of an equality of votes, the Chairman or the presiding authority shall have a second or casting vote.

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<sup>1</sup> Subs. by G.N. of 14-11-1962

6. The Chairman shall decide what business shall be transacted by holding a meeting of the Board and what business shall be transacted by circulation to members of the Board and by recording their votes in writing ;

Provided that if two more members express in writing their desire to decide any matter by holding a meeting of the Board instead of by circulation, the Chairman shall place the matter before a meeting of the Board.

7. In the discharge of its functions under these rules the Board may consult any person or body it may deem necessary.

8. The recommendations of the Board shall be forwarded to the State Government in the Revenue Department.

**(51) List of fit preparations**—In pursuance of sub-section (6) of section 6-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government has determined the following spirituous medicinal and toilet preparations as fit for use as intoxicating liquor ;

Serial No. (1)	Name of the Preparation (2)	Pharmacopocial Name of the Manufacturer (3)	Number and date Government Resolution (4)
1.	Tincture Alstonia ..	B.P. 1914	
2.	Tincture Buchu ..	B.P.C. 1949	
3.	Tincture Calumbac ..	B.P. 1948	
4.	Tincture Carminative ..	B.P.C. 1949	
5.	Tincture Cubebs ..	B.P.C. 1914	
6.	Liquid Extract of Kola ..	B.P.C. 1949	G.R., II.D. No.
7.	Tincture Myrhare ..	B.P. 1948	SMP. 1055
8.	Tincture Quassiac ..	B.P. 1948	dated 2nd
9.	Tincture Sunbul ..	B.P. 1898	January 1955.
10.	Tincture Saussureac ..	I.P.L., 1946	
11.	Hall's Tonic Wine ..		

The Board of Experts has advised Government that quantities specified in column (3) below against Spirituous Preparations spicified against them are sufficient to produce intoxication :—

Serial No. (1)	Name of Spirituous Preparation (2)	Quantity in Metric Units (3)	Quantity in Imperial Units (4)
		MI.	Fl. oz
1.	Tincture Alstonia B.P. 1914 ..	87	3.1
2.	Tincture Buchu B.P.C.1949 ..	76	2.7
3.	Tincture Calumbac B.P. 1948 ..	75	2.6
4.	Tincture Carminative B.P.C.1949	51	1.8
5.	Tincture Cubebs B.P. 1914 ..	52	1.8
6.	Liquid Extract of Kola B.P.C.1949	82	2.9
7.	Tincture Myrhare B.P.1948 ..	52	1.8
8.	Tincture Quassiac B.P. 1948 ..	100	3.5
9.	Tincture Sunbul B.P. 1898 ..	67	2.4
10.	Tincture Saussureac I.P.L. 1946	50	1.8
11.	Hall's Tonic Wine ..	265	9.3



(1)	(2)	(3)	(4)
12.	Spirit Pudiac	..	..
13.	Tr. Karmeria	..	..
14.	Tr. Catechu	..	..
15.	Tr. chrata	..	..
16.	Aqua Cinnamon cone.	..	..
17.	Tr. Catechu Nigri	..	..
18.	Tr. Limonis	..	..
19.	Ext. Punamava Liq.	..	..
20.	Tr. Tolutana	..	..
21.	Tr. Pyrethri B. P. 1914	..	..
22.	Aqua Anisi Concentrata	..	..
23.	Aqua Cari Concentrata	..	..
24.	Himprash	..	..
25.	Abhyadi Kadha	..	..
26.	Bay Rum	..	..
27.	Tincture Limonis	..	..
28.	Ralovin	..	..
29.	Kenwin	..	..
30.	Olven Tonic	..	..
31.	Vin Tonique Quin Vinto	..	..
32.	Deshmoolasudha	M/s Vedic Pharmaceutical Works, Nagpur	G.R., R.D., No. SMP 1055, dated 28th February, 1957.
33.	Brihat or Mahdra kshasava	..	do.
34.	Ark Somanta.	..	do.
35.	Ark Asavabard	..	do.
36.	Ark Kandi	..	do.
37.	Ark Karabadin	..	do.
38.	Ark Khushbu.	..	do.
39.	Mahadrakshasave	M/s . Vidarbha Ayurvedic Rasashala Nagpur	G.R., R.D., No. SMP 1056 79948-J dt. 23-6-195
40.	Mahadrakshasave	M/s. Brahma Aushadhalya Nagpur	G.R., R.D., No. SMP 1057 170195-J, dt. 1-2.1958
41.	Mahadrakshasave	M/s. Yogamala Aushadhalaya Palasi, Dist. Bhandara	G.R., R.D., No. SMP 1056 79948-J dt. 23-6-195
42.	Dahsmulrishta	M/s. Vedic Pharmaceutical Works Nagpur	G.R., R.D., No. SMP 1059/61125-J dt. 15-1-1960.
43.	Dashmool Sudha	M/s. Yogamala Aushadhalaya Paladi, Dist. Bhandara	G.R., R.D., No. SMP 1057 170195-J, dt. 1-2.1958
44.	Mrit Sanjivani Sura	M/s. Baidyanath Ayurved Bhavan Pvt., Ltd., Patna.	G.R., R.D., No. SMP 1056 79948-J dt. 23-6-195
45.	Mrit Sanjivani Sura	M/s. Sadhana Aushadhalaya, Dacca.	G.R., R.D., No. SMP 1056 79948-J dt. 23-6-195

(1)	(2)	(3)	(4)
46.	Dashmularishta	M/s. Vidarbha Ayurvedic Rasashala, Nagpur.	
47.	Tincture Azadirchta B.P. 1898 I.C.A.	M/s . Bombay Drug House, Pt. Ltd, Bombay.	G.R.,H.D. No. SMP-1060-III,dt.21-12-1960 and G.R., H.D. No. SMP 1061/C-4248-III, dated 22-11-1961.
48.	Ayurvedic Salsa	M/s. Yogamala Aushadhalaya Paladi, Distt. Bhandara.	
49.	Essence of Neem	M/s. Bengal Chemical and Pharmaceutical Works, Ltd. Bombay.	G.R.,H.D., No. SMP-1660/17396-III dt. 21-12-1960.
50.	Tincture of Urganca	I.P.	G.R.,H.D., No. SMP-1660/17396-III dt. 1-3-1961.
51.	Tankanadyasava	M/s. Vedic Pharmaceutical Works, Nagpur.	G.R.,H.D., No. SMP-1060-III,dt 5-4-1961 and 23-8-1961.
52.	Paushtikasava	M/s. Brahma Aushadhalya, Nagpur.	
53.	Dashmularishta	Do.	
54.	Uswasava	M/s. Yogamala Aushadhalaya Paladi, Distt. Bhandara.	
55.	Allium Sativum 50 X	M/s. Vino Chemical and Pharmaceutical Works, Raipur (M.P.)	G.R.,H.D., No. SMP-11960/C-5497-III, dt. 9-5-1961.
56.	Tincture Adhatoda	M/s. Bombay Drugs House Pvt. Ltd., Bombay.	G.R.,H.D., No. SMP-1061/C679-III, dt. 25-5-1961.
57.	Inf. Buchu Conc.	B.P. 1932	G.R.,H.D., No. SMP-1059/28536-III, dt. 25-5-1961.
58.	Vasakasava No. 6	M/s. Yogamala Aushadhalaya Paladi, Distt. Bhandara.	G.R.,H.D., No. SMP 1061/C-1952-III, dt. 28-6-1961.
59.	Paushitikasava No.	M/s. Vedic Pharmaceutical Works, Nagpur.	
60.	Metovit	M/s. Metro Golden Labs, (India), Bombay.	
61.	Metofit	Do.	
62.	Tr. Berteridis	B.P. 1914	G.R.,H.D., No. SMP-1061/C-2329-III, dt. 4-10-1961.
63.	Tankanadyasava	M/s. Yogamala Aushadhalaya Paladi, Distt. Bhandara.	G.R.,H.D., No. SMP-1061/C-2382-III, dt. 28-10-1961.
64.	Paushtikasava No. 1	M/s. Yogamala Aushadhalaya Paladi, Distt. Bhandara.	G.R.,H.D., No. SMP-1061/C-4248-III, dt. 22-11-1961.
65.	Paushtikasava No. 2	M/s. Brahma Aushadhalaya, Nagpur.	
66.	Uswasava No. 3	M/s. Yogamala Aushadhalaya Paladi, Distt. Bhandara.	

(1)	(2)	(3)	(4)
67.	Ext. Rauwolfiac	M/s. Indian Chemical and Phamaceutical Works, Hyderabad, Andhra Pradesh.	G.R.,H.D., No. SMP-1061/46222-III, dt. 31-1-1962.
68.	Angurasava	M/s. Sushila Ayurvedic Pharmacy, Sata.	G.R.,H.D., No. MTP-1561/33572-III, dt. 6-2-1962.
69.	Cina 4X	M/s. Central India Chemical Ltd. Sehore, Bhopal, M.P.	G.R.,H.D., No. SMP-1059/9725-III, dt. 28-3-1962.
70.	Erandamool Asava	M/s. Dr. Nariman Labs. Poona.	G.R.,H.D., No. SMP-1062/C-174-III, dt. 12-11-1962.
71.	Angurasava	M/s. Dr. S.B. Somwanshi and Shri D.G. Ghotwadekar of Poona.	G.R.,H.D., No. SMP-1062/C-1057-III, dt. 12-11-1962.
72.	Vasakasava No. 6	Brahadaswarishta Sangraha.	G.R.,H.D., No. SMP-1062/C-1927-III, dt. 13-11-1962.
73.	Ayurvedic Salsa No. 1	Brahadaswarishta Sangraha.	
74.	Gajarasava No. 5	Brahadaswarishta Sangraha.	
75.	Panchsaikasava	Brahadaswarishta Sangraha.	
76.	Kantkaryasava	Brahadaswarishta Sangraha.	
77.	Choubchiniasava No.4	Brahadaswarishta Sangraha.	
78.	Usavasava No.3	Brahadaswarishta Sangraha.	
79.	Tr. Hemidesmi	I. P.	
80.	Tankanadyasava	Brahadaswarishta Sangraha.	G.R.,H.D., No. SMP-1660/C-3018-III, dt. 10-12-1962.
81.	Apamargadyasava	Brahadaswarishta Sangraha.	G.R.,H.D., No. SMP-1062/C-1561-III, dt. 14-12-1962.
82.	Pushtik asaava No.2	Brahadaswarishta Sangraha.	
83.	Ralovin	M/s. Triumph Products, Bombay	G.R.,H.D., No. SMP-1062/2004 (b)-III, dt. 15-12-1962.
84.	Kenwin	M/s. J.P.C. Shroff and Sons, Bombay.	
85.	Olvin Tonic	M/s. J.P.C. Shroff and Sons, Bombay.	
86.	Vin Tonique Quin Vinto	M/s. J.P.C. Shroff and Sons, Bombay.	
87.	Nervobin	M/s. Bombay Drug. House Ltd., Bombay.	
88.	Wincamis	M/s. Coleman and Co. Ltd., Norwich, U.K.	
	FORMULA		
	19.5 per cent alcohol by volume, Aneurine Hydrochloride (B.P.)	1.5 mg.	
	Riboflavin (B.P.)	2.0 mg.	
	Nicotinic Acid (B.P.)	15.0 mg.	
	Gly Cerophosphoric Acid	530.0 mg.	
	Blended Wine to	100 ml.	
89.	Nimbarishta	M/s. Zandu Pharamaceutical Works, Ltd., Bombay.	G.R.,H.D., No. SMP-1062/2004 (a)-III, dt. 15-12-1962.

(1)	(2)	(3)	(4)
	FORMULA		
	Melia Axadirrachta indica	2.778 percent.	
	Holarrhena antidyscnerica	2.778 percent.	
	Vitis Vinifera	3.889 percent.	
	Gmelina arboria	0.556 percent.	
	Woodfordia Fruiticosa	0.778 percent.	
	Vitexnirgundi roots	0.096 percent.	
	Mesua ferrea	0.096 percent.	
	Plumbago Zeylanicum	0.096 percent.	
	Piper cubeb	0.096 percent.	
	Cloves	0.096 percent.	
	Cinnamomum zeylanicum	0.096 percent.	
	Piper Longum	0.096 percent.	
	Cinnamomum Tamala	0.096 percent.	
	Myristica fragrans (fruit)	0.096 percent.	
	Sugar	0.45 percent.	
	Aqua	q.s	
90.	Nimbrishta	M/s. Dhootapapeshwar Industries Ltd., Panvel.	G.R.,H.D., No. SMP- 1062/2004 (a)-III dt. 15-12-1962.
	FORMULA		
	Nimb bark (sal)	2.5 seers.	
	water	64 seers	
	Decoction	16 seers	
	Gur (Jaggery)	12.5 seers	
	Jire	2 tolas	
	Miri	2 tolas	
	Chirata	2 tolas	
	Pimpli	2 tolas	
	Dhayati	2 tolas	
91.	Aqua Cassiac Conc, I.P.		
92.	Aqua Pudina Conc, I.P.		
93.	Aqua Mentha Piperita B.P. Conc.		
94.	Ext. Alstonia liq. I.P.		
95.	Ext. Hemidesmus liq. I.P.		
96.	Ext. Ksalmegh liq. I.P.		G.R.,H.D., No. SMP- 1062/2004 (c)-III dt. 15-12-1962.
97.	Ext. Picrorihizae liq. I.P.		
98.	Inf. Auranti Conc., B.P.C .		
99.	Inf. Buchu Conc. B.P.C.		
100.	Inf. Calumbar Conc. B.P. 1948		
101.	Inf. Chiratae Co. Conc. I.P.		

(1)	(2)	(3)	(4)
102.	Tinct. Chiratae Co. I.P.		G.R.,H.D. No. SMP 1062/2004(c)-III, dt. 15.12.1062.
103.	Tinct. Picrohizae B.P. 1914		
104.	Ext. Vasaka Liq. I.P.		
105.	Ext. Valerian Liq. B.P.C.		
106.	Dashmoolsudha	1. Sharanghar Sanhita 2. Bharat Bhaishaiya Ratnakar, Pt. IV	
107.	Brihat or Mahadrakshasava	Bharat Bhaishajya Ratnakar, Part III.	
108.	Ark Asvabarad	Unani Chikitsa Sagar Author, Hakim Mansarag Shukla.	
109.	Ark Somantak	Arkprakasha Nighanturatnakar	
110.	Ark Kandi	Ayurvediya Kosha	
111.	Ark Karabadin	Do	
112.	Ark Khushbu	Do	
113.	Tinct. Limonis	B.P.	
114.	Lavangasava	Brihad Asawarishta Sangraha	
115.	Dhatri Arishta	Charak Samhita	
116.	Amibex	M/s. Oriental Research and Chemical Labs., Howrah.	G.R. H. D. SMP 1062/1062/71453-III, dt. 4.4.1963
117.	Ushirasava	Sharangdhar Samhita Part II.	G.R. H. D. No. SMP 1062/C-61-III, dt. 10.4.1963.
118.	Amritasava	Sarvashri L.A. Shalgar and G.A. Chavan of Satara City	G.R. H. D., No. SMP 1062/C-1439-III, dt. 10.4.1963.
119.	Panchasayaka	Bharat Bhaishajya Ratnakar, Vol. III.	
120.	Ark Karbadin	Ayurvediya Kosh by Babu Ramijit Singji Vaidya and Babu Daljit Singhji Vaidya.	G.R. H. D., No. SMP 1062/C-1439-III, dt. 19.4.1963.
121.	Tankanadyasava	Brihat Asavarishta Sangraha by Ayurvedashri Pandit Krishna Prasad Trivedi, Part I.	
122.	Palatone	M/s. Zenith Chemical Works, Pt. Ltd. Bombay.	G.R. H. D., No. SMP 1063/10851-III, dt. 25.5.1963.
123.	Derby Delicio	M/s Derby & Co.	G.R. H. D., No. SMP
124.	Derby Angure Dilkush.	Bombay	1860/C-23516-III, dt. 19.8.1964.

(1)	(2)	(3)	(4)
125.	Drakshaseva (Distilled)	M/s. Brahma Aushadhalaya, Nagpur	G.R. H. D., No. SMP 1065/C-561-III dt.16.8.1965
126.	Drakshamrit	M/s. Yogamala Aushadhalaya, Paladi, Bhandara.	G.R. H. D., No. SMP 1364/C-7588-III dt. 16.8.1965.
127.	Mritsanjivani Sura or Sudha		
128.	Shwas Piyusasava		
129.	Derby Delicio		
130.	Darby Augura Dilkush	M/s. Derby & Co., Bombay	G.R. H. D., No.SMP 1065/C-2874-III dt. 20.8.1965 (Repealed see Sr. Nos. 123 & 124)
131.	Khojoorasava No. 1	Brihadasarishtha Sangraha	G.R. H. D., No. SMP 1062/C-1927-III dt. 3.9.1965.
132.	Amarasava No. 1	M/s. Yogamala Aushadhalaya, Paladi, Bhandara.	G.R. H. D., No. SMP 1266/C-376-III dt. 10.5.1966.
133.	Angorasava	Brihadasarishtha. Sangraha	G.R. H. D., No. SMP 1165/C-2853-III dt. 11.5.1966.
134.	Tambulasava	Gadnigraha and Brihadasarishtha, Sangrah.	
135.	Vino Royal Angoorasava	Bruhadasavarishtha Sangraha	G.R. H. D., No. MTP 1265/C-2853-III dt. 24.7.1968.
136.	Vino Royal Arvindasava No. 2	d o	do
137.	Amrit-Arishta	d o	do
138.	Arvindasava	d o	do
139.	Mritsanjibani Sura	Bhaishaijaya Ratnavali	do
140.	Khajursava	Bharat Bhaishaijya Ratnakar	do
141.	Dashmulasava	d o	do
142.	Mritsanjivani Sura	d o	do
143.	Drakshasava (Distilled)	Bhaishaijaya Ratnavali	do
144.	Lohasava	M/s. Arun Ayurvedic Pharmacy, Satara.	do
145.	Gajarasava	M/s. National Laboratory, Poona.	do
146.	Hilibery	M/s. The Bombay drugs House, P. Ltd., Bombay.	G.R. H. D., No. MTP 1870/C-159-III dt. 7.12.1970.

(52) **G. R., H.D., No. SMP-1058/64778-III, dated 3rd January 1963**

**(M. G., Pt. IV-B. p. 72)**

In exercise of the powers conferred by section 10 of the Bombay Prohibition Act 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby delegates the Commissioner of Prohibition and Excise, Maharashtra State, Bombay, the power exercisable by it under section 58-A in relation to the manufacture of medicinal and toilet preparations containing alcohol in the State.

**(53) The Director of Prohibition & Excise, M.S., Bombay's  
Ord. No. MTS. 1163 (DQ), dated 1st April, 1963 (M.G. Pt. IV-C p. 634)**

In exercise of the powers conferred by section 58-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), read with Government Order, Home Department No. SMP 1058/64773-III, dated the 3rd January 1963, the Commissioner of Prohibition and Excise, Maharashtra State, Bombay, hereby directs that the manufacture of the medicinal and toilet preparations containing alcohol mentioned below shall be under the supervision of one Prohibition and Excise Sub-Inspector and one Prohibition and Excise Constable and that the cost of such staff shall be paid to the State Government by the person manufacturing any such preparation, namely :—

1. Medicinal and toilet preparation made with the use of alcohol on which duty has not been paid.
2. Ayurvedic medicinal preparations containing self-generated alcohol, which are capable of being consumed as ordinary alcoholic beverages.

**CHAPTER—VIII—Denatured Spirit and  
Denatured Spirituous Preparations**

**(54) THE BOMBAY DENATURED SPIRIT RULES, 1959**

**G. N., R.D., No. DNS. 1057/31550, dated 14th March 1959**

**(B. G., Pt. IV-B, p. 376)**

1. Amended by G. N., R. D., No. DNS. 1059/166339-I, dated 2nd February 1960 (B. G., Pt. IV-B, p. 148).
2. Amended by G. N., H. D., No. DNS. 1060/44681-III, dated 8th February 1961 (M. G., Pt. IV-B, p. 235).
3. Amended by G. N., H.D., No. DNS. 1060/24068-III, dated 10th February 1961 (M. G., Pt. IV-B, p. 236).
4. Amended by G. N., H.D., No. DNS. 1060/6739-III, dated 4th March 1961 (M. G., Pt. IV-B, p. 276).
5. Amended by G. N., H.D., No. DNS. 1060/13939-III, dated 11th March 1961 (M. G., Pt. IV-B, p. 350).
6. Amended by G. N., H.D., No. DNS. 1060/11245-III, dated 8th March 1963 (M. G., Pt. IV-B, p. 350).
7. Amended by G. N., H.D., No. BPA. 1059/55336-III, dated 25th July 1963 (M. G., Pt. IV-B, p. 1239).
8. Amended by G. N., H.D., No. RTS. 1361/102-C-III(a), dated 23rd August 1966 (M. G., Pt. IV-B, p. 1609).
9. Amended by G. N., H.D., No. DNS. 1064/102282-III, dated 22nd October 1966 (M. G., Pt. IV-B, p. 1901).
10. Amended by G. N., H.D., No. DNS. 1966/41417-III, dated 3rd August 1967 (M. G., Pt. IV-B, p. 2028).
11. Amended by G. N., H.D., No. DNS. 1168/III, dated 4th November 1968 (M. G., Pt. IV-B, p. 1804).
12. Amended by G. N., H.D., No. DNS. 1065/40114-III, dated 1st April 1971 (M. G., Pt. IV-B, p. 496).
13. Amended by G. N., H.D., No. SLC. 1069/-III, dated 24th July 1971 (M. G., Pt. IV-B, p. 1112).
14. Amended by Corrig., H.D., No. SLC. 1069-III, dated 24th July 1971 (M. G., Pt. IV-B, p. 1376).
15. Amended by G. N., H.D., No. FLR. 1371/A-82-III, dated 15th March 1972 (M. G., Pt. IV-B, p. 446).
16. Amended by G. N., H.D., No. DNS. 1072-III, dated 14th August 1972 (M. G., Pt. IV-B, p. 1487).
17. Amended by G. N., H. D., No. SLC. 1072-III, dated 19th August 1972 (M. G., Pt. IV-B, p. 1488).
18. Amended by G. N., H. D., No. DNS. 0872/52-III, dated 6th September 1973 (M. G., Pt. IV-B, p. 1644).
19. Amended by G. N., H. D., No. DNS. 1056/40114-III-A (II), dated 30th March 1974 (M. G., Pt. IV-B, p. 605).
20. Amended by G. N., H. D., No. DNS. 0875/29-XXVIII-PR, dated 30th January 1976 (M. G., Pt. IV-B, p. 269).



21. Amended by G. N., H. D., No. DNS. 2077-(2) 28-PR, dated 30th March 1978 (M. G., Pt. IV-B, p. 551).
22. Amended by G. N., H. D., No. BPA. 2079/267-VII-PRO-2, dated 24th March 1979 (M. G., Pt. IV-B, p. 737).
23. Amended by G. N., H. D., No. BPA. 2081/4/267-PRO-2, dated 10th March 1981 (M. G., Pt. IV-B, p. 242).
24. Amended by G. N., H. D., No. BPA. 2081/7-(1)-PRO-2, dated 4th November 1981 (M. G., Pt. IV-B, p. 1932).
25. Amended by G. N., H. D., No. BPA. 1081/21-VI-PRO-2, dated 6th November 1981 (M. G., Pt. IV-B, p. 1940).
26. Amended by G. N., H. D., No. BPA. 2081/7(1)-PRO-2, dated 22nd May 1982 (M. G., Pt. IV-B, p. 549).
27. Amended by G. N., H. D., No. BPA. 2082/(1)-PRO-12, dated 12th November 1982 (M. G., Pt. IV-B, p. 1097).
28. Amended by G. N., H. D., No. BPA. 1086/77-(II)-PRO-2, dated 14th January 1987 (M. G., Pt. IV-B, p. 176).
29. Amended by G. N., H. D., No. BPA. 1088/V-PRO-2, dated 16th March 1988 (M. G., Pt. IV-B, p. 272-75).
30. Amended by G. N., H. D., No. BPA. 1088/XXVII-PRO-2, dated 23rd March 1988 (M. G., Pt. IV-B, p. 324).
31. Amended by G. N., H. D., No. DNS. /57/11-PRO-1, dated 28th November 1988 (M. G., Pt. IV-B, p. 1138-39).
32. Amended by G. N., H. D., No. BPA. 1090/II-PRO-2, dated 12th January 1990 (M. G., Pt. IV-B, p. 274).
33. Amended by G. N., H. D., No. BPA. 1090/3014/VI-PRO-3, dated 21st June 1992 (M. G., Pt. IV-B).
34. Amended by G. N., H. D., No. MIS. 1094/1/EXC-2, dated 9th February 1994 (M. G., Pt. IV-B, p. 295).
35. Amended by G. N., H. D., No. MIS. 1094/1/IV/EXC-PRO-2, dated 22nd March 1994 (M. G., Pt. IV-B, p.).
36. Amended by G. N., H. D., BPA.1091/3014/VIK/PRO-3, dated 21st June 1992 (M. G., Pt. IV-B, p. ).
37. Amended by G. N., H. D., DNS.1298/CR-10/EXC-1, dated 14th October 1998 (M. G., Pt. IV-B, p. 768).
38. Amended by G. N., H. D., BPA.1093/412/EXC-3, dated 21st November 1998 (M. G., Pt. IV-B, p. ).
39. Amended by G. N., H. D., MLS. 1096/1/EXC-II, dated 12th July 1999 (M. G., Pt. IV-B, p. ).
40. Amended by G. N., H. D., DNS. 1105/CR-2/EXC-2, dated 7th November 2006 (M. G., Pt. IV-B, p. 1827).
41. Amended by G. N., H. D., DNS. 0307/CR-2/EXC-2, dated 27th July 2007 (M. G., Pt. IV-B, p. 1314-1315).
42. Amended by G. N., H. D., DNS. 0208/1/CR-33/EXC-2, dated 10th April 2008 (M. G., Pt. IV-B, p. 350-351).
43. Amended by G. N., H. D., DNS. 2196/CR-8/EXC-2, dated 18th August 2008 (M. G., Pt. IV-B, p. 908-910).
44. Amended by G. N., H. D., BPA 0308/CR-64/EXC-2, dated 15th January 2009 (M. G., Pt. IV-B, p. 116).

In exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom, XXV of 1949), and in supersection of all the notifications in so far as they relate to the import, export, transport, sale, use or possession of denatured spirit, the Government of Bombay hereby makes the following Rules, namely :

1. (1) These rules may be called the Bombay Denatured Spirit Rules, 1959  
<sup>1</sup>[(2) They extend to the whole of the State of Maharashtra.]
2. In these Rules, unless there is anything repugnant to the subject or context—
  - (1) “Act” means the Bombay Prohibition Act, 1949 ;  
<sup>2</sup>[(1a) “bottle” for the purpose of these Rules means a bottle having a capacity of 650 millilitres of any liquid ;]
  - (2) “denatured spirit” means rectified spirit denatured in accordance with the  
<sup>3</sup>[process described in the Form D.S.I.];
  - (3) “Form” means a form appended to these Rules ;
  - (4) “household” means a group of persons residing and messing jointly as the member of one domestic unit ;
  - (5) “licence” means a licence granted under these Rules ;
  - (6) “licensed premises” means premises in respect of which a licence or a permit has been granted under these Rules ;
  - (7) “licensee” means a person who has been granted a licence under these Rules ;
  - <sup>4,8</sup>(8) “Ordinary Denatured Spirit” Means Spirit, 100 litres of which consist of 99.75 litres of Rectified Spirit, 0.25 litres of Pyridine Bases, 1/2 gm (5 particle per million) of Crystal Violet & 5 gms of (50 particles per million) of Denatonium Saccharide or Denatonium Benzoate mixed according to the process described by the Commissioner, under condition 6 of the licence in Form DS-I.
  - (9) “pass” means a pass granted under these rules ;
  - (10) “permit” means a permit granted under these rules ;
  - (11) “permit-holder” means a person who has been granted a permit under these rules ;
  - (12) <sup>5\*</sup> \* \* \* \* \*
  - (13) “retail licensees” means a person holding a licence under rule 35;  
<sup>6</sup>[(13a) “specially denatured spirit” means spirit denatured according to the process described in condition 6 in Form D.S.I. by adding any denaturant(s) in any proportion(s) [other than the proportion(s) used in the ordinary denatured spirit [as approved by the Commissioner from time to time;]
  - <sup>7</sup>[(14) “spirit” means rectified spirit of not less than 66 O.P. strength, and includes absolute alcohol ;]
  - (15) “Superintendent” means a Superintendent of <sup>10</sup>[State] Excise and <sup>9</sup>[Inspector] means <sup>9</sup>[Inspector] of <sup>10</sup>[State] Excise ;
  - (16) “wholesale licensee” means a person holding a licence under rule 33;

1. Subs. by G.N. of 25-7-1963.

3. Subs. *ibid.*

5. Deleted by G.N. of 25-7-1963.

7. Subs. *ibid.*

9. Deleted. by 18-8-2008.

2. Ins. by G.N. of 4-11-1968.

4. Subs. by G.N. of 6-9-1973.

6. Ins. by G.N. of 4-11-1968.

8. Subs. by G.N. of 21-11-1998.

10. Sub. by 18-8-2008

(17) “warehouse” means any part or parts of a Government or licensed distillery or bonded warehouse which the Commissioner may appoint as a place for the receipt, storage or denaturation of spirit and for storage and issue of denatured spirit therefrom;

(18) “wholesale sale” means sale to retail or wholesale licensees and includes sale to persons holding licences in Form D.S. IV, <sup>1</sup>[D.S.V. appended to these rules or D.S.P. I appended to the Maharashtra Denatured Spirituous Preparations Rules, 1963] in quantities not less than <sup>1</sup>[five litres] at a time ;

(19) The expressions “ordinary denatured spirit”, “methylated industrial denatured spirit” and “special industrial denatured spirit” means ordinary denatured spirit, methylated industrial denatured spirit and special industrial denatured spirit manufactured in accordance with the process prescribed by regulations made in that behalf by the Commissioner under the Act.

3. No person shall denature spirit except under a licence under these rules and in accordance with the process <sup>1</sup>[prescribed by the State Government in that behalf.]

#### LICENCE FOR DENATURING SPIRIT

4. Any person desiring to denature spirit <sup>2</sup>[manufactured or stored] by him under bond and sell such spirit shall apply to the Commissioner for a licence for the denaturation of spirit and sale thereof. The application <sup>3</sup>[shall be accompanied by a challan evidencing payment of a fee of one hundred rupees for such application and] shall contain the following particulars, namely ;

- (1) Name and address of the applicant.
- (2) Place where spirit will be stored.
- (3) Place where spirit is to be denatured.
- (4) Number and date of licence for manufacturing spirit.

5. On receipt of the application under rule 4, the Commissioner may make such inquiries as he may deem necessary and if he is satisfied that there is no objection to grant the licence applied for, he may grant to the applicant a licence in Form D.S.I on payment of a <sup>1</sup>[fee (inclusive of consideration) of <sup>5</sup>[Rs. 2000 for one year]

<sup>6</sup>[“5A. *Existing licence-holders*—On the commencement of the Bombay Denatured Spirit (Amendment) Rules, 1988, a licence granted under rule 5 for a period of five years prior to such commencement, the period of which does not expire on the 31st March 1988, shall be deemed to have come to an end on the 31st March 1988 and it shall further be deemed to be a fresh annual licence granted with effect from 1st April 1988, in terms of the said amendment rules :

Provided that a holder of such licence shall—

(i) Within a period of two months from such commencement be required to pay the difference, if any, in licence fee, in proportion to the licence fees already paid by him under rule 5 as it stood prior to such commencement and the licence fees payable in terms of the said amendment rules ;

1. Subs. by G.N. of 4-11-1968.  
3. Ins. by G.N. of 16-3-1988.  
6. Ins. *ibid*.

2. Subs. by G.N. of 23-8-1966.  
5. Subs. by G.N. of 16-3-1988.

(ii) be given credit for the licence fee paid by him under the said rule 5 as it stood prior to such commencement and be entitled to refund, if any, due in proportion to the unexpired period of the licence and the licence fees payable under the amended provisions, which shall be paid to him within a period of two months.

*Explanation*—For determining the “difference, if any, in licence fee payable in terms of the said amendment rules”, “credit” to be given and “refund if any due” mentioned in clauses (i) and (ii) above respectively, the following method shall be adopted ;

The licence fee paid under rule 5 as it stood before the commencement of the Bombay Denatured Spirit (Amendment) Rules, 1988, being the fee for a total period of five years, a sum calculated by multiplying the number of complete years of unexpired portion of the period of licence as on the 31st March 1988 by an amount equal to one fifth of the total amount of licence fee already so paid shall be treated as at the credit of such licence-holder. If this amount is less than the annual fee as prescribed in the said amendment rules, the licensee shall have to pay the difference between the amount at his credit and the amount payable under the amendment rules. If the amount at the credit of licensee is more than the annual fee prescribed under the said amendments rules, the licensee shall be entitled to a refund of the differential amount :

Provided further that, where a licence-holder fails to pay the difference, if any, in the licence fee payable in terms of the said amendment rules within a period of two months from the commencement of the said amendment rules, his licence shall be treated as cancelled.]

<sup>5</sup>[6. A licence granted under rule 5 may be renewed on payment of an application fee of Rs. 25 and renewal fee, same as prescribed in rule 5 for a period not exceeding one year at a time, but not beyond 31st day of March next following the date of commencement of the licence.]

<sup>6</sup>[6A. *Existing renewals*—On the commencement of the Bombay Denatured Spirit (Amendment) Rules, 1988, a renewal of a licence, granted under rule 6 for a period of five years prior to such commencement, the period of which does not expire on the 31st March 1988 shall be deemed to have come to an end on the 31st March 1988 and it shall further be deemed to be a fresh annual renewal granted with effect from the 1st April 1988 in terms of the said amendment rules :

Provided that a holder of such renewed licence shall—

(i) within a period of two months from such commencement be required to pay the difference, if any, in the renewal fee, in proportion to the renewal fee already paid by him under the rule 6 as it stood prior to such commencement and the renewal fees payable in terms of the said amendment rules ;

(ii) be given credit for the renewal fee paid by him under the said rule 6 as it stood prior to such commencement and be entitled to refund, if any, due in proportion to the unexpired period of licence and the renewal fees payable under the amended provisions, which shall be paid to him within a period of two months.

*Explanation*—For the purpose of determining the amount of difference, credit or refund referred in clauses (i) and (ii) above, the method prescribed in the Explanation below first proviso to rule 5A shall be followed.

7. No licence under rule 5 shall be granted to any applicant, unless he has executed a bond in Form ‘A’ for the amount of Rs. 1,000 for the due observance of the conditions of the licence and of the rules, regulations and orders made under the Act.

5. Subs. by G.N. of 16-3-1988.

6. Ins. *ibid.*

8. The licensee shall not obtain the spirit required by him for denaturation from any place except from the warehouse.

9. The licensee shall not remove any spirit from the warehouse of denaturation except with the written permission of the Officer-in-charge of the warehouse.

<sup>4</sup>[9A. No denaturant shall be added to or mixed with spirit unless such denaturant is approved by the Officer-in charge, Industrial Research Laboratory, Poona or Industrial Research Laboratory, Matunga, Bombay.] <sup>7</sup>[or of any other laboratory notified in this behalf by Government from time to time in the official Gazette or the Director, Haffkine Institute for Training, Research Testing Bombay]

10. The licensee shall not absent himself at any time from the licensed premises unless he appoints a person, approved in writing in this behalf by the Commissioner, to act on his behalf during his absence and furnishes such person with a power-of-attorney authorising him to act on his behalf in all matters relating to the licence granted under rule 5.

11. The licensee shall give a copy of the power-of-attorney to the Officer-in-charge of the warehouse.

12. The licensee shall be liable to pay duty in respect of any loss of spirit due to leakage or otherwise if such loss is in the opinion of the Commissioner excessive and has not been satisfactorily explained to him by the licensee.

13. (1) The Commissioner, the Officer-in-charge of the warehouse or any officer deputed by the Commissioner in that behalf may at any time take samples of the spirit, denatured spirit or denaturants used by the licensee for analysis free of cost and send them to the <sup>3</sup>[Officer-in-charge of the Industrial Research Laboratory, Poona or of the Industrial Research Laboratory, Matunga, Bombay], <sup>8</sup>[or of any other laboratory notified under rule 9A by Government, from time to time, or Director, Haffkine Institute for Training, Research and Testing, Bombay] for analysis.

(2) If <sup>3</sup>[the Officer-in-charge] <sup>8</sup>[for the Commissioner as the case may be,] certifies that the spirit is insufficiently denatured, the licensee shall denature the spirit again by adding such more denaturants as are necessary and send it to <sup>3</sup>[the Officer-in-charge] <sup>8</sup>[or the Commissioner] for examination through the Officer-in-charge of the warehouse and obtain a certificate from <sup>3</sup>[the Officer-in-charge] <sup>8</sup>[or the Commissioner] that the spirit has been satisfactorily denatured.

(3) Where <sup>3</sup>[the officer-in-charge] <sup>8</sup>[or the Commissioner as the case may be] reports that the spirit cannot be certified as being satisfactorily denatured, the denatured spirit shall be dealt with according to the orders of the Commissioner.

14. (1) The licensee shall not manufacture spirit of any kind other than ordinary denatured spirit :

Provided that the licensee may, with the permission of the Commissioner, manufacture <sup>1</sup>[specially denatured spirit].

(2) If the licensee is permitted to manufacture special industrial denatured spirit under the proviso to sub-rule (1), the Commissioner shall make an endorsement to that effect on the licence.

15. Except with the permission of the <sup>2</sup>[Collector] the licensee shall not manufacture at any one time less than <sup>1</sup>[2,000 bulk litres] of ordinary denatured spirit.

1. Subs. by G.N. of 4-11-1968.

3. Subs. *ibid*.

7. Add by G. N. of 28-11-1988.

2. Subs. by G.N. of 8-2-1961.

4. Ins. *ibid*.

8. Ins. *ibid*.

16. Except with the permission of the <sup>2</sup>[Collector] the licensee shall not transact any business of denatured spirit on a Sunday or a public holiday and on any other day <sup>1</sup>[except between the hours of 8 a.m. and 12 noon and 1.30 p.m. and 5.30 p.m.].

17. (1) The licensee shall not sell any denatured spirit except by means of measures.

(2) The licensee shall provide such measures in his licensed premises as may be approved by the Commissioner.

<sup>1</sup>[18. (1) The licensee shall maintain accounts and submit returns as provided in sub-rule (3). The accounts shall be produced by the licensee on demand for inspection by the Commissioner or any other officer empowered under clause (a) of section 77 or section 122 of the Act.

(2) The accounts and monthly returns in respect of a licence for the denaturation of Indian-made rectified spirit including absolute alcohol under bond and for the sale of denatured spirit from the warehouse shall be maintained by the officer-in-charge of the warehouse and shall be initialled by the holder of the said licence in token of having verified them.

(3) The accounts shall be maintained in the following forms, namely :

(a) Register of rectified spirit received under bond shall be in Form D.S. XII.

(b) Vat account of rectified spirit shall be in Form D. S. XIII.

(c) Stock accounts of rectified spirit shall be in Form D. S. XIV.

(d) Register of denaturation operations shall be in Form D. S. XV.

(e) Vat account of denatured spirit shall be in Form D. S. XVI.

(f) Stock account of denatured spirit shall be in Form D. S. XVII.

(g) Register of issues of denatured spirit to shops or manufactories shall be in Form D. S. XVIII

(4) The monthly returns shall be furnished to the Commissioner by the 7th of each month in Form D.S. X XIX. (Stock account of rectified spirit intended for denaturation) and Form D.S.XX (Stock account of denatured spirit).

(5) The accounts of rectified spirit and the two classes of denatured spirit, namely, (a) ordinary denatured spirit and (b) specially denatured spirit shall be kept separately.

(6) On the arrival of the consignment of rectified spirit at a warehouse the officer-in-charge of the warehouse shall fill in columns 1 to 8 of the register in Form D.S. XII copying the necessary particulars from the pass accompanying the spirit. After examining the seals of the casks, he shall ascertain and enter in the appropriate column of the register in Form D.S. XII, the quantity and the strength of the each cask. The Proof litres shall then be calculated for each cask, and the deficiency or increase in proof litres in transit, as the case may be, shall be entered in the register.

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1. Subs. by G.N. of 4-11-1968.

3. Subs. by G.N. of 8-2-1961.

(7) In the case of spirit transferred from the warehouse spirit store to the denaturing room, the spirit transferred shall be shown as "issued under bond" in the warehouse spirit stock account (Register in Form D. S. XXI) issue register (Register in Form D. S. XXII) and vat account register (Register in Form D. S. XXIII). The particular required in the Register in Form D. S. XII shall then be entered from the warehouse issue register (Register in Form XXII), the quantity issued being accepted as received without loss.

(8) On receipt of a requisition to issue denatured spirit, the officer-in-charge of the warehouse shall enter it in the register of issue in Form D. S. XVIII. He shall then have the spirit to be removed drawn from the storage vat in his presence and that of the licensee or his agent, and shall examine, gauge and test it. Columns 5 to 15 of the aid Register in form D.S.XVIII shall then be completed. The officer-in-charge shall then complete and sign the pass and hand it over to the licensee or his agent.]

19. (1) The licensee shall employ at the warehouse in which operations for denaturing spirit are carried on such persons as may be approved by the officer-in-charge of the warehouse and shall issue to each such person a *nokarnama* or certificate of appointment countersigned in token of approval by such officer.

(2) The licensee shall remove any such person forthwith if in the opinion of the Superintendent or the District Inspector, as the case may be, it is not desirable to continue such person in the employ of the licensee.

(3) The licensee shall not give *nokarnama* to any person under the age of 21 years.

(4) For every *nokarnama* issued by the licensee he shall pay a fee of Re. 1.

20. The licensee shall not sell, transfer or sub-let the privileges of denaturation and sale granted to him by the licence nor shall be in connection with the exercise of the said rights enter into any agreement or arrangement which in the opinion of the Commissioner is of the nature of a sub-lease.

21. No. person shall be recognised as the partner of the licensee for the purpose of his licence unless the partnership has been declared to the Commissioner before the licence is granted and the names of partners have been entered jointly in the licence, or if the partnership is entered into after the granting of the licence, unless the Commissioner agrees on application made to him to alter the licence and to add the names of the partners in the licence.

22. (1) The licensee shall obey all orders from time to time by the Superintendent, the Collector or the Commissioner.

(2) The licensee shall abide by the conditions of the licence, the provisions of the Act and the rules, regulations and orders made thereunder.

#### **LICENCE FOR POSSESSION AND USE OF ORDINARY DENATURED SPIRIT**

23. The permit and licences of the following kind for the possession and use of ordinary denatured spirit may be granted under these Rules, namely,—

<sup>1</sup>(1) \* \* \* \*

(2) Licence for medical purpose of registered medical practioners,

(3) Licence for medical, scientific and educational purposes.

(4) Licence for the purposes of any art, industry or profession.

24. [deleted]

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1. Deleted by 10-4-2008



**LICENCE FOR MEDICAL PURPOSES OR REGISTERED MEDICAL PRACTITIONERS**

25. (1) Any registered medical practitioner desiring to use ordinary denatured spirit for medical purposes may apply to the <sup>7</sup>[Inspector of State Excise of the area] as the case may be, for a licence in that behalf. The application shall contain the following particulars, namely :

- (i) The name and address of the applicant ;
- (ii) Place where the ordinary denatured spirit will be kept and used ;
- (iii) Quantity of ordinary denatured spirit to be used per month ;
- <sup>3</sup>(iv) Registration number or serial number of the applicant on the register or list maintained under any law for the time being in force in any part of the State relating to medical practitioners, dentists or veterinary practitioners under which the applicant is entitled to practise ;]
- (v) Since when the applicant is running the dispensary ;
- (vi) What licenses the applicant is holding;]
- <sup>4</sup>(vii) Whether the applicant has applied for the said licence in the past and whether it was rejected, and if so, why was it rejected.]

(2) On receipt of the application under sub-rule (1), <sup>7</sup>["Inspector of State Excise of the area for a licence in Form DS-III"] shall make such inquiries as he may deem necessary and if he is satisfied that there is no objection to grant the licence applied for, he may grant the applicant a licence in Form D.S. III on payment of a fee of <sup>7</sup>[fifty rupees per year, or five hundred rupees for ten years, respectively] and shall also issue a certificate in the form specified in the permit as evidence of the grant of permit.

<sup>8</sup>["Provided that, the Inspector of State Excise of the area for a licence in Form DS-III may grant a licence in Form DS-III for use of specially denatured spirit after obtaining prior permission of the Commissioner."]

(3) No licence under sub-rule (2) shall be granted for a quantity exceeding <sup>1</sup>[<sup>2</sup>[fifteen] bottles per month] in so far as it relates to the use of ordinary denatured spirit.

(4) The licensee shall use the ordinary denatured spirit purchased by him under the licence solely for medical use and he shall not use it for any other purpose.

(5) The licensee shall not allow ordinary denatured spirit possessed by him under the licence to be used except in his own presence or in the presence of a person authorised by him in writing in that behalf.

(6) The privileges of purchase, transport and possession of ordinary denatured spirit granted under the licence shall extend only so far as they are incidental to its use in accordance with these rules and the conditions of the licence.

**LICENCE FOR (I) MEDICAL, SCIENTIFIC AND EDUCATIONAL PURPOSES;**

**AND**

**(II) PURPOSES OF ART, INDUSTRY <sup>3</sup>[NOT BEING AN INDUSTRY ENGAGED IN MANUFACTURING DENATURED SPIRITUOUS PREPARATIONS] OR PROFESSION**

1. Subs. by G. N. of 25-7-1963.

3. Ins. by G. N. of 1-11-1988.

5. Subs. by G. N. of 16-3-1988.

7. Subs. by G.N. of 18-8-2008.

2. Subs. by G. N. of 8-2-1961.

4. Subs. by G. N. of 24-7-1971.

6. Deleted by G. N. 10-4-2008

8. Added by G.N. 18-8-2008.



26. (1) Any person desiring to use ordinary denatured spirit for *bond fide* medical scientific or educational purposes shall apply to the <sup>1</sup>["Inspector of State Excise of the area for a licence in form DS-IV] in that behalf. The application<sup>2</sup>[shall be accompanied by a challan evidencing payment of a fee of five rupees, if the quota applied for exceeds 5000 bulk liters and] shall contain the following particulars, namely ;

- (i) Name and address of the applicant with his designation;
- (ii) Purpose for which ordinary denatured spirit is required to be used;
- (iii) Quantity of ordinary denatured spirit to be used per month;
- (iv) Whether the ordinary denatured spirit is required for the applicant's—
  - (a) dispensary, clinic, hospital or dispensing home, or <sup>1</sup>[the premises where the applicant desires to conduct social service activities such as the common blood donation camp or similar like purpose or as specified in any orders, or]
  - (b) laboratory, museum, or research institution, or
  - (c) College, school, or any other educational institution ;
- (v) whether the applicant's institution is a Government, Municipal or <sup>3</sup>[Zilla Parishad] Institution ;
- (vi) Place where the ordinary denatured spirit will be kept and used ;

<sup>4</sup>[(vii) If the applicant is a registered medical practitioner, the registration number or serial number of the applicant on the register or list maintained under any law for the time being in force in any part of the State relating to medical practitioners, dentists or veterinary practitioners, under which the applicant is entitled to practise;]

(viii) An undertaking in writing to the effect that the applicant will abide by the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and the conditions of the licence applied for.

(2) Any person desiring to use ordinary denatured spirit in any art, industry <sup>5</sup>[(not being an industry engaged in manufacturing denatured spirituous preparations)] or profession other than medical profession shall apply to the Superintendent or the District Inspector, as the case may be, for a licence in that behalf. The application <sup>6</sup>[shall be accompanied by a challan evidencing payment of a fee of rupees five, if the quota applied for exceeds 5,000 bulk litres, and] shall contain the following particulars, namely :—

- (i) Name and address of the applicant ;
- (ii) Purpose for which ordinary denatured spirit is required to be used ;
- (iii) Quantity of ordinary denatured spirit to be used per month.
- (iv) Whether the ordinary denatured spirit is required by Government in respect of any art, industry <sup>5</sup>[(not being an industry engaged in manufacturing denatured spirituous preparations)] or profession :
- (v) Place where the ordinary denatured spirit will be kept and used ;
- (vi) An undertaking in writing to the effect that the applicant will abide by the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and the conditions of the licence applied for.

1. Subs. by G. N. of 18-8-2008.

3. Ins. by G. N. of 4-11-1968.

5. Subs. by G. N. of 10-2-1961.

2. Ins. *ibid*

4. Subs. by G. N. of 25-7-1963.

6. Ins. by G. N. of 8-3-1963.

(3) On receipt of an application under sub-rule (1) or (2) <sup>1</sup>[Inspector of the area for a licence in form D.S. III or D.S. IV or] the Superintendent or the District Inspector, as the case may be, shall make such inquiries for verification of the particulars given in the application as he deems necessary and if he is satisfied that there is no objection to grant the licence <sup>1</sup>[the Inspector of the area] applied for, the Superintendent may grant a licence in Form D.S. IV or D.S.V., respectively, as the case may be, on payment of <sup>1,2,3</sup>[a fee of Rs. 25 per annum for a specified day or days, as the case may be, or if the applicant, other than the applicant desiring to possess ordinary denatured spirit for the purposes, such as conduction of eye camp and like purpose, desires to have the licence for a period of ten years, on recovery of Rs. 200 as licence fee for the said period"] a licence in Form D.S. IV and according to <sup>2</sup>[the following scale of fees per annum] for a licence in Form D.S.V, namely];

<sup>4</sup>[(A) Where the total quantity allowed per month, for any industry (not being an industry engaged in manufacturing denatured spirituous preparations) or art or profession (business) :

<sup>3</sup> (i)	does not exceed two bottles	..	..	..	..	2
(ii)	exceeds two bottles but does not exceed 2,500 litres	..	..	..	..	50
(iii)	exceeds 2,500 litres	..	..	..	..	1,000]

(B) In respect of any art or industry (not being an industry engaged in manufacturing denatured spirituous preparations), undertaken by colleges, educational institutions, museums and other institutions—Re. 1.

(C) In respect of any two or all the purpose referred to in clause (A) or (B) the fee prescribed under clause (A) or clause (B), whichever is greater.]

(4) No Superintendent shall grant a licence in respect of a quantity exceeding <sup>2</sup>[25 litres] per month and no District Inspector shall grant licence ;

Provided that the Superintendents of <sup>1</sup>[State] Excise, Bombay 4\* and Poona Divisions, may grant a licence in respect of any quantity not exceeding <sup>2</sup>[50 litres] per month :

Provided further that if any Superintendent is of opinion that the applicant should be granted a licence for a quantity exceeding <sup>2</sup>[25 litres] or <sup>2</sup>[50 litres] per month, as the case may be, or the District Inspector is of opinion that the applicant should be granted the licence applied for, he shall forward the application and the papers of inquiry with his recommendation thereon to the Collector who may grant the applicant a licence in Form D.S. IV or D.S.V. as the case may be, for such quantity as he deems fit on payment of the fee prescribed in sub-rule (3);

<sup>4</sup>[Provided also that, where the quantity of denatured spirit to be stored exceeds 50 litres, the applicant shall produce a certificate from the authorities concerned (e.g. Municipal or such other local authorities) that the premises where denatured spirit is to be stored are fire-proof, within a period of three months from the date of communication made to him in respect of the decision to grant him a licence in Form D.S. IV or D.S. V as the case may be.]

Whenever a licence in Form D.S. IV is granted, the authority granting the licence shall issue a certificate in the form specified in the permit as evidence of the grant of the permit.

1. Subs. by G. N. of 18-8-2008.  
3. Subs. by G. N. of 16-3-1988.

2. Subs. by G. N. of 4-11-1968.  
4. Ins. by G. N. of 8-3-1963.

<sup>1</sup>[(5) No licence shall be granted under this rule to any applicant, unless the applicant has executed a bond in Form B :

Provided that, no execution of such bond shall be necessary in case of—

- (a) applicants requiring ordinary denatured spirit on behalf of Government Institutions ;
- (b) (i) registered medical practitioners in-charge of hospitals or clinics or both approved by the Surgeon-General with the Government of Maharashtra ;
- (ii) Municipal or Zilla Parishad Institutions ;
- (iii) Educational institutions approved by the Director of Education, Maharashtra State, in this behalf ; or by the Educational Inspectors or Inspectresses of Girl's Schools, as the case may be, in this behalf, requiring ordinary denatured spirit in quantities not exceeding 25 litres per month ;
- (c) other applicants requiring ordinary denatured spirit in quantity not exceeding 5 litres per month.]

<sup>1</sup>[(6) Subject to the provisions of sub-rule (5), the applicant shall execute a bond for an amount of—

- (i) Rs. 100, if the quantity of denatured spirit to be used by him exceeds five litres but does not exceed twenty-five litres per month, and
- (ii) Rs. 1000, if the quantity exceeds twenty-five litres per month.]

<sup>2</sup>[(7) A holder of a licence in Form DS-IV may transport any quantity of denatured spirit possessed by him under the licence to any place where activities such as eye camp, blood donation camp or like purposes or examination or analysis or preservative purposes, which are conducted temporarily for a period not exceeding seven days for its medical or educational use there at,"]

27. (1) Notwithstanding anything contained in rules 25 and 26—

- (i) a licence in Form D.S. III or D.S. IV for <sup>1</sup>[specially denatured spirit.] or
- (ii) a licence in Form D.S. V for <sup>1</sup>[specially denatured spirit,] required for use for any of the following purposes, namely :—
  - (I) for the manufacture of—
    - (a) sulphuric ether,
    - (b) ethyl chloride,
    - (c) methyl chloride,
    - (d) ethyl bromide,
    - (e) chloroform, or
    - (f) hydrate or chloral ; or
  - (II) for the preparation of the following liniments :—
    - (a) aconite,
    - (b) belladonna,
    - (c) compound camphor,

1. Subs. *ibid.*

2. Added by G. N. of 18-8-2008.

- (d) ammoniated camphor,
- (e) iodine (B.P. 1885),
- (f) mustard, or
- (g) soap liniment of the British Pharmacopocia, or
- (h) such other preparations as the Commissioner may, from time to time, permit in writing in that behalf,

may with the permission of the Commissioner be granted <sup>1</sup>[on payment of an annul fee] <sup>2</sup>[as prescribed below :]

	Rs.
<sup>3</sup> (a) when the total quantity allowed does not exceed two bottle	5
(b) exceeds two bottles but does not exceed 100 bulk litres per annum	25
(c) exceeds 100 bulk litres but does not exceed 5,000 bulk litres per	100
(d) exceeds 5,000 bulk litres but does not exceed 50,000 bulk litres per annum.	500
(e) exceeds 50,000 bulk litres but does not exceed 1,00,000 bulk litres per annum.	1,000
(f) exceeds 1,00,000 bulk litres but does not exceed 5,00,000 bulk litres per annum.	5,000
(g) exceeds 5,00,000 bulk litres but does not exceed 25,00,000 bulk litres per annum.	10,000
(h) exceeds 25,00,000 bulk litres but does not exceed 50,00,000 bulk litres per annum.	25,000
(i) exceeds 50,00,000 bulk litres but does not exceed 1,00,00,000 bulk litres per annum.	50,000
(j) exceeds 1,00,00,000 bulk litres per annum.	75,000 <sup>4</sup> ]

(2) The provisions of rules 25 and 26 shall, so far as may be, apply in respect of a licence granted under sub-rule (1) and the Form D.S. III, D.S. IV or D.S. V, as the case may be, shall be adapted suitably.

28. No <sup>3</sup>[ ] licence in Form D.S. III, D.S. IV or D.S. V shall be granted for a period beyond 31st March next following the date of the commencement of the permit or licence, as the case may be :

<sup>4</sup>[ Provided that—

- (i) <sup>5</sup>[ ]
- (ii) a licence in Form D.S. III or D.S. IV <sup>1</sup>[and]
- <sup>1</sup>[(iii) a licence in Form D.S. V for specially denatured spirit,]

1. Subs. by G. N. of 4-11-1968.

3. Deleted by 10-4-2008.

5. Deleted by 10-4-2008.

2. Subs. by G. N. of 16-3-1988.

4. Subs. by G. N. of 4-3-1961.

may be granted or renewed, for a period not exceeding <sup>1</sup>[ten years at a time except a license in form D.S.V which may be granted or renewed for a period of three years] but not beyond the 31st day of March <sup>1</sup>[of the tenth years except a license in a form D.S.V] from the date of commencement of <sup>2</sup>[ ] licence, on payment of <sup>3</sup>[a fee prescribed under rules <sup>2</sup>[ ] 25, 26 or 27 per annum] as the case may be, if the permit holder or licensee gives an undertaking to the effect that he shall abide by the conditions of the permit or licence which may be imposed by the State Government during its currency.

*Explanation.*—For the purpose of charging the fee, the fraction of a year shall be reckoned as one complete yearar.]

29. Every person holding a permit in <sup>2</sup>[ ] any of the licences referred to in rule 28—

(1) shall allow every officer empowered under section 77(a) of the Act to inspect his permit or licence, as the case may be, the stock of denatured spirit held by him, the licensed premises where it is kept and the accounts and passes in respect of denatured spirit at all reasonable hours ;

(2) shall abide by the provisions of the Act, and the rules, regulations and orders made thereunder ;

(3) shall comply with all lawful orders issued by the Commissioner, Collector, Superintendent or the District Inspector of State Excise, as the case may be, from time to time.

30. <sup>4</sup>[(1) A person holding a licence in Form D.S.V shall maintain accounts in Form D.S. XXIV and shall furnish returns in Form D.S. XXV to the District State Excise Officer not later than the 7th of every month.]

(2) The stock of all articles prepared out of the denatured spirit and the accounts thereof maintained by such licensee and the customs documents, if any, shall on demand, be open to inspection by an officer empowered under section 77(a) of the Act.

(3) The licensee shall maintain a visit book on his premises for the use of the inspecting officer. The book shall be duly paged and sealed with the seal of the Collector/Superintendent/District Inspector, as the case may be.

(4) <sup>4\*</sup> \* \*

31. Except as permitted under a licence in Form D.S.I, granted under rule 5, no person shall sell denatured spirit without a licence in Form D.S. VI or D.S. VII.

#### WHOLESALE AND RETAIL LICENCE

32. Any person desiring to sell ordinary denatured spirit by wholesale shall apply to the Collector for a licence in that behalf. The application <sup>3</sup>[shall be accompanied by a challan evidencing payment of a fee of rupees ten and] shall contain the following particulars :

(1) Name and address of the applicant.

(2) Place where the applicant's shop for selling ordinary denatured spirit is situated.

(3) Whether ordinary denatured spirit was sold in the past at the above place and the period during which it was sold.

1. Sub. by 18-8-2008.

2. Deleted by 10-4-2008.

3. Ins. by G. N. of 16-3-1988.

4. Deleted. by G. N. of 8-3-1963.

(4) Whether the applicant held any licence for the wholesale sale of denatured spirit in the past and if so, the period during which it was held.

(5) Whether the applicant holds any other licences for wholesale sale or retail sale of denatured spirit or for manufacture of French polish, varnish or other like article.

(6) Quantity of ordinary denatured spirit intended to be sold during the period of the licence.

(7) Average yearly sales in the three years immediately before the date of the application.

(8) Quantity of ordinary denatured spirit intended to be stored at the said place.

(9) <sup>1</sup>\* \* \*

(10) An undertaking in writing to the effect that the applicant will abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the licence applied for.

(11) <sup>1</sup>\* \* \*

<sup>2</sup>[33. (1) On receipt of applicant under rule 32, the Collector shall make such inquiries as he deems necessary, and if he is satisfied, that there is no objection to grant the licence applied for, he shall obtain the previous sanction of the Commissioner for the grant of a licence in Form D.S. VI.

(2) On receipt of the Commissioner's sanction, the Collector shall ask the applicant to produce certificate from the authorities concerned (e.g. municipal or such other local authorities) that the premises where the denatured spirit is to be stored are fire-proof, within a period of three months from the date of communication made to him in respect of the decision to grant him a licence in Form D. S. VI.

<sup>3</sup>[(3) If the certificate is produced within a period stipulated in sub-rule (2), the Collector may grant the applicant a licence in Form D. S. VI on payment of an annual fee (inclusive of consideration) of <sup>4</sup>[Rs. 7,500.]

34. Any person desiring to sell ordinary denatured spirit by retail shall apply to the Collector for a licence in that behalf. The application <sup>5</sup>[shall be accompanied by a challan evidencing payment of a fee of rupees ten and] shall contain the following particulars :

(1) Name and address of the applicant.

(2) Place where the applicant's shop for selling ordinary denatured spirit is situated.

(3) Whether ordinary denatured spirit was sold in the past at the above place and the period during which it was sold.

(4) Whether the applicant held ordinary denatured spirit retail sale licence in the past and the period during which he held it.

(5) Whether the applicant holds any other licences for wholesale sale or retail sale of denatured spirit, or for manufacture of French polish, varnish or other like article.

(6) Quantity of ordinary denatured spirit intended to be sold during the period of the licence.

1. Deleted. by G. N. of 4-11-1968.

3. Subs. by G. N. of 6-11-1981.

5. Ins. *ibid.*

2. Deleted. by G. N. of 8-2-1961.

4. Subs. by G. N. of 16-3-1988.

(7) Average yearly sales in the three years immediately before the date of the application.

(8) Quantity of ordinary denatured spirit intended to be stored at the place.

(9) <sup>1</sup>\* \* \* \* \*

(10) All undertaking in writing to the effect that the application will abide by the provisions of the Act and the rules, regulations and order made thereunder and the conditions of the licence applied for.

(11) <sup>1</sup>\* \* \* \* \*

35. On receipt of an application under rule 34, the Collector may make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may <sup>2</sup>\* \* grant the applicant a licence in Form D.S. VII on payment of a <sup>3</sup>[fee (inclusive of consideration) of <sup>4</sup>[Rs. 500]

<sup>5</sup>[Provided that where the quantity of denatured spirit to be stored exceeds 50 litres, the applicant produces a certificate from the authority concerned (e.g. municipal or such other local authorities) that the premises where denatured spirit, is to be stored are fire proof, within a period of three months from the date of communication made to him in respect of the decision to grant him a licence in Form D.S. VII.]

36. No person holding a licence under rule 33 or 35 shall sell ordinary denatured spirit which is not denatured in accordance with the <sup>6</sup>[process prescribed by the State Government] in that behalf or which is less than 60<sup>0</sup> O.P. in strength.

37. No licence under rule 33 or rule 35 shall be granted for a period beyond 31st March next following the date of the commencement of the licence.

38. A wholesale licensee shall not obtain his supply of ordinary denatured spirit from any place except from—

- (a) an Excise or Customs bonded warehouse under a transport pass, or
- (b) a place outside the <sup>3</sup>[State of Maharashtra] under an import pass, or
- (c) a licenced manufacturer of ordinary denatured spirit or any other wholesale licensee,

on requisition in Form D. S. VIII signed by himself and countersigned by the local State Excise Officer and under cover of a transport pass.

39. A retail licensee shall not obtain his supply of ordinary denatured spirit from any place except from a wholesale licence on requisition in Form D. S. VIII signed by himself and countersigned by the local State Excise Officer and under cover of transport pass.

<sup>1</sup>[40. The wholesale licensee shall not sell ordinary denatured spirit to any person except to a person—

- (i) holding a licence in Form D. S. VI in quantities not less than 200 litres in bulk at a time or such other quantity as may be fixed by the Commissioner from time to time;
- (ii) holding a licence in Form D. S. VII in quantity not less than 7 sealed bottles at a time;

1. Subs. by G. N. of 4-11-1968.  
3. Subs. by G. N. of 25-7-1963.  
5. Subs. by G. N. of 19-8-1972.

2. Deleted. *ibid.*  
4. Subs. by G. N. of 27-7-2007.  
6. Deleted by 10-4-2008.



(iii) holding a licence in Form D.S. IV, D. S.V or D.S.P. I granted under the Maharashtra Denatured Spirituous Preparations Rules, 1963 when such licence is granted in respect of a quantity not less than 5 litres in bulk or sealed bottles at a time.]

<sup>1</sup>“[Provided that, the wholesale licensee can sell the Ordinary Denatured Spirit <sup>2</sup>[to the licensee holding licenses in form D.S. III, D. S. IV, D.S.V and D.S. VII under the Bombay Denatured spirit rules, 1959] and to a retail Chemist shop holding the Chemist and Druggist Licence in Form No. 20 or 20 (c) or 21, granted by the Food and Drugs Administration Department under the Drugs and Cosmetics Act, 1940, and the rules made thereunder in the bottle size of 100 ml. and 200 ml. The retail Chemist and Druggist licensee as mentioned hereinabove shall sell the Ordinary Denatured Spirit so obtained, exclusively to the diabetic patients in the bottle size of 100 ml. and/or 200 ml. as prescribed in the medical prescription issued by a registered medical practitioner only, to that extent. The retail Chemist and Druggist licence holder shall maintain the accounts of purchase and sale of Ordinary Denatured Spirit separately].”

41. The wholesale licence shall not sell any ordinary denatured spirit except on production by the purchaser of a requisition in Form D.S. VIII duly countersigned by the local Prohibition and Excise Officer within whose jurisdiction the licensed premises of the purchaser are situated and under cover of a transport pass issued by the Prohibition and Excise Officer within whose jurisdiction the licensed premises of the wholesale license are situated :

<sup>3</sup>[Provided that in the case of a purchaser holding a licence in Form D. S. IV with a monthly quota not exceeding 25 litres of ordinary denatured spirit during a month and presenting it to the wholesale licensee, the production of any such requisition or transport pass shall not be necessary. The wholesale licensee shall on each occasion enter in such licence, the details of the sale of the ordinary denatured spirit and sign against such entry.]

<sup>1</sup>“[Provided that in the case of purchaser holding <sup>2</sup>[a licensee in form D.S. III, D. S. IV, D.S.V and D.S. VII under the Bombay Denatured Spirit Rules, 1959 and purchasing ordinary denatured spirit in bottle size of 100 ml. and 200 ml. only or] a retail Chemist and Druggist Licence in Form No. 20 or 20 (c) or 21, granted by the Food and Drugs Administration Department under the Drugs and Cosmetics Act, 1940, and the rules made thereunder the requisition made by the purchaser in writing to supply of Ordinary Denatured Spirit to the wholesale licensee, in such case the production of any such requisition or transport pass shall not be necessary. The wholesale licensee shall on each occasion enter in such licence, the details of the sale of the ordinary denatured spirit and sign against such entry].”

42. The wholesale licensee shall not sell ordinary denatured spirit to retail licensees except in sealed <sup>4</sup>\* \* bottles and to other persons except in bulk or sealed bottles in quantities not less than <sup>4</sup>[five litres at a time].

43. (1) The retail licensee shall not sell ordinary denatured spirit except—

(a) <sup>5</sup>[ ]

(b) to a person holding a licence in Form D. S. III,

(c) to a person holding a licence in Form D.S. IV or D.S. V <sup>6</sup>[(or D.S.P. I granted under the Maharashtra Denatured Spirituous Preparations Rules, 1963)] granted in respect of a quantity not exceeding 6 <sup>2\*</sup> bottles per month ;

1. Inserted vide 27-7-2007.

3. Deleted by G. N. of 4-11-1968.

5. Deleted vide 10-4-2008.

2. Inserted vide 15-1-2009.

4. Subs. *ibid.*

6. Ins. by G. N. of 8-3-1963.



(d) to a registered medical practitioner holding a licence in Form D. S. IV of a quantity exceeding six <sup>1</sup>[\* \*] bottles.

(2) The retail licensee shall not sell denatured spirit to—

(i) any person holding a <sup>2</sup>[\* \* \*] licence D. S. III except on the production of such permit or licence, as the case may be :

(ii) any person holding a licence in Form D.S. IV—

<sup>3</sup>[(a) except on the production of the licence with a monthly quota not exceeding 25 litres of ordinary denatured spirit during a month; and]

(b) in other cases, except on the production by the purchaser of a requisition in Form D. S. VIII duly countersigned by the State Excise Officer within whose jurisdiction the licensed premises of the purchaser are situated and under cover of a transport pass issued by a State Excise Officer within whose jurisdiction the licensed premises of the retail licensee are situated ;

(iii) any person holding a licence in Form D. S. V <sup>3</sup>[(or D.S.P. I granted under the Maharashtra Denatured Spirituous Preparations Rules, 1963)—]

(a) except on production of the licence in cases where the licence is granted for a quantity not exceeding 2 <sup>1</sup>\* bottles per month ; and

(b) in other cases except on the production by the purchaser of a requisition in Form D.S. VIII duly countersigned by the State Excise Officer within whose jurisdiction the licensed premises of the purchaser are situated and a transport pass issued by a State Excise Officer within whose jurisdiction the licensed premises of the retail licensee are situated.

(3) The retail licensee shall, on sale of denatured spirit to any person specified in clauses (i), (ii) (a) or (iii)(a) of sub-rule (2), enter in the permit or licence the details of the sale made to such person and sign against such entry.

1\* \* \* \* \*

44. (1) Ordinary denatured spirit shall not be sold or exposed for sale by a retail licensee or wholesale licensee except in sealed <sup>1</sup>[\* \*] bottles, jars, drums or casks, duly labelled in the manner provided in this rule.

(2) All bottles, jars, drums or casks containing denatured spirit intended for sale shall bear a label printed in red and containing skull and cross-bones and on each of the four sides of the label the words “Poison” “Not to be taken internally” in English and <sup>3</sup>[Marathi].

(3) The word “Poison” shall appear at the top in red in prominent letters and beneath it shall appear the words “Not to be taken internally” in smaller letters in black. The design and style of the label shall be such as may be approved by the Director.

(4) Each bottle, jar, drum, cask or receptacle, containing ordinary denatured spirit of Indian manufacturing kept for sale shall be conspicuously labelled or branded with the words “Ordinary denatured spirit manufactured in India”.

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1. Deleted by G. N. of 4-11-1968.  
 2. Deleted vide 10-4-2008.  
 3. Ins. by G. N. of 8-3-1963.

45. The wholesale licensee or the retail licensee—

(1) shall not, except with the written permission of the Collector, keep, sell or expose for sale, spirits, whether of foreign or Indian manufacture of any kind or strength which he is not authorised to sell under this licence ;

(2) shall not keep his licensed premises or godown open, or sell ordinary denatured spirit therein, before 6 o'clock a.m. (standard time) and after 9 o'clock p.m. (standard time) ;

(3) shall carry on the business of selling ordinary denatured spirit either personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* signed by himself and countersigned by a Prohibition Officer not lower in rank than a Sub-Inspector of State Excise, provided that any such *nokarnama* signed by the licensee shall also be valid unless and until counter-signature is refused. If for any reason the Collector orders the withdrawal of any *nokarnama* issued by the licensee, the *nokarnama* shall be forthwith withdrawn. For every *nokarnama* issued by him the licensee shall pay a fee of Re. 10. No *nokarnama* shall be issued to any person under twenty-one years of age ;

<sup>1</sup>[(4) shall keep in his licensed premises accounts prescribed under rule 45-A or 45-B as the case may be. The accounts shall be clearly and correctly written up-to-date daily in a bound book, paged and stamped with the seal of the Collector. Tahsildar or Naib-Tahsildar ;]

(5) shall keep along with the account maintained by him all counterfoils of the requisitions, transport passes and customs documents relating to the ordinary denatured spirit <sup>2</sup>[and preserve them for a period of one year ;]

(6) shall at all reasonable times keep open the account book, requisitions, passes, customs documents, the licensed premises and the stock of ordinary denatured spirit kept therein for the inspection by the Commissioner, Collector, Superintendent, District Inspector, or any other officer empowered under section 122 of the Act ;

(7) shall keep a visit book at his licensed premises for the use of the inspecting officers, the book being paged and stamped with the seal of the Superintendent/Mamlatdar/Tahsildar/Mahalkari ;

(8) shall not, without the permission of the Collector, sell, transfer or sub-let the privilege of sale granted to him by his licence nor shall he in connection with the exercise of the said right enter into any agreement of arrangement which, in the opinion of the Collector, is of the nature of a sub-lease ;

(9) shall not admit any persons as his partner for the purpose of the licence unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of the licence, unless the Collector agrees on application made to him to alter the licence and to add the names of the partners in the licence ;

(10) shall not use denatured spirit in any art or industry or for any other purpose without the permission of the Commissioner ;

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1. Subs. by G. N. of 4-11-1968.

2. Added, *ibid.*

(11) shall abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of his licence ;

(12) shall comply with all lawful orders issued from time to time by the Commissioner, the Collector or the Superintendent.

<sup>1</sup>[45 A. The wholesale licensee shall maintain accounts of denatured spirit in Form D. S. XXVI. and daily sales register in Form D. S. XXVII. The monthly returns shall be furnished by the licensee to the District State Excise Officer in Form D. S. XXVIII.

45 B. The retail denatured spirit licensee shall maintain accounts of denatured spirit in Form D. S. XXIX, and daily sales register in Form D. S. XXX. The monthly returns shall be furnished by the licensee to the District State Excise Officer in Form D. S. XXXI.]

46. The privileges of purchase and possession of ordinary denatured spirit granted under the licence to the wholesale licensee or the retail licensee shall extend only so far as they are incidental to its sale at the licensed premises.

47. Notwithstanding anything contained in rule 36, the Collector may, with the previous permission of the Commissioner, permit any wholesale licensee <sup>3</sup>[or retail licensee] to sell <sup>2</sup>[specially denatured spirit] as a special case by making an endorsement to that effect on the licence, and the provisions of rules 38 to 46 and Form D. S. VI, <sup>3</sup>[D. S. VII] shall, so far as may be, apply to the sale of such spirit.

#### TRANSPORT

48. Except as permitted by his licence or permit, no person shall transport denatured spirit without a pass.

49. Any person desiring to transport denatured spirit shall apply for a pass in that behalf to the Collector or any other officer authorised to grant such pass. The application shall be in the following form :

From

Licence No. ....

Dated this .....

To

We have to request you to kindly grant us a transport pass to supply .....  
<sup>2</sup>[litres] /bottles of ordinary denatured spirit to .....  
 .....at ..... and oblige.

The countersigned requisition is attached hereto.

Thanking you,

Yours faithfully,

50. If the Collector or the officer authorised to grant such passes, after making such inquiries as he deems necessary, is satisfied that there is no objection to grant the pass applied for, he may grant the applicant a pass in Form D. S. IX. The pass shall be in 4 parts and shall be dealt with as under :

- 
1. Ins. by G. N. of 4-11-1968.
  2. Subs. *ibid*.
  3. Ins. by G. N. of 18-8-2008.

Part I shall be recorded in the office of the State Excise Officer granting the pass.

Part II shall be forwarded to the licence-holder from whom the denatured spirit is to be obtained.

Part III shall be handed over to the transporter to accompany the consignment and shall be recorded in the licensed premises of the purchaser.

Part IV shall be forwarded to the State Excise Officer of the place to which denatured spirit is to be transported :

Provided that no such pass shall be granted for the transport of denatured spirit manufactured or stored in any distillery, bonded warehouse, bonded laboratory or bonded manufactory in the <sup>1</sup>[State of Maharashtra] from such distillery, warehouse laboratory or manufactory for the transport of denatured spirit from any Custom House, at any Port, Land Custom Station or Airport, unless <sup>2</sup>[administrative fee at the rate of <sup>8</sup>[Thirty] paise per litre] of denatured spirit to be so transported has been paid by the applicant <sup>3</sup>\* [ \* \* ]

4\*                    \*                    \*                    \*                    \*                    \*

7\*                    \*                    \*                    \*                    \*                    \*

<sup>5</sup>[50A. (1) Where a holder of a licence in Form D. S. VI desires to export under claim for refund of transport fee any quantity of ordinary denatured spirit on which such fee has already been paid, he shall present an application in Form XXXIV to the District Prohibition and Excise Officer concerned.

(2) The District State Excise Officer shall, on receipt of an application under sub-rule (1), check the particulars mentioned in Part A of the application with the help of documents produced by the applicant, and if he finds that the particulars are correct, he shall enter the particulars so checked in the form of register No. D. S. XXXV, and sign Part B of the application. He shall then hand over the application to the applicant.

(3) The application claiming the refund of transport fee shall, after the consignment is received at the place of import, get Part C of the application signed by the Excise authority in whose jurisdiction the place of import is situated, and present it to the District State Excise Officer concerned in this State.

(4) On receipt of the application duly endorsed by the Excise Authority of the importing State, the District State Excise Officer shall prefer the necessary refund bill for verification to the concerned Treasury Officer who shall return it to the District Prohibition and Excise Officer.

(5) On receipt of the refund bill from the Treasury Officer duly verified, the District State Excise Officer shall obtain the applicant's signature on the refund bill in token of having received the payment, and forward the bill for Collector's sanction.

(6) When the refund bill is received back from the Collector by the District State Excise Officer, it shall be presented to the Treasury Officer concerned for encashment.

1. Subs. by G. N. of 25-7-1963.

3. Deleted by G. N. of 4-11-1968.

5. Added by G. N. of 4-11-1968.

7. Deleted by G. N. of 12-7-1999.

2. Subs. by G. N. of 12-1-1990.

4. Deleted by G. N. of 10-3-1981.

6. Added by G. N. of 22-3-1994.

8. Subs. by G. N. of 21-6-1992.

(7) On the bill being encashed, the District State Excise Officer shall immediately ask the applicant in writing to collect the amount from him.

(8) Before the payment is made to the applicant, the register in form D.S. XXXV shall be duly completed.

50B. No refund shall be allowed-

(i) where the claim is for a refund amounting to less than a sum of Rs. 5 in respect of any single consignment intended to be exported, or

(ii) if the quantity of ordinary denatured spirit in respect of which the refund is claimed is not exported within six months from the date of transport pass under which it is transported nor shall payment be made in respect of any claim if the application in Form D.S. XXXIV duly completed in all respects, is not presented within three months from the date of exportation of ordinary denatured spirit.]

#### IMPORT

51. Any person desiring to import denatured spirit shall apply to the Collector for an import pass. The application shall contain the following particulars :

- (1) Name and address of the applicant ;
- (2) Form of the licence held under the Act by the applicant and its number and date ;
- (3) Kind and quantity of denatured spirit to be imported ;
- (4) Quantity of denatured spirit permitted for possession under the licence;
- (5) Place from which denatured spirit is to be imported;
- (6) Name and address of the person from whom denatured spirit will be purchased;
- (7) Place at which denatured spirit will be kept after its import;
- (8) Period for which import pass is required;
- (9) Route;
- (10) Reasons for importing denatured spirit;
- (11) An undertaking in writing to the effect that the applicant will abide by the provisions of the Act, and the rules, regulations and orders made thereunder and the conditions of the pass applied for.

52. On receipt of the application under rule 51. the Collector shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the pass applied for, he may grant the applicant such pass in Form D.S.X. <sup>1</sup>["on recovery of import fee at the rate of Rs. 1.50 (Rupees one and half only) per litre of denatured spirit to be imported"]. The licensee shall also obtain the requisition and the transport pass as required by rule 38. The pass shall be in three parts and shall be dealt with as under :

Part I shall be kept by the officer granting the pass for his record ;

Part II shall be handed over to the importer for sending with the consignment and for record thereafter with his accounts; and

Part III shall be forwarded to the Collector or Chief Excise Authority of the place of export.

53. The importer shall present Part II of the import pass to the Collector or the Chief Excise Authority of the place of export and shall obtain orders of such authority for the supply of denatured spirit to him.

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1. Subs by GN 14-10-98

54. The importer shall get his supply of denatured spirit in casks, drums or receptacles sealed with the seal of the officer of the place of export issuing the denatured spirit, with the quantity and strength of spirit indicated there.

55. On arrival of the consignment of denatured spirit at the importer's shop or premises the importer shall inform the local <sup>1</sup>[State Excise Officer] about its arrival and shall not interfere with the seals on the casks, drums or receptacles until that officer has verified the contents and the apparent strength, of denatured spirit in each cask, drum or receptacle with the particulars entered in Part II of the import pass and has drawn a sample therefrom for chemical examination.

56. The importer shall not sell or take out for use any denatured spirit from the consignment unless such <sup>1</sup>[State Excise Officer] gives him permission to do so after verifying the quality, quantity and strength of the denatured spirit. <sup>2</sup>[No such permission shall be given unless the denatured spirit is found, on examination by the Officer-in-charge of the Industrial Research Laboratory, Poona or Matunga, to contain the ingredients, according to the proportions prescribed by the State Government in that behalf, and to be of a strength of not less than 60<sup>0</sup> O. P.]:

Provided that such permission may be granted without such examination-

(i) where the denatured spirit has been certified by the Chief Excise Authority or other competent authority of the State of export to have been denatured under excise supervision so as to conform, in respect of the proportion and nature of the ingredients use, to the <sup>2</sup>[rules made by the State Government in that behalf]

(ii) where the denatured spirit is exported by firms or companies approved by the Chief Excise Authority or other competent authority of the State of export and is accompanied by a certificate from the Chemical Analyser or Chemical Examiner of the Government of such State to the effect that it has been denatured as aforesaid provided that the seals on the casks, drums or receptacles containing denatured spirit are found to be intact on arrival at the importer's shop or premises and that the strength of the spirit is not less than 60<sup>0</sup> O. P. :

Provided further that notwithstanding the permission so granted a sample shall be taken from each cask, drum or receptacle and if such denatured spirit on being analysed and tested by <sup>2</sup>[the officer-in-charge of the Industrial Research Laboratory, Poona or Matunga] is found to be not properly denatured or to be of less than 60<sup>0</sup> O. P. in strength the importer shall not make any further sale or use of such denatured spirit. All such cases shall be reported to the commissioner for orders for the further disposal of such denatured spirit.

#### EXPORT

57. Any person desiring to export denatured spirit <sup>3</sup>[shall apply for an export pass to the Collector or any other officer authorised to grant such pass]. The application shall contain the following particulars, namely :

- (1) Name and address of the applicant ;
- (2) Kind and quantity of denatured spirit to be exported ;
- (3) Kind of licence held by the applicant under these rules with its number and date ;
- (4) Place from which denatured spirit is to be exported ;

1. Subs. by G.N. of 25-7-1963.

2. Subs. by G. N. of 4-11-1968.

3. Subs. by G. N. of 15-3-1972.

- (5) Place to which spirit is to be exported ;
- (6) Name and address of the person to whom denatured spirit is to be consigned ;
- (7) Number and date of import pass or no-objection certificate granted by the Collector or Chief Excise Authority at the place of import ;
- (8) Route ;
- (9) Period for which the pass is required ;
- (10) Reasons for exporting denatured spirit ;
- (11) An undertaking in writing to the effect that the applicant shall abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the export pass applied for.

58. The applicant shall submit with his application an import pass or no objection certificate granted by the Collector or the Chief Excise Authority of the place of import allowing the import of denatured spirit at such place by the applicant.

59. On receipt of the application under rule 58, <sup>1</sup>[the Collector or the officer authorised to grant the export pass shall make] such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the export pass applied for, he may grant the applicant a pass in Form D. S. XI. The export pass applied for the may <sup>2</sup>[on recovery of an export fee at the rate of <sup>3</sup>[ rupee one and fifty paise per bulk litres] of denatured spirit to be exported] grant the applicant a pass in Form D. S. XI, The export pass shall be in the four parts which shall be dealt with as under :

Part I shall be kept for record in the office of <sup>1</sup>[the officer granting the pass,]

Part II shall be handed over to the exporter for record with his accounts,

Part III shall be handed over to the exporter for sending with the consignment and thereafter to be kept by the person receiving denatured spirit, and

Part IV shall be forwarded to the Collector or the Chief Excise Authority of the place to which denatured spirit is to be exported.

60. The exporter shall take all reasonable precautions so that the denatured spirit exported by him reaches its destination without being tampered with in transit.

<sup>4</sup>[61. The exporter shall produce before the Collector <sup>1</sup>[or, as the case may be, the officer granting the pass], within three months from date of export of denatured spirit an acknowledgment of its receipt of the person receiving it countersigned by the officer in whose jurisdiction the importer's licenced premises are situated.]

62. Notwithstanding anything contained in the foregoing rules, the permits and licences for the possession and use of denatured spirit or for the sale of denatured spirit or for the manufacture of denatured spirit granted before the commencement of these rules and in operation before such commencement shall be deemed to be granted under the corresponding provisions of these rules and shall continue to remain in force, until they are renewed under these rules or until the period of their currency is over, whichever is earlier.

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1. Subs. by G.N. of 15-3-1972.

2. Ins. by G. N. of 30-3-1974.

3. Subs. by G. N. of 9-2-1994.

4. Subs. by G. N. of 4-11-1968.



**FORM D.S.I**

(Rule 5)

Licence No. ....

*Licence for the denaturation of Indian-made rectified spirit including absolute alcohol under bond, and for the sale of denatured spirit from the warehouse.*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder to .....of ..... (hereinafter referred to as “ the licensee ” ) on payment of <sup>1</sup>[a fee of Rs.....] authorising him to receive or store Indian-made rectified spirit including absolute alcohol (hereinafter referred to as spirit) and to denature it under bond at the bonded warehouse at ..... and to sell ordinary denatured spirit therefrom during the period from ..... to ..... subject to the following conditions, namely :

*Conditions*

1. The licensee shall not <sup>2</sup>[save as otherwise permitted by the Commissioner]<sup>3\*</sup> denature spirit at any place except in a room (hereinafter referred to as the denaturing room”) allotted for the purpose at the warehouse.

2. The door of the licensee’s denaturing room shall have two locks, of which one shall be provided by the licensee and the key of it kept with him. The other shall be an excise revenue lock the key of which shall be kept with the officer in charge of the warehouse. The licensee shall open his lock at any time when required to do so by the officer in charge of the warehouse.

3. (1) The licensee shall not keep anything in the denaturing room except spirits, denaturants, vats and their accessories and testing instruments.

(2) The licensee shall not enter or allow any person to enter the denaturing room with a naked light.

(3) The licensee shall not use any lamp other than an electric safety lamp of a design approved by the Commissioner.

4. (1) The licensee shall not keep denatured spirit in casks used for transport and shall transfer the spirit from such casks by pumping it into a storage vat or tank having a capacity of not less than <sup>1</sup>[2,250 litres] of such smaller capacity as the Commissioner may permit.

(2) The licensee shall have the vats or tanks used for the storage of spirit painted white, and those used for the denaturation or for storage of denatured spirit painted red.

(3) The licensee shall have each storage and denaturing vat so gauged as to show its depth <sup>1</sup>[at every centimetre and millimetre ] and shall provide it with a gauge rod and a discharge cock having an internal diameter of not less than <sup>1</sup>[3.75 millimetres].

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1. Subs. by G.N. of 4-11-1968.  
 2. Ins. by G. N. of 22-10-1966.  
 3. Deleted. by G. N. of 3-8-1967.



5. <sup>2</sup>[Except where the Commissioner directs otherwise, the licensee shall denature] spirit in fixed vats or tanks having a capacity of not less than <sup>1</sup>[2,250 litres] or of such smaller capacity as the Commissioner may permit. The licensee shall carry on all denaturing operations in the presence of both the officers in charges of the warehouse and himself or his agent.

6. (1) Before any denaturing operation commences, the licensee shall keep the denaturing vat <sup>3</sup>[or tank or any other receptacle (hereinafter referred to as “the vat ”) in which denaturing operation may have been permitted by the Commissioner] empty.

(2) The licensee shall first place the approved denaturants in the prescribed proportions in the vat and then after testing the spirit shall add it thereto immediately thereafter.

(3) The licensee shall then effectively stir the contents of the vat to ensure that they are properly mixed.

7. (1) The licensee may sell or supply any spirit denatured under this licence from the warehouse before the samples of such spirit taken for analysis under rule 13 of the Bombay Denatured Spirit Rules, 1959, are examined by the <sup>1</sup>[ officer-in-charge of the Industrial Research Laboratory, Poona or Matunga] <sup>4</sup>[ or any other laboratory notified under rule 9 A, by Government from time to time, or the Director Haffkine Institute for Training, Research and Testing, Bombay] and certified by him to be satisfactorily denatured.

(2) If <sup>1</sup>[the officer-in-charge of the Industrial Research Laboratory, Poona or Matunga] <sup>4</sup>[or any other laboratory notified under rule 9A, by Governmnet from time to time, or the Director, Haffkine Institute for Training, Research and Testing, Bombay] certifies that the spirit is insufficiently denatured, the licensee shall denature the spirit again by adding such denaturants as are necessary and send it to the chemical Analyser for examination through the officer in charge of the warehouse and obtain a certificate from the Chemical Analyser that the spirit has been satisfactorily denatured.

(3) Where <sup>1</sup>[ the officer-in-charge of the Industrial Research Laboratory, Poona or Matunga] <sup>4</sup>[or any other laboratory notified under rule 9A, by Government, from time to time, or the Director, Haffkine Institute for Training, Research and Testing, Bombay] reports that the spirit cannot be certified as being satisfactorily denatured, the denatured spirit shall be dealt with according to the order of the Commissioner.

8. (1) Except with the permission of the Commissioner or of the officer specially authorised by the Commissioner in that behalf, the licensee shall not sell or supply from the warehouse ordinary denatured spirit in quantities of less than <sup>1</sup>[200 litres] at a time and of a strength lower than 60.00<sup>0</sup> O. P.

(2) The licensee shall not sell or supply ordinary denatured spirit <sup>1</sup>[or specially denatured spirit to any person unless he produces] a requisition countersigned by a State Excise Officer. The licensee shall carefully preserve the requisitions and give them to the officer-in-charge of the warehouse on his next visit to the denaturing room. All denatured spirit issued from the warehouse shall be accompanied by a permit signed by such officer.

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1. Subs. by G.N. of 4-11-1968.

2. Subs. by G. N. of 22-10-1966.

3. Ins., *ibid.*

4. Ins. by G. N. of 28-11-1988.

9. Before the removal of ordinary denatured spirit from the warehouse the licensee shall give two hours' notice in writing to the officer-in-charge of the warehouse. The notice shall state the date and hour of issue, the quantity and strength of the spirit to be issued and its destination.

10. The head of each cask or drum used for the transport of denatured spirit from the warehouse shall be painted red, and shall have the words " Denatured spirit " conspicuously painted upon it in white together with the following particulars :

Name of the warehouse, serial No. of the cask or drum, capacity in gallons and drums and the situation of the licensed premises or place where denatured spirit is to be transported.

11. The licensee shall affix to the front of his warehouse a signboard bearing his name, the of the warehouse and the words " Licensed <sup>1</sup>[to denature] spirit and sell ordinary denatured spirit "

12. The licensee shall keep a visit book at the warehouse for the uses of the inspecting officers. This book shall be paged and stamped with the seal of the Superintendent or the District Inspector, as the case may be.

13. The licensee shall not sell denatured spirit at a price in excess of the maximum price prescribed by the Commissioner under the Act.

14. The licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

15. It shall be entirely within the discretion of the Commissioner whether he will or will not renew this licence. If this licence is not renewed, or if it be cancelled or suspended the vessels and utensils, denaturing materials, spirit and denatured spirit remaining on the premises at the time of the expiration, cancellation or suspension of this licence shall be disposed of according to the orders of the Commissioner. If the licence is renewed, it shall be granted subject to such conditions as the Government may direct.

Dated this ..... day of .....19

Seal

Commissioner of Prohibition and  
Excise, Bombay.

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1. Subs. by G.N. of 4-11-1968.

**FORMA**

(Rule 7)

*Form of bond be executed before licence is granted to denature Indian-made rectified spirit including absolute alcohol*

Whereas I/we .....  
 residing at ..... in ..... taluka/tahsil of  
 the ..... District have made an application on .....  
 ..... to the Superintendent of State Excise .....  
 for a licence authorising me / us to denature Indian-made rectified spirit including absolute  
 alcohol at ..... and to sell denatured spirit from the warehouse  
 at ..... as specified in the said application. I/We  
 shall denature Indian-made rectified spirit and sell it thereafter at my/our warehouse  
 situated at ..... <sup>1</sup>[in the town/taluka/tahsil/mahal of  
 ..... District in the State of Maharashtra] in accordance with the  
 provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders  
 made thereunder and the conditions of the licence granted or renewed thereunder to me/us  
 for the said purposes and in case of my/our making default in the observance of the  
 provisions of the said Act and the rules, regulations and orders made thereunder and the  
 conditions of the said licence, I/we bind myself/ourselves jointly and severally and each  
 and every one of my/our respective heirs, executors, administrators and representatives,  
 to forfeit to the <sup>1</sup>[Governor of Maharashtra] the sum of Rupees ..... \*  
 in guarantee of which I have deposited with Government an amount of Rupees  
 ..... in cash/in securities.

Place .....

Dated this ..... day of ..... 19 .....

In the presence of—

1. ....
2. ....

Signature (s) of the Principal (s).

†we (1) ..... (2) .....  
 residing at ..... in the .....  
 taluka/tahsil of ..... district do hereby declare  
 ourselves sureties for the abovenamed ..... that he/they  
 shall do and perform all that he/they has/have undertaken to do and perform and in case  
 of his/their making default therein, we hereby bind ourselves jointly and severally to  
 forfeit to the <sup>1</sup>[Governor of Maharashtra] the sum of Rupees .....

Place .....

Dated this ..... day of ..... 19 .....

In the presence of—

- |           |           |
|-----------|-----------|
| (1) ..... | (2) ..... |
| (2) ..... | (2) ..... |

Signatures of the sureties.

\* This clause should be struck off where <sup>2</sup>[instead of cash or securities, sureties are taken].

† The surety bond is not necessary where cash or securities are taken.

1. Subs. by G. N. of 25-7-1963.

2. Subs. by G. N. of 4-11-1968.

<sup>5</sup>[ FORMD. S. A-I]<sup>5</sup>[ FORMD. S. II]**FORMD. S. III**

[See rule 25 (2)]

Licence No. ....

*Licence for the possession of ordinary denatured spirit for medical use by registered medical practitioners.*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter called “the license”) on payment of a fee <sup>1</sup>[of .....] in advance, authorising him to buy, possess, transport and use ordinary denatured spirit (hereinafter called “spirit”) during the period from ..... to ..... (both days inclusive), at his premises situated at ..... (hereinafter referred to as “the licence premises”) and also at any other place within the <sup>2</sup>[State of Maharashtra], subject to the following conditions, namely :-

#### *Conditions*

1. The licensee shall not use the spirit for any purpose except for medical use.
2. The licensee shall not use spirit exceeding ..... bottle(s) during any calendar month: provided that he may buy during any calendar month spirit not exceeding the quantity permitted to be used in two months.
3. The licensee shall not possess more than <sup>3</sup>[<sup>4</sup>[fifteen] bottles] of spirit at any one time: provided that he may possess spirit in a quantity not exceeding that permitted for use in two months.
4. The licensee shall not obtain his supply of spirit except from a retail licensee. He shall not remove the spirit purchased by him from the licensed premises of such licensee, unless he gets the details of its purchase entered on the reverse of this licence by the retail licensee or any other person authorised by him in writing in this behalf. The licensee shall be entitled on presentation of this licence to obtain his quota of spirit from such licensee without the production of any requisition or transport pass.

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1. Subs. by G. N. of 2-2-1960.

2. Subs. by G. N. of 25-7-1963.

3. Subs. by G. N. of 10-2-1961.

4. Subs. by G. N. of 4-11-1968.

5. Deleted by G. N. of 10-4-2008.

5. The licensee shall not transport from the licensed premises of the retail-sale licensee to his licensed premises any quantity of ordinary denatured spirit exceeding that purchased by him on the date of transport in question and entered in his licence against that date.

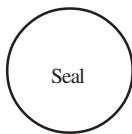
6. The licensee shall keep all the spirit received by him in a secure place in the licensed premises under lock and key and all issues of spirit from the said place shall be made in the presence of the licensee or a person duly authorised by him in writing in this behalf. He shall not keep or use spirit at any place shall be made in the presence of the licensee or a person duly authorised by him in writing in this behalf. He shall not keep or use spirit at any place other than the licensed premises.

7. Notwithstanding anything contained in the conditions 5 and 6, the licensee may transport, possess and use spirit obtained under this licence, throughout the <sup>1</sup>[State of Maharashtra] if the quantity of spirit to be transported, possessed or used does not exceed <sup>2</sup>[<sup>3</sup>[fifteen] bottles] and this licence accompanies such transport, possession or use and is produced for inspection on demand by any officer empowered under section 77(a) of the Bombay Prohibition Act, 1949. The certificate shall remain with the stock of denatured spirit held at the licensed premises.

8. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

9. In case the licence is suspended or cancelled during its currency or is not renewed on its expiry, the whole of the unused stock of spirit in balance with the licensee shall be forthwith handed over by him to the officer granting the licence.

Granted this ..... day of ..... 19 ..



<sup>4</sup>[Inspector of State Excise]

- 
1. Subs. by G. N. of 25-7-1963.
  2. Subs. by G. N. of 10-2-1961.
  3. Subs. by G. N. of 4-11-1968.
  4. Subs. by G. N. of 18-8-2008.

**(Reverse of the Licence in Form D. S. III)**

*Details of purchase of ordinary denatured spirit made by the licence*

Date	Aggregate quantity of ordinary denatured spirit permitted to be used in one month	Quantity of ordinary spirit permitted to be used in two month	Quantity of ordinary denatured spirit purchased		Retail Licensee's Licence No.	Retail Licensee's Name and address	[Signature of the licensee or signature. of his authorised nokar]
			On the date	Progressive total for each period of two months			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

L. Subs. by G. N. of 4-11-1968.

(To be printed below Form D. S. III and to be detachable there from)

**CERTIFICATE**

This is to certify that ..... of ..... holds a permit in Form D. S. III No. .... dated ..... under rule 25(2) of the Bombay Denatured Spirit Rules, 1959, valid upto ..... for the following quantity of ordinary denatured spirit :-

Quantity :-

Seal

<sup>1</sup>[Inspector of State Excise]

Place .....

Dated .....

**FORM D.S. IV**

[See rule 26 (3)]

Licence No. ....

*Licence for the possession transport and use of ordinary denatured spirit for bona fide medical, scientific and educational purposes.*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter referred to as "the licensee") on payment of a fee of ..... authorising him to buy, transport, possess and use ordinary denatured spirit (hereinafter referred to as "spirit") for bona fide  $\frac{*medical}{Scientific}$  purposes, during the period from ..... to  $\frac{educational}{educational}$  ..... (both days inclusive) at his premises situated at ..... (hereinafter referred to as the "licensed premises") subject to the following conditions, namely :-

*Conditions*

1. The licensee shall keep all the spirit received by him in a secure place in the licensed premises under lock and key and all issues of spirit from the said premises shall be made in the presence of the licence-holder or a person duly authorised by him in writing in this behalf. He shall not keep or use spirit at any place other than the licensed premises.

\* Strike off whichever is unnecessary.

1. Subs. by G. N. of 18-8-2008.

2. The spirit possessed under the licence shall not be used except for the purpose of .....

3. The privileges of purchase, possession and transport of spirit granted under this licence shall extend only so far as they are incidental to its use stated in condition 2.

4. (1) The licensee shall not purchase his supply of spirit from any person except from a wholesale licensee or a retail licensee.

(2) The licensee shall not possess or use spirit of a strength less than 60° O.P.

5. The licensee shall not obtain his supply of spirit except from a retail licensee if such supply does not exceed 6<sup>1\*</sup> bottles and from a wholesale licensee if such supply exceeds<sup>2</sup> [5 litres]

Provided that if the licensee is a registered medical practitioner, he may obtain his supply of spirit exceeding 6<sup>1\*</sup> bottles from a retail licensee.

6. The licensee shall not use spirit exceeding  $\frac{1^* \text{bottles}}{2 [\text{liters}]}$  in any one calendar month.

<sup>3</sup>[7. The licensee shall not possess at any time spirit in excess of .....  
1\* bottles/<sup>2</sup>[liters].

8. The licensee shall keep his stock of spirit in excess of <sup>2</sup>[50 litres] in premises sufficiently fire-proof and approved by the municipal or such other authorities.

9. Notwithstanding anything contained in the condition 1 the licensee may transport, possess and use ordinary denatured spirit obtained under his permit throughout the <sup>4</sup>[State of Maharashtra] if the quantity of the spirit to be transported, possessed or used does not exceed <sup>2</sup>[thirty bottles], and this permit accompanies such transport, possession or use and is produced for inspection on demand by any officer empowered under section 77 (a) of the Bombay Prohibition Act, 1949. The certificate shall remain with the stock of denatured spirit held at the licensed premises.

10. <sup>2</sup> [The licensee shall maintain accounts in Form D.S. XXXII and shall furnish monthly returns in Form D.S. XXXIII to the District State Excise Office.] The account shall be kept in a bound book, paged and stamped with the seal of the Collector/ Superintendent of State Excise.

11. The licensee, other than the licensee who is a registered medical practitioner, shall maintain a visit book on his premises for use of the inspecting officer this book shall be paged and stamped with the seal of the Superintendent of State Excise.

12. This licensee may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

13. In case the licence is suspended or cancelled during its currency or is not renewed in its expiry, the whole of the unused stock of spirit in balance with the licensee shall be forthwith handed over by him to the officer granting the licence.

Granted this ..... day of ..... 19

Seal \_\_\_\_\_  
Collector of .....

Superintendent of State Excise

1. Deleted by G.N. of 4.11.1968.  
3. Subs. by G.N. of 11.3.1961.

2. Subs. *ibid.*  
4. Subs. by G.N. of 25.7.1963.



**(Reverse of the licence)***Details of the purchases of denatured spirit made by the licensee*<sup>1</sup>[N.B.-1 bottle= 650 milliliters]

Amount of denatured spirit purchased			Wholesale licensee's or retails licensee's			
Date	On the date	Progressive total for the calendar month	Licence No.	Name and address	Signature or signature of his authorised nokar or of the officer granting the transport pass in case the denatured spirit is to be purchased from a licensee having his licensed premises in a district different from that in which permises of the licensee are situated.	

*(To be printed below Form D.S. IV and to be detachable therefrom)***CERTIFICATE**

This is to certify that ..... of ..... holds a licence in Form D.S. IV No. .... dated ....., under rule 26 of the Bombay Denatured Spirit Rules, 1959, valid up to ..... for the following quantity of ordinary denatured spirit :-

Quantity

Collector of .....

Seal \_\_\_\_\_

Superintendent of [State Excise]

Place .....

Dated .....

1. Subs. by G.N. of 4.11.1968.

**FORM D. S. V**

[See rule 26 (3)]

Licence No. ....

*Licence for the possession and use of ordinary denatured spirit for bonafide purposes of art, industry <sup>1</sup>[not being an industry engaged in manufacturing denatured spirituous preparations] or profession.*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder, to ..... of ..... (hereinafter referred to as "the licensee"), on payment of a fee of Rs. .... authorising him to buy, possess, transport and use of ordinary denatured spirit (hereinafter referred to as "spirit") for bonafide purposes of art during the period from ..... to industry profession

..... (both days inclusive) at his premises situated at ..... (hereinafter referred to as the "licensed premises"), subject to the following conditions, namely :—

*Conditions*

1. Licensee shall keep all the spirit received by him in a secure place in the licensed premises under lock and key and all issues of spirit from the said premises shall be made in the presence of the <sup>2</sup>[licensee] or a person duly authorised by him in writing in this behalf. He shall not keep or use spirit at any place other than the licensed premises.

2. The spirit possessed under the licence shall not be used except for the purpose of .....

3. The privileges of purchase, possession and transport of spirit shall extend only so far as they are incidental to its use stated in condition 2.

4. The licensee shall not possess or use spirit of a strength less than 60° O.P.

5. The licensee shall not obtain spirit except,—

(a) From an excise of customs bonded warehouse, or with the permission of the Commissioner or of the officer specially authorised by the Commissioner in that behalf, from a licensed manufacturer of ordinary denatured spirit or wholesaler, if he is entitled to possess <sup>2</sup>[50 litres] or more of spirit under this licence;

(b) from a wholesale licensee or a licensed manufacturer of ordinary denatured spirit if he is entitled to possess <sup>2</sup>[5 litres] or more of spirit under this licence;

(c) from a retail licensee, if he is entitled to possess 6 <sup>1\*</sup> bottles or less of spirit under this licence.

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1. Ins. by G.N. of 4.11.1968.

2. Subs. by G.N. of 4.11.1968.

6. The licensee shall not transport spirit obtained under this licence to his licensed premises except under a pass granted by the <sup>2</sup>[State Excise Officer] of the place from where it is obtained, on the strength of a requisition signed by the licensee and counter sigend by the <sup>2</sup>[State Excise Officer] in whose charge such licensed premises are situated :

Provided that no such requisition and transport pass shall be necessary in the case of a licensee entitled to use spirit not exceeding 2 <sup>1</sup>\*bottles per month for the purchase and transport of spirit by him but the licensee shall not remove the spirit so purchased from the licensed premises of a retail licensee unless he gets the details of purchase of spirit entered in his licence under the signature of the retail licensee.

7. The licensee shall not use spirit <sup>3</sup>[exceeding . . . . . bottles/litres] <sup>3</sup>[in any three calendar months/six calendar months.]

8. the licensee shall not possess at any time spirit <sup>2</sup>[in excess of . . . . . bottles/litres]

9. The licensee shall keep his stock of spirit in excess of <sup>2</sup>[50 litres] in premises sufficiently fire-proof and approved by the municipal or such other authorities.

10. The licensee shall not recover spirit used in any process without first obtaining the necessary authority from the Collector to do so.

11. This licence is liable to be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

12. In case this licence is suspended or cancelled during its currency or is not renewed on its expiry, the whole of the unused stock of spirit in balance with the licensee on the date of such suspension, cancellation or non-renewal shall forthwith be handed overby him to the officer granting the licence.

Granted this . . . . . day of . . . . . 19 . . .



Collector of . . . . .  
Superintendent of State Excise

1. Deleted. by G.N. of 4.11.1968.  
2. Subs. *ibid.*  
3. Subs. by G. N. of 24.7.1971.

**(Reverse of the Licence)***Details of denatured spirit purchased in the month*<sup>1</sup>[N. B.— 1 bottle = 650 millilitres]

Date	Quantity purchased			Licence			Signature of the licensee or his authorised nokar.
	On date	the	Progressive total for each calendar month	Retailer or wholesaler or manufacturer	No.	Name and address	

**FORM B**

[See rule 26 (5)]

*Form of Bond to be executed before licence is granted to possess and use ordinary denatured spirit for medical, scientific and educational purposes or for purposes of art, industry or profession.*

Whereas I/we, ..... residing at ..... in ..... <sup>2</sup>[taluka/tahsil] of the ..... district have made an application on ..... to the Superintendent of State Excise, ..... for a licence authorising me/us to possess and use denatured spirit as specified in the said application form ..... I/we hereby bind myself/ourselves jointly and severally that I/we shall possess and use ordinary denatured spirit for the possession and use of which licence has been granted or renewed to me/us for ..... purposes at my/our ..... situated at

<sup>1</sup> Subs. by G. N. of 25-7-1963.

<sup>2</sup> Subs. by G. N. of 25-7-1963.

..... town/village of ..... district in the <sup>1</sup>[State of Maharashtra] in accordance with the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions of the licence issued thereunder and in case of my/our making default in the observance of the provisions of the said Act and the rules, regulations and orders made thereunder and the conditions of the said licence I/We bind myself/ourselves, jointly and severally and each and every one of my/our respective heirs, executors, administrators and representatives, to forfeit to the <sup>1</sup>[Governor of Maharashtra] the sum of rupees ..... \* in guarantee of which I have deposited with Government an amount of Rs. .... in cash/† in securities.

Place .....

Dated this ..... day of ..... 20 .. .

In the presence of—

1. ....
2. ....

Signature(s) of the Principal(s).

We (1) .....  
 (2) ..... residing  
 at ..... in the .....  
 taluka/tahsil of ..... district do hereby declare ourselves  
 sureties for the abovementioned ..... that he/they shall do and  
 perform all that he/they has/have undertaken to do and perform and in case of his/their  
 making default therein, we hereby bind ourselves jointly and severally to forfeit to the  
<sup>1</sup>[Governor of Maharashtra] the sum of rupees .....

Place .....

Dated this ..... day of ..... 19 .. .

In the presence of—

- |         |         |
|---------|---------|
| 1. .... | 1. .... |
| 2. .... | 2. .... |

Signature of the sureties.

\* This clause should be struck off where instead of cash or securities sureties, are taken.

† The surety bond is not necessary where cash or securities are taken.

1. Subs. by G. N. of 25-7-1963.

## FORM D. S. VI

(See rule 33)

Licence No. ....

*Licence for the wholesale sale of ordinary denatured spirit*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder, to ..... of ..... (hereinafter referred to as "the licensee") on payment of a <sup>1</sup>[fee inclusive of consideration of Rs. ....] authorising him to buy, possess and sell by wholesale ordinary denatured spirit (hereinafter referred to on "Spirit" at his shop) situated at ..... (hereinafter referred to as the "licensed premises") during the period from ..... to ..... (both days inclusive) subject to the following conditions, namely :-

*Conditions*

1. ( 1) The licensee shall not keep in his licensed premises nor have in his possession more than ..... <sup>2</sup>[litres] of spirit at any time, unless, he is specially authorised by the Collector to do so by an endorsement on this licence.

(2) The licensee shall not keep more than\* ..... <sup>2</sup>[litres] of spirit in the licensed premises. He shall keep the spirit in corked <sup>3\*</sup> \* \*bottles or in metal drums securely closed. Any stock in excess of [50 litres] shall be kept in the premises sufficiently fire-proof and approved by the municipal authorised and which are not used or intended for human occupation.

2. The licensee shall not keep or store spirit in any place other than the licensed premises or a godown which has been approved by the Collector and situated .....

3. Except with the previous permission of the Collector, the licensed premises or the godown shall not be located in the same building with any other shop for the sale of potable spirits, rectified spirit, medicated wines, tinctures, French polish or for the sale of food or drink for consumption on the premises.

4. The licensee shall not bottle spirit in the licensed premises except in <sup>3\*</sup> \* \*bottles only and under the supervision of a State Excise Officer and on such conditions as the Collector may impose. <sup>4</sup>[Each bottle shall contain of 100 ml. or 200 ml. or not less than 650 ml. of spirit] and shall bear the seal of the State Excise Officer supervising the bottling operations.

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\* The Collector may fix such quantity as is within the limit fixed by the municipal authorities.

1. Subs. by G. N. of 6-11-1981.

2. Subs. by G. N. of 4-11-1968.

3. Deleted, *ibid.*

4. Subs. by G. N. of 7-11-2006.

5. The licence shall be hung up in a conspicuous place in the licensed premises to the front of which shall be affixed a signboard bearing the following inscriptions in legible character in English and in the language of the district in which the licensed premises are situated :-

“Name of licensee .....

Licensed to sell ordinary denatured spirit by wholesale.

Authorised opening hour 6.00 a. m.

Authorised closing hour 9.00 p. m.”

6. The licensee shall not sell spirit at a price in excess of the maximum price prescribed by the Commissioner under the Bombay Prohibition Act, 1949.

7. The licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

8. As the licence is granted for a specified period only, it gives the licensee his heirs, legal representatives or assignees no claim whatsoever to the continuance or renewal thereof beyond the period specified therein. It is entirely within the discretion of the Collector whether he will or will not permit the assignee of the holder of the licence in case of sale or transfer, or the heir or legal representative of the holder of the licence in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

9. In case the licence is suspended or cancelled during its currency or is not renewed on its expiry, the whole of the unsold stock of spirit in balance with the licensee on the date of such suspension, cancellation or non-renewal shall forthwith be handed over by him to the Collector.

Granted this ..... day of ..... 19 .



Collector of .....

**FORM D. S. VII**

(See rule 35)

Licence No. ....

*Licence for the retail sale of ordinary denatured spirit.*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder, to ..... of ..... (hereinafter referred to as "the licensee") on payment of a <sup>1</sup>[fee (inclusive of consideration) of Rs. 200] authorising him to buy, possess and sell by retail ordinary denatured spirit (hereinafter referred to as the "spirit") at his shop situated at ..... (hereinafter referred to as the "licensed Premises") during the period from ..... to ..... (both days inclusive) subject to the following conditions, namely :-

*Conditions*

1. (1) The licensee shall not keep the spirit in any place other than the licensed premises.

(2) Except with the special permission of the Collector, the licensed premises shall not be located in the same building with any other shop for the sale of rectified spirit, potable spirits, medicated wines or tinctures, french polish or for the sale of food or drink for consumption on the premises.

2. Except with the previous permission of the Collector in writing, the licensee shall not keep in the licensed premises more than <sup>2</sup>[250 litres] of spirit at any time. Any stock in excess of <sup>2</sup>[50 litres] shall be stored in premises which are sufficiently fire-proof and approved by the municipal authorities and which are not used or intended for human occupation.

3. Except with the special permission in writing of the Collector the licensee shall not sell more than six <sup>3</sup>\* \*bottles of spirit at a time to any licensee :

Provided that, he may sell to a registered medical practitioner holding a licence in Form D. S. IV of a quantity exceeding six <sup>3</sup>\* \* bottles :

<sup>4</sup>[Provided further that, the quantity to be sold at a time shall not exceed the quantity authorised to be possessed at a time by the licensee/permit-holder.]

4. The licensee shall not sell, or offer or expose for sale spirit except in <sup>3</sup>\* \* bottles bearing the seal of the State Excise Officer supervising the bottling operations of the wholesale licensee from whom it was obtained nor shall he sell such spirit to persons under 21 years of age. All such bottles shall contain not less than <sup>2</sup>[650 millilitres] of spirit.

5. The licensee shall not sell spirit at a price in excess of the maximum price prescribed by the Commissioner under the Bombay Prohibition Act, 1949.

---

1. Subs. by G. N. of 6-11-1981.

2. Sub. by G. N. of 4-11-1968.

3. Deleted *ibid.*

4. Inserted by G. N. N. D.



6. The licence shall be hung up in a conspicuous place in the licensed premises to the front of which shall be affixed a signboard bearing the following inscription in legible character is in English and in the language of the district in which the shop is situated :-

“Name of the licensee .....

Licensed to sell by retail ordinary denatured spirit.

Authorised opening hour 6.00 a. m.

Authorised closing hour 9.00 p. m.

7. The licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

8. As the licence is granted for a specified period only, it gives the licensee, his heirs, legal representatives or assignees no claim whatsoever to the continuance or renewal thereof beyond the period specified therein. It is entirely within the discretion of the Collector whether he will or will not permit the assignee of the holder of the licence in case of sale or transfer, or the heir or legal representative of the holder of the licence in case of death to have the benefit of the licence for the unexpired portion of the term for which it is granted.

9. In case the licence is suspended or cancelled during its currency or is not renewed on its expiry, the whole of the unsold stock of denatured spirit in balance with the licensee on the date of such suspension, cancellation or non-renewal shall forthwith be handed over by him to the Collector.

Granted this ..... day of ..... 19 ..



Collector of .....

(Counterfoil)

**FORMD.S. VIII**

No. ....  
Dated 19 .

[(See rules 38 and 43)]

*Requisition for ordinary denatured spirit Wholesaler(s) by Retailer(s) User(s)*

From :

To,

- \*1) Shri .....
- \*2) The officer-in-charge of the Excise Bonded Warehouse at ....  
Customs Bonded Warehouse at ...

Sir(s),  
I/we hold a licence in form ..... for sale/use of  
ordinary denatured spirit at my/our premises situated at .....  
..... Please supply me/us  
..... [litres]/\*bottles of ordinary denatured spirit.  
..... Yours faithfully

Countersigned.

(Designation of the State  
Excise Officer.)

---

1. Subs. By G.N. of 4-11-1968.  
\* Unnecessary items should be struck off.

**FORMD.S. VIII**

No. ....  
Dated 19 .

[(See rules 38 and 43)]

*Requisition for ordinary denatured spirit Wholesaler(s) by Retailer(s) User(s)*

From :

To,

- \*1) Shri .....
- \*2) The officer-in-charge of the (Excise Bonded Warehouse at ....  
Customs Bonded Warehouse at ....

Sir(s),  
I/we hold a licence in form ..... for sale/use of  
ordinary denatured spirit at my/our premises situated at .....  
..... Please supply me/us  
..... [litres]/\*bottles of ordinary denatured spirit.  
..... Yours faithfully

Countersigned.

(Designation of the State  
Excise Officer.)

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1. Subs. by G.N. of 4.11.1968.  
\* Unnecessary items should be struck off.

**FORMD. S. IX**

(See rule 50)

(Pass for the transport of denatured spirit)

Part I For record in the office of the Collector or the officer granting the pass.  
 No. \_\_\_\_\_, dated \_\_\_\_\_ 19 \_\_\_\_\_.

1. Name and address of the transporter .....
2. Kind of the denatured spirit licence or permit/held by the transporter and its number and the date .....
3. Kind and quantity of denatured spirit to be transported .....  
 1\*           \*           \*           \*           \*           \*
4. Place and the name of the licence-holder to which denatured spirit is to be transported .....
5. Route .....
6. Date up to which the pass shall be valid .....  
 1\*           \*           \*           \*           \*           \*

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the above transport of denatured spirit subject to the condition that the whole quantity of denatured spirit shall be transported in one consignment only and its bulk shall not be broken in transit.

seal

Signature of the officer  
 granting the pass.

**FORMD. S. IX**

(See rule 50)

(Pass for the transport of denatured spirit)

Part II To be forwarded to the person from whom the denatured spirit is to be obtained.  
 No. \_\_\_\_\_, dated \_\_\_\_\_ 19 \_\_\_\_\_.

1. Name and address of the transporter .....
2. Kind of the denatured spirit licence or permit/held by the transporter and its number and the date .....
3. Kind and quantity of denatured spirit to be transported .....  
 1\*           \*           \*           \*           \*           \*
4. Place and the name of the licence-holder to which denatured spirit is to be transported .....
5. Route .....
6. Date up to which the pass shall be valid .....  
 1\*           \*           \*           \*           \*           \*

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the above transport of denatured spirit subject to the condition that the whole quantity of denatured spirit shall be transported in one consignment only and its bulk shall not be broken in transit.

seal

Signature of the officer  
 granting the pass.

**FORMD. S. IX**

(See rule 50)

(Pass for the transport of denatured spirit)

Part III - To be handed over to the transporter for sending with the consignment and for record thereafter [in the licensed premises of the purchaser].

- No. \_\_\_\_\_, dated \_\_\_\_\_ 19 \_\_\_\_\_.
1. Name and address of the transporter .....
  2. Kind of the denatured spirit licence or permit/hold by the transporter and its number and date .....
  3. Kind and quantity of denatured spirit to be transported .....  
2\* \* \* \*
  4. Place and the name of the licence-holder to which denatured spirit is to be transported .....
  5. Route .....
  6. Date up to which the pass shall be valid .....  
2\* \* \* \*

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the above transport of denatured spirit subject to the condition that the whole quantity of denatured spirit shall be transported in one consignment only and its bulk shall not be broken in transit.

seal

Signature of the officer  
granting the pass.

**FORMD. S. IX**

(See rule 50)

(Pass for the transport of denatured spirit)

Part IV.- To be forwarded to the Excise Officer of the place for which the denatured spirit is to be transported.

- No. \_\_\_\_\_, dated \_\_\_\_\_ 19 \_\_\_\_\_.
1. Name and address of the transporter .....
  2. Kind of the denatured spirit licence or permit/hold by the transporter and its number and date .....
  3. Kind and quantity of denatured spirit to be transported .....  
2\* \* \* \*
  4. Place and the name of the licence-holder to which denatured spirit is to be transported .....
  5. Route .....
  6. Date up to which the pass shall be valid .....  
2 1\* \* \* \* \*

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the above transport of denatured spirit subject to the condition that the whole quantity of denatured spirit shall be transported in one consignment only and its bulk shall not be broken in transit.

seal

Signature of the officer  
granting the pass.

1. Subs. by G. N. of 4-11-1968.
2. Deleted and renumbered, *ibid.*

**FORMD. S. X**

(See rule 52)

*Import pass for denatured spirit***PART I** — For record in the office of the officer granting the pass.

No. ...., dated ..... 20 .

Shri/ shri's ..... of  
 ..... holding <sup>D.S.VI</sup><sub>1[(D.S.V. or D.S.P.I.)</sub>  
 granted under the Maharashtra Denatured Spirituous Preparation Rules, 1963]  
<sup>Licence</sup><sub>Permit</sub> No. .... of ..... is/are  
 hereby granted a pass under and subject to the provisions of the Bombay Prohibition  
 Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder  
 authorising him/them to import ..... <sup>2</sup>[litres] of ordinary/<sup>1</sup>[specially]  
 denatured spirit from ..... of .....  
 to his/their shop/premises situated at ..... via .....  
 (route) subject to the following conditions, namely :-

1. The pass shall remain in force up to .....
2. The quantity of denatured spirit shall be imported in one consignment only and its bulk shall not be broken in transit.

Collector of .....

**FORMD. S. X**

(See rule 52)

*Import pass for denatured spirit***PART II** — To be handed over to the importer for sending with the consignment and for record thereafter with his accounts.

No. ...., dated ..... 20 .

Shri/ shri's ..... of  
 ..... holding <sup>D.S.VI</sup><sub>1[(D.S.V. or D.S.P.I.)</sub>  
 granted under the Maharashtra Denatured Spirituous Preparation Rules, 1963]  
<sup>Licence</sup><sub>Permit</sub> No. .... of ..... is/are  
 hereby granted a pass under and subject to the provisions of the Bombay Prohibition  
 Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder  
 authorising him/them to import ..... <sup>1</sup>[litres] of ordinary/<sup>1</sup>[specially]  
 denatured spirit from ..... of .....  
 to his/their shop/premises situated at ..... via .....

1. Subs. by G. N. of 8-3-1963.

2. Subs. by G. N. of 4-11-1968.

(route) subject to the following conditions, namely :-

1. The pass shall remain in force up to .....
2. The quantity of denatured spirit shall be imported in one consignment only and its bulk shall not be broken in transit.

Collector of .....

..... bulk <sup>1</sup>[litres] of denatured spirit as per details in columns 1 to 6 on the reverse have this day been issued. The pass will remain in force up to ..... 19 .....

Signature and designation of the officer supervising the supply of denatured spirit at the place of export.

The above consignment of denatured spirit arrived at the place mentioned in the pass on ..... and was verified on ..... by me and found to contain denatured spirit as per details in columns 7 to 12 on the reverse. Sample of denatured spirit sent to the Chemical Analyser on ..... and certified by him to be properly denatured and of proper strength as per his certificate No. ...., dated .....

Dated

Signature and designation of the officer at the place of import.

---

**FORM D. S. X**

(See rule 52)

*Import pass for denatured spirit*

**PART III** — To be forwarded to the Collector or Chief Excise Authority of the place of export

No. ...., dated ..... 19 .....

Shri/ shri's ..... of

..... holding <sup>2</sup>[(D.S.V. or D.S.P.I.] <sup>D.S.VI</sup> granted under the Maharashtra Denatured Spirituous Preparation Rules, 1963] Licence Permit No. .... is/are hereby granted a pass under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising him/them to import ..... <sup>1</sup>[litres] of ordinary/<sup>1</sup>[specially] denatured spirit from ..... of ..... to his/their shop/premises situated at *via* (route) subject to the following conditions, namely :-

1. The Pass shall remain in force up to .....
2. The quantity of denatured spirit shall be imported in one consignment only and its bulk shall not be broken in transit.

Collector of .....

---

1. Subs. by G. N. of 4.11.1968.      2. Subs. by G. N. of 8.3.1963.

Advised						
Cask or drum No. (1)	Registered capacity (2)	Actual contents (3)	Thermometer indication (4)	Hydrometer indication (5)	Strength (6)	
Received						
Actual contents (7)	Thermometer indications (8)	Hydrometer indications (9)	Strength (10)	Loss in transit (11)	Increase in transit (12)	Remarks (13)
¹[in (litres)]						

1. Subs. by G. N. of 4.11.1968.

FORMD. S. XI

(See rule 59)

*Pass for export of denatured spirit from the [State of Maharashtra]*  
**PART I** - To be kept for record in the office of the <sup>2</sup>[officer granting the pass.]

No. \_\_\_\_\_, dated \_\_\_\_\_ 19 \_\_\_\_\_ .

1. Name and address of the exporter.
2. Kind of denatured spirit licence held by exporter and its number and date.
3. Kind and quantity denatured spirit to be exported.
4. Place from which the denatured spirit is to be exported.
5. Place to which denatured spirit is to be exported.
6. Persons to whom denatured spirit is to be consigned.
7. Route.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders, made thereunder, authorising the abovementioned export subject to the following conditions, namely :-

1. The pass shall remain in force up to .....
2. The quantity of denatured spirit shall be exported in one consignment only and its bulk shall not broken in transit.

seal

<sup>2</sup>[ Officer granting the pass]

1. Subs. by G. N. of 25.7.1963.
2. Subs. by G. N. of 15.3.1972.

FORMD. S. XI

(See rule 59)

*Pass for export of denatured spirit from the [State of Maharashtra]*  
**PART II** - To be handed over to the exporter for record with his accounts.

No. \_\_\_\_\_, dated \_\_\_\_\_ 19 \_\_\_\_\_ .

1. Name and address of the exporter.
2. Kind of denatured spirit licence held by exporter and its number and date.
3. Kind and quantity denatured spirit to be exported.
4. Place from which the denatured spirit is to be exported.
5. Place to which denatured spirit is to be exported.
6. Persons to whom denatured spirit is to be consigned.
7. Route.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders, made thereunder, authorising the abovementioned export subject to the following conditions, namely :-

1. The pass shall remain in force up to .....
2. The quantity of denatured spirit shall be exported in one consignment only and its bulk shall not broken in transit.

seal

<sup>2</sup>[ Officer granting the pass]



## FORMD. S. XI

(See rule 59)

*Pass for export of denatured spirit from the [State of Maharashtra]***PART III** - To be handed over to the exporter for sending with the consignment and thereafter to be kept on the record of the person receiving denatured spirit.

No. , dated 19 .

1. Name and address of the exporter.
2. Kind of denatured spirit licence held by exporter and its number and date.
3. Kind and quantity denatured spirit to be exported.
4. Place from which the denatured spirit is to be exported.
5. Place to which denatured spirit is to be exported.
6. Persons to whom denatured spirit is to be consigned.
7. Route.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders, made thereunder, authorising the abovementioned export subject to the following conditions, namely :-

1. The pass shall remain in force up to .....
2. The quantity of denatured spirit shall be exported in one consignment only and its bulk shall not broken in transit.

seal

[ Officer granting the pass]

## FORMD. S. XI

(See rule 59)

*Pass for export of denatured spirit from the [State of Maharashtra]***PART IV** - To be forwarded to the Collector or the Chief Excise authority of the place to which the denatured spirit is to be exported.

No. , dated 19 .

1. Name and address of the exporter.
2. Kind of denatured spirit licence held by exporter and its number and date.
3. Kind and quantity denatured spirit to be exported.
4. Place from which the denatured spirit is to be exported.
5. Place to which denatured spirit is to be exported.
6. Persons to whom denatured spirit is to be consigned.
7. Route.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders, made thereunder, authorising the abovementioned export subject to the following conditions, namely :-

1. The pass shall remain in force up to .....
2. The quantity of denatured spirit shall be exported in one consignment only and its bulk shall not broken in transit.

seal

[ Officer granting the pass]

1. Subs. by G. N. of 25-7-1963.
2. Subs. by G. N. of 15-3-1972.

**[FORM D. S. XII**

[See rule 18 (3)]

D. S. I Licence No. ....

Name of the Licensee .....

Period of the Licence .....

Register of receipts of rectified spirit under bond at ..... bonded Warehouse.

					Advised				
Date of receipt	Number and date of pass	Name of Distillery or Warehouse from which received	Cask Number	Capacity (Actual contents).	Temperature	Strength	Proof litres		
1	2	3	4	5	6	7	8		
.....	.....	.....	.....	.....	.....	.....	.....		
Received				Loss in transit					
Actual quantity received.	Temperature	Indication	Strength	Proof litres	Allowed	Excess	Increase in transit	Vat to which spirit added and date	Remarks, if any, and initials of the Officer in charge of the Warehouse and Licensee
9	10	11	12	13	14	15	16	17	18

1. Form D. S. XII to D. S. XXXV were added by G. N. of 4.11.1968 read with Corrig. of 24.7.1971.

**FORM D. S. XIII**

[See rule 18 (3)]

Vat No. .... D. S. I Licence No. ....  
 Total depth ..... Name of the Licensee .....  
 Contents ..... Period of the Licence .....

*Register of Vat Account of rectified spirit intended for denaturation*  
 ..... bonded Warehouse.

									Quantity sent from
Date	Vat Dip	Litres	Indication	Indication	Strength	Proof litres	P.L. Distillery or Warehouse	P.L. Vat.	
1	2	3	4	5	6	7	8	9	
									Deficiencies
Number of Vat	P.L. Decrease in Vat	P.L. Found in vats, casks or other vessels	P. L. Blending	P. L. Evaporation	P. L. Racking	Other	P. L. Deficiency allowed	P. L. Excess Deficiency	
10	11	12	13	14	15	16	17	18	
Increase				Issue					
P. L. Racking	Other	Date when racked	Litres	P. L. Transferred to another Vat	P. L. for Denaturation	Register and page	Remarks, if any, and initials of the Officer in charge of the Warehouse and Licensee		
19	20	21	22	23	24	25	26		

## FORM D. S. XIV

[See rule 18 (3)]

D. S. I Licence No. ....

Name of the Licensee .....

Period of the Licence .....

Register Showing the Stock Account of rectified spirit intended for denaturation  
 ..... bonded Warehouse.

On hand									
Received									
1 Date	2 P.L. Opening Balance	3 From what vat or Distillery	4 Register and Page	5 P.L. from Distillery or Warehouse.	6 P.L. Transferred from another vat	7 P.L. Racking	8 P.L. Other		
and received				Issues					
Issued for denaturation									
9 P.L. Excess Defici- ency in transit or- dered to be charged with duty	10 P.L. Total	11 Book and Page	12 Date	13 Destination or purpose	14 P. L. Transferred to another vat	15 Litres	16 Proof litres		
Delivered and in hand									
Deficiency allowed				Excess deficiency charged with duty					
17 P. L. Blending	18 P.L. Evaporation	19 P.L. Racking	20 P.L. Transit	21 P. L. Other	22 P. L. Transit	23 P.L. Other	24 P.L. Total	25 P.L. Closing balance	26 Remarks, if any, and the initials of the Officer in charge of the Warehouse and Licensee

**FORM D. S. XV**

[See rule 18 (3)]

D. S. I Licence No. ....

Name of the Licensee .....

Period of the Licence .....

Register of denaturing operation ..... bonded Warehouse.

Denaturants used					Rectified Spirit transferred				
1	2	3	4	5	6	7	8	9	10
Date	Number of denaturing vat	Description	Bulk litres	Vat dip	Vat from which received	Litres	Strength	Proof litres	Total of columns 4 and 7

Denatured spirit prepared									
11	12	13	14	15	16	17	18	19	20
Vat dip	Litres	Temperature	Strength	Inndication	Proof litres	Gain litres	Loss litres	Number of storage vat to which transferred	Remarks, if any, and initials of the Officer in charge of the Warehouse and Licensee

**FORM D. S. XVI**

[See rule 18 (3)]

D. S. I. Licence No. ....

Name of the Licensee .....

Period of the Licence .....

*Register of Vat Account for denatured spirit* ..... *bonded warehouse.*

Vat No. ....

Total depth .....

Contents .....

Description of Denatured Spirit

							Quantity sent from			
Date	Vat dip	Bulk litres	Temperature	Indication	Strength	Proof litres	P.L. Denaturing Vat	Another vat	Number of Vat	
1	2	3	4	5	6	7	8	9	10	

Deficiencies								
Decrease in vat	Found in vats, casks or other vessels.	Denaturing	Blending	Evaporation	Rating	Other	Deficiency allowed	Excess Deficiency
PL.	PL.	PL.	PL.	PL.	PL.	PL.	PL.	PL.
11	12	13	14	15	16	17	18	19

Increase.				Issues				Register and page	Remarks, if any and initials of the Officer in-charge of the Warehouse and Licensee
Denaturing	Racking	Other	Date when racked	Litres	Transferred to another vat	On Passes			
PL.	PL.	PL.			PL.	PL.			
20	21	22	23	24	25	26	27	28	

**FORM D.S. XVII**

[See rule 18 (3)]

D. S. I Licence No. ....

Name of the Licensee .....

Period of the Licence .....

*Register of Stock Account of denatured spirit..... bonded Warehouse*

## Description of Denatured Spirit

On hand									
Date	Opening Balance	Number of denatur- ing vat from which received	Register and page	Received					
				From denaturing vat	Transferred from vat. another	Denaturing	Racking	Other	Total
P.L.	P.L.			P.L.	P.L.	P.L.	P.L.	P.L.	P.L.
1	2	3	4	5	6	7	8	9	10
and received									
Issues									
Book and page	Date	Destination or purpose	Transferred to another vat.	Issued on passes					
				Litres	Proof litres				
P.L.			P.L.						
11	12	13	14	15	16				
Delivered and in hand									
Deficiencies allowed									
Denaturing	Blending	Evaporation	Racking	Other	Total	Closing balance	Remarks, if any and initials of the Officer in-charge of the Warehouse and licensee		
P.L.	P.L.	P.L.	P.L.	P.L.	P.L.	P.L.			
17	18	19	20	21	22	23	24		

**FORM D.S. XVIII**

[See rule 18 (3)]

D. S. I Licence No. ....

Name of the Licensee.....

Period of the Licence .....

*Register of issues of denatured spirit to shops or manufactories for bonded Warehouse*

Description of denatured Spirit

Date of presentation of requisition of Bonded Warehouse (1)	Serial Number (2)	Number of pass (3)	Date of pass (4)	Place at which the shop is situated (5)
--	----------------------	-----------------------	---------------------	--

Route to be taken (6)	Licensed shop to which the spirit is to be transferred (7)	Number of each cask (8)	Registered capacity of each cask (9)	Spirit actually contained in each cask (10)	Temperature (11)
--------------------------	---	----------------------------	---	--	---------------------

Indication (12)	Strength (13)	Proof litres Bulk litres (14)	Vat from which drawn (15)	Date and hour when the spirit was issued (16)	Remarks, if any, and initials the officer-in-charge of the warehouse and licensee (17)
--------------------	------------------	-------------------------------------	------------------------------	--	---



**FORM D. S. XIX**

[See rule 18 (4)]

D. S. I Licence No. ....

Name of the Licensee .....

Period of the Licence .....

Monthly return of stock account of rectified spirit intended for denaturation for the month of 19 .

						Warehouse.
On hand and received					Delivered	
Opening Balance on the first day of the month P.L. 1	Amount received		Received Increase from			Total P.L. 7
	From Warehouse P.L. 2	Transferred from other vats P.L. 3	Racking P.L. 4	Other P.L. 5	Excess deficiencies in transit order to be charged with duty P.L. 6	
Delivered						
Issued			Deficiencies allowed			
Transferred to other vats P.L. 8	Issues for denaturation P.L. 9	Blending P.L. 10	Evaporation P.L. 11	Racking P.L. 12	Transit P.L. 13	Other P.L. 14
Delivered						
Excess deficiencies charged with duty						
Transit P.L. 15	Other P.L. 16	Total P.L. 17	Closing balance on the last day of the month P.L. 18		Remarks, if any and initials of the Officer in-charge of the Warehouse and licensee 19	

Date.

Signature of licensee

**FORM D. S. XX**

[See rule 18 (4)]

D. S. I Licence No. ....

Name of the Licensee .....

Period of the Licence .....

*Monthly return of stock account of denatured spirit for the month of ..... 19*  
*Bonded warehouse* *Description of Denatured Spirit.*

On hand and received										
Received										
Opening Balance on the first day of the month	From Denaturing vat	Transferred from another vats	Denaturing	Racking	Other	Total				
P.L.	P.L.	P.L.	P.L.	P.L.	P.L.	P.L.				
1	2	3	4	5	6	7				
Delivered and received										
Issued			Deficiencies allowed							
Transferred to the vats	Issued to shops on passes	Denaturation	Blending	Evaporation	Racking	Other	Total	Closing balance on the last day of the month	Bulk litres issued on passes	Remarks if any and initials of the officer in-charge of the warehouse and licensee
P.L.	P.L.	P.L.	P.L.	P.L.	P.L.	P.L.	P.L.	P.L.	P.L.	P.L.
8	9	10	11	12	13	14	15	16	17	18

Date.

Signature of licensee

**FORM D. S. XXI**

[See rule 18 (7)]

D. S. I Licence No. ....

Name of the Licensee .....

Period of the Licence .....

Bonded Warehouse .....

*Spirit Stock Account of* .....

On hand and received

Received

Date	Opening balance	From what receiver or vat or distillery or warehouse	Register and page	Quantity from receiver or distillery or warehouse	Transferred from another vat
1	2	3	4	5	6
	P.L.			P.L.	P.L.

Distillery or warehouse

Increase from			Excess in transit ordered to be charged with duty	Deficiency in transit ordered to be charged with duty	Delivery and in hand		
Racking	Transit	Other			Total	Book and page	Date
7	8	9	10	11	12	13	14
P.L.	P.L.	P.L.					



**FORM D.S. XXII**

[See rule 18 (7)]

D. S. I Licence No. ....

Name of the Licensee .....

Period of the Licence .....

*Register of issues under bond (duty free) and to Government liquors warehouses*

Number and date of permit	Amount authorised to be removed	Strength authorised	Destination	Date when racked	Number of cask
1	2	3	4	5	6

Weight of empty package	Weight of full package	Weight of spirit	Temperature	Indication	Strength
7	8	9	10	11	12

Weight of spirit per litre	Bulk litres	Proof litres	Vat from which drawn	Date and hour when spirit removed	Remarks
13	14	15	16	17	18

**FORM D. S. XXIII**

[See rule 18 (7)]

*Vat Account Register*

D. S. I Licence No. ....

Name of the Licensee .....

Period of Licence .....

Vat No. ....

Total Depth .....

Contents .....

Date	Vat Dip	Bulk Litres	Temperature	Indication	Strength	Proof Litres
1	2	3	4	5	6	7

Quantity received or sent From receiver		No. of receiver or vat	Water added litres	Decrease in vat or in pumping from receiver	Found in vats casks or other vessels (Cols. 24 to 28)
Proof Litres	Bulk Litres			Proof Litres	Proof Litres
8	9	10	11	12	13

Deficiencies Proof Liters				Increase			
Blending and reducing	Evapo- ration	Racking	Other	Deficiency allowed	Excess deficiency	Proof Litres	Proof Litres
				Proof Litres	Proof Litres	Racking	Other
14	15	16	17	18	19	20	21

Issues			
Date when racked	Bulk litres	Proof litres	
		Transferred to another vat	For redistillation
22	23	24	25

Proof litres			Register and page	Remarks	Officer's initials
Sent under bond	Issue for duty	Issued duty free			
26	27	28	29	30	31

**FORM D.S. XXIV**

[See rule 30 (i)]

D. S. V Licence No. ....

Name and address of the Licensee.....

Period of the Licence .....

Register of account of denatured spirit used for Art, Industry (not being an industry engaged in manufacturing denatured spirituous preparations) or profession during the month of.....

Date	Opening Balance	Quantity received	Source of supply	Total of columns 2 and 3
1	2	3	4	5
	Liters	Liters	Liters	Liters

Quantity used	Purpose for which used	Closing balance	Remarks, if any and initials of the licensee
6	7	8	9
Litres	Liters	Liters	



**FORM D. S. XXV**

[See rule 30 (i)]

D. S. I Licence No. ....

Name and address of the Licensee.....

Period of the Licence .....

*Monthly return furnished by the Licensee*

Opening balance denatured spirit on the first day of the month	Quantity of denatured received	Total of columns 1 and 2	Quantity used	Closing balance on the last day of the month	Remarks, if any and initials of the licensee
1	2	3	4	5	6
Litres	Litres	Litres	Litres	Litres	

Date .....

Signature of the Licensee.

**FORM D. S. XXVI**

[See rule 45-A]

D. S. V Licence No. ....

Name and address of the Licensee.....

Period of the Licence .....

*Register of accounts of Denatured Spirit received and sold by wholesale during the month of..... 19 .*

Receipts during the month					Name of the Bonded Warehouse of licensed manufacturer or wholesale licensee from whom denatured spirit shown in column 3 is purchased and the licence No. of the licensed manufacturer or wholesale licensee															
Quantity of Denatured Spirit purchased from																				
Date	Opening balance	Excise or Customs Bonded Warehouse	Licensed manufacturer	Wholesale licensee																
1	2		3		4															
	Litres/Bottles	Litres	Litres	Litres																
<table border="0" style="width: 100%;"> <tr> <td style="width: 25%; vertical-align: top;">No. of date of transport pass under which transport incidental to the purchase of the quantity of Denatured Spirit shown in column 3 is made</td> <td style="width: 25%; vertical-align: top;">Quantity of Denatured spirit imported</td> <td style="width: 25%; vertical-align: top;">No. and date of import pass under which import incidental to purchase of the quantity of Denatured Spirit shown in column 6 is made</td> <td style="width: 25%; vertical-align: top;">Total quantity of Denatured Spirit (Total of columns 2, 3 and 6)</td> </tr> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">6</td> <td style="text-align: center;">7</td> <td style="text-align: center;">8</td> </tr> <tr> <td></td> <td style="text-align: center;">Litres</td> <td></td> <td style="text-align: center;">Litres/Bottles</td> </tr> </table>					No. of date of transport pass under which transport incidental to the purchase of the quantity of Denatured Spirit shown in column 3 is made	Quantity of Denatured spirit imported	No. and date of import pass under which import incidental to purchase of the quantity of Denatured Spirit shown in column 6 is made	Total quantity of Denatured Spirit (Total of columns 2, 3 and 6)	5	6	7	8		Litres		Litres/Bottles				
No. of date of transport pass under which transport incidental to the purchase of the quantity of Denatured Spirit shown in column 3 is made	Quantity of Denatured spirit imported	No. and date of import pass under which import incidental to purchase of the quantity of Denatured Spirit shown in column 6 is made	Total quantity of Denatured Spirit (Total of columns 2, 3 and 6)																	
5	6	7	8																	
	Litres		Litres/Bottles																	
<table border="0" style="width: 100%;"> <tr> <td style="width: 20%; vertical-align: top;">Total quantity of Denatured Spirit Sold</td> <td style="width: 20%; vertical-align: top;">Dryage and/or breakage, if any</td> <td style="width: 20%; vertical-align: top;">Quantity of Denatured Spirit bottled and No. of bottles filled</td> <td style="width: 20%; vertical-align: top;">Closing balance</td> <td style="width: 20%; vertical-align: top;">Remarks, if any, and initials of the licensee</td> </tr> <tr> <td style="text-align: center;">9</td> <td style="text-align: center;">10</td> <td style="text-align: center;">11</td> <td style="text-align: center;">12</td> <td style="text-align: center;">13</td> </tr> <tr> <td style="text-align: center;">Litres/Bottles</td> <td style="text-align: center;">Litres/Bottles</td> <td style="text-align: center;">Litres/Bottles</td> <td style="text-align: center;">Litres/Bottles</td> <td></td> </tr> </table>					Total quantity of Denatured Spirit Sold	Dryage and/or breakage, if any	Quantity of Denatured Spirit bottled and No. of bottles filled	Closing balance	Remarks, if any, and initials of the licensee	9	10	11	12	13	Litres/Bottles	Litres/Bottles	Litres/Bottles	Litres/Bottles		
Total quantity of Denatured Spirit Sold	Dryage and/or breakage, if any	Quantity of Denatured Spirit bottled and No. of bottles filled	Closing balance	Remarks, if any, and initials of the licensee																
9	10	11	12	13																
Litres/Bottles	Litres/Bottles	Litres/Bottles	Litres/Bottles																	

**FORM-D.S. XX VII**  
(See rule 45-A)

D.S. VI Licence No. ....  
 Name and Address of the Licensee.....  
 Period of the Licence .....19 .

*Register of daily sale transactions of Denatured Spirit made by wholesale during the month of .....*

Name and address of the wholesaler or retailer or other licence-holders to whom Denatured Spirit is sold and kind and number of his licence		Quantity sold to						
Date	Name	Address	Kind and No. of Licence	D.S. IV Licence	D.S. V. Licence	D.S. VI Licence	D.S. VII Licence	D.S.P.I. Licence
(1)	(2)					(3)		
				Litres/Bottles	Liters/Bottles	Litres	Bottles	Litres
Export	No. and Date of Transport/Export pass under which incidental to the sale shown in columns (3) and (4) is made					Day's total sale		Remarks, if any, and initials of the licensee
(4)	(5)					(6)		(7)
Litres								

**FORM-D.S. XXVIII**

(See rule 45-A)

D. S. V. Licence No. ....

Name and Address of the Licensee.....

Period of the Licence .....

*Monthly return showing the receipt and sale by wholesale of Denatured Spirit during the month of..... 19 .*

Receipt during the month						
	(a)	(b)	(c)	(d)	Quantity of	
Opening Balance	Excise or Customs Bonded warehouse	Licensed manufacturer	Wholesale licensee	Quantity imported	Denatured Spirit bottled	No. of Bottles filled
(a) 1 (b)			(2)		(3)	(4)
Litres/Bottles	Litres	Liters	Litres	Litres	Litres	Bottles

Aggregate Quantity		Sales during the month				
Total of columns 1 (a) and (2) minus (5)	Total of columns 1 (b) and column (4)	Quantity sold within the State of Maharashtra				
		D.S. IV	D.S. V	D.S. VI (6)	D.S. VII	D.S.P. I
Litres	Bottles	Litres/ Bottles	Litres/ Bottles	Litres	Bottles	Litres

Quantity exported	Total of columns (6) and (7)	Dryage and/or wastage and/or breakage, if any	Closing balance [column (5) minus columns (8) and (9)]	Remarks
(7)	(8)	(9)	(10)	(11)
Litres	Litres/Bottles	Litres/Bottles	Litres/Bottles	

Date .....

Signature of the Licensee.

**FORM-D. S. XXIX**  
(See rule 45-B)

D. S. VII. Licence No. ....  
 Name and Address of the Licensee.....  
 Period of the Licence..... 19 ..

*Register of accounts of denatured spirit received and sold by retail during the month of .....*

Receipts								
Date	Opening Balance	Name of wholesale Licensee from whom received	Quantity received	No. and Date of transport pass under which the transport incidental to the purchase shown in column (4) is made	Total of columns (2) and (4)	Quantity sold	Closing balance	Remarks if any, and initials of the licensee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Bottles		Bottles		Bottles	Bottles	Bottles	

**FORM-D. S. XXX**

(See rule 45-B)

D. S. VII. Licence No. ....

Name and Address of the Licensee.....

Period of the Licence .....

*Register of daily sale transactions of denatured spirit made by retail during the month of..... 19 .*

Date	Name of permit or licence-holder	Address of permit or licence-holder	No. and kind of permit/licence	Quantity in bottles of spirit sold	Remarks, if any and initials of the licensee
(1)	(2)	(3)	(4)	(5)	(6)

**FORM-D. S. XXXI**

(See rule 45-B)

D. S. VII. Licence No. ....

Name and Address of the Licensee.....

Period of the Licence .....

*Monthly return showing the receipts and sale by retail of Denatured Spirit during the month of ..... 19 .*

Opening Balance	Receipts during the month	Total of columns (1) and (2)	Sales for the month			
			(a)	(b)	(c)	(d)
			D. S. II permit-holders	D. S. III Licence-holders	D. S. IV Licence-holders	D. S. V Licence-holders
(1)	(2)	(3)	(4)			
Bottles	Bottles	Bottles	Bottles	Bottles	Bottles	Bottles

Breakage, if any	Total of columns (4) and (5)	Closing balance [column (3) minus column (6)]	Remarks
(5)	(6)	(7)	(8)
Bottles	Bottles	Bottles	

Date .....

Signature of the Licensee.

**FORM-D.S. XXXII**

(See condition 10 of Form D. S. IV)

D. S. IV–Licence No. ....

Name and Address of the Licensee.....

Period of the Licence .....

*Register of accounts of Denatured Spirit used for bonafide Medical, Scientific and Educational purposes during the month of..... 19 .*

Date	Opening balance	Quantity of Denatured Spirit purchased	Source of Supply	Total of Columns (2) and (3)	Quantity used
(1)	(2)	(3)	(4)	(5)	(6)

Purpose for which used	Closing balance [column (5) minus column (6)]	Remarks, if any, and initials of the licensee
(7)	(8)	(9)

Litres/Bottles



**FORM D.S. XXXIII**  
 [See condition 10 of Form D. S. IV]

D. S. IV Licence No. ....  
 Name and Address of the Licensee.....  
 Period of the Licence .....

*Monthly return for the month of ..... 19 .*

Opening balance on the first day of the month (1)	Quantity of Denatured Spirit purchased (2)	Total of columns (1) and (2) (3)	Quantity used (4)	Closing balance on the last day of the month (5)	Remarks, if any, (6)
Litres/Bottles	Litres/Bottles	Litres/Bottles	Litres/Bottles	Litres/Bottles	

\_\_\_\_\_  
 Date .....

\_\_\_\_\_  
 Signature of the Licensee.

**FORM D.S. XXXIV**

[See rule 50-A (i)]

*Application for the refund of Transport Fee*

'A'

Dated 19

To,

The Superintendent/District Inspector of  
Prohibition and Excise,

Sir,

I/We wish to export the following quantity of Ordinary Denatured Spirit from ..... to ..... and to claim refund of transport fee thereon. The necessary particulars are supplies below :

1. Name and address of the applicant.
2. Form of the licence held under the Act by the applicant and its number and date.
3. Quantity of Ordinary Denatured Spirit to be exported.
4. No. and date of the Transport pass in respect of the consignment from which quantity at 3 above is to be exported.
5. Chalan No. and date showing the payment of Transport fee on the consignment mentioned at 4 above.
6. Amount of Transport fee credited on the chalan shown at 5 above.
7. Export pass No. and date
8. Name and Address of the importer.

I/We do hereby declare that the contents of this application are correct.

Yours faithfully

Signature.

'B'

No.

Checked and found correct according to the documents produced by the applicants.

Date            19

Superintendent/District Inspector  
of Prohibition and Excise,.....

---

'C'

No.

Date

19

The quantity of ordinary denatured spirit mentioned at item No. 3 of the applicant has been correctly received by the importer.

Signature and designation of  
the excise authority in whose  
jurisdiction the place of import  
is situated.

**FORM D.S. XXXV**  
[See rule 50-A (2)]

Name and Address of the Licensee.....  
D.S. VI Licence No. ....  
Month .....19

Serial No.	Date	No. and date of Transport pass of the consignment from which denatured spirit is to be exported	Chalan No. and date showing the payment of transport fee as the consignment mentioned in column 3	Amount of transport fee credited on the chalan shown in column 4	Quantity of ordinary denatured spirit to be exported	Export pass No. and date
1	2	3	4	5	6	7

Name and Address of the importer	Signature of the District Prohibition Excise Officer	Claim for refund of transport fee on ordinary denatured spirit to be exported	No. and date of the Excise authority of the importing State certifying the receipt of the quantity of ordinary denatured spirit imported
8	9	10	11

Date and No. of refund bill	Amount of refund bill	Date of payment	Initials of the District Prohibition and Excise Officer
12	13	14	15

[ 55 ]

G. N., R.D. No. DNS. 1153, dt. 14th October 1953

(B. G. Pt. IV-B, p. 2076)

In exercise of the powers conferred by Section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to make the following rule, namely :

The form of licence which may be granted under the Act for authorising a person to store in bond ordinary denatured spirit and to sell it for export by sea to places outside India in bond, shall be in the Form given in schedule hereto annexed and such licence shall be granted subject to the condition specified therein :

#### SCHEDULE

##### *Licence authorising storage in bond and sale for export by sea outside India in bond of denatured spirit*

Licence is hereby granted under and subject to the Provisions of the Bombay Prohibition Act, 1949 (hereinafter referred to as "the Act") and the rules, regulations and orders made thereunder, to ..... of ..... (hereinafter called "the licensee") on payment of a fee of Rs. .... in advance, authorising him to store in bond ordinary denatured spirit manufactured in India and to sell for export by sea to places outside India in bond the denatured spirit so stored at the ..... (hereinafter called "the licensed premises"), during the period from ..... to ..... (both days inclusive), subject to the following conditions, namely :

##### *Conditions*

1. This licence extends to the storage in bond and sale for export as aforesaid of ordinary denatured spirit not exceeding\* ..... gallons manufactured in India and imported from\* .....

2. Each jar, cask, drum, bottle or other receptacles containing ordinary denatured spirit of Indian manufacture stored in the warehouse shall be conspicuously labelled or branded with the words "Ordinary denatured spirit manufactured in India."

3. The licensee shall carry on the business at his licensed premises personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* signed by himself and countersigned by a Prohibition and Excise Officer not lower in rank than a Prohibition and Excise Sub-Inspector, provided that any such *nokarnama* signed by the licensee shall also be valid unless and until counter-signature is refused. If for any reason the Collector orders the withdrawal of any *nokarnama* issued by the licensee, the *nokarnama* shall be forthwith withdrawn. For every *nokarnama* issued by him, the licensee shall pay such fee as may from time to time be prescribed for this privilege by rules made under the Act.

No *nokarnama* shall be issued to any person under 21 years of age and no such *nokarnama* if issued, shall be valid.

4 (1) The licensee shall keep in the licensed premises a true and correct account of the quantity of ordinary denatured spirit received, sold for export by sea and in balance at the licensed premises. The account shall be plainly and correctly written up-to-date daily in a bound book, paged and sealed with the Collector's seal and with it shall be kept the

\* To be filled in while granting licence.

counterfoils of the requisitions and transport permits or customs documents relating to ordinary denatured spirit received at the licensed premises. The account book, requisitions, permits and customs documents shall, at all times, be open to inspection by the Commissioner, the Collector, the Superintendent of Prohibition and Excise, Inspector, or any other Officer depute by the Commissioner, the Collector or the Superintendent of Prohibition and Excise to inspect them.

(2) The licensee shall render to the Prohibition and Excise Inspector on or before the 7th day of each month a statement showing the quantity of ordinary denatured spirit received at and exported by sea from, his licensed premises during the preceding month and the quantity in stock at the end of the preceding month and shall furnish such other information as the Collector or the Superintendent of Prohibition and Excise may from time to time require.

5. The licensee shall keep a Visit Book at the licensed premises for the use of the Inspecting Officer. This book shall be paged and sealed with seal of the Superintendent of Prohibition and Excise.

6. Without the permission of the Collector the licensee shall not sell, transfer or sub-let the privilege of sale for export by sea granted to him by this licence, nor shall be in connection with the exercise of the said right enter into any agreement or arrangement which in the opinion of the Collector is of a nature of a sub-lease. No person will be recognised as the partner of the licensee for the purpose of this licence unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence or, if the partnership is entered into after the granting of the licence, unless the Collector agrees, on application made to him, to alter the licence and to add the name of the partner in the licence.

7. The licensee shall abide by the conditions of this licence and the provisions of the Act and the rules, regulations and orders made thereunder.

8. The licensee shall obey all the orders issued from time to time to him by the Commissioner, the Collector or the Superintendent of Prohibition and Excise.

9. The licensee, his heirs, legal representatives or assignees, shall have no claim whatsoever to the continuance or renewal of this licence after the period for which it is granted, it shall be entirely within the discretion of the Collector to permit or not the assignee of the licensee in the case of sale or transfer, or the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

10. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Act.

11. In case this licence is cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall surrender the whole stock of unsold denatured spirit forthwith to the officer-in-charge of the Government Liquor Warehouse for disposal.

Granted this ..... day of ..... 19

Collector of .....

**[56] THE MAHARASHTRA DENATURED SPIRITUOUS  
PREPARATIONS RULES, 1963**

G. N., H. D., No. DNS. 1060/11245-(a)-III, dated 8th March 1963

(M. G., Pt. IV-B, p. 322)

1. *Amended by corrig., H. D. No., DNS. 1060/11245-(a)111, dated 19th March 1963.*  
(M. G., Pt. IV-B, p. 403).
2. *Amended by G. N., H.D., No. DNS. 1063-31781-111, dated 2nd February 1966.*  
(M. G., Pt. IV-B, p. 146).
3. *Amended by G. N., H.D., No. DNS. 1168-111, dated 4th November 1968.*  
(M. G., Pt. IV-B, p. 1799).
4. *Amended by G. N., H.D., No. DNS. 1168-111, dated 20th February 1969.*  
(M. G., Pt. IV-B, p. 322).
5. *Amended by G. N., H.D., No. DNS. 1068/24688-111, dated 13th March 1969.*  
(M. G., Pt. IV-B, p. 387).
6. *Amended by G. N., H.D., No. SLC. 1069-111, dated 24th July 1971.*  
(M. G., Pt. IV-B, p. 1111).
7. *Amended by G. N., H.D., No. DNS. 2077-(1)-28-PR, dated 30th March 1978.*  
(M. G., Pt. IV-B, p. 545).
8. *Amended by G. N., H.D., No. DNS. 2077-(0)PRO-2, dated 29th September 1978.*  
(M. G., Pt. IV-B, p. 1023).
9. *Amended by G. N., H.D., No. BPA. 1081/21-(VIII)PRO-2, dated 6th november 1981.*  
(M. G., Pt. IV-B, p. 1942).
10. *Amended by G. N., H.D., No. BPA. 1088/XII-PRO-2, dated 16th March 1988.*  
(M. G., Pt. IV-B, p. 283-85).

In exercise of the powers conferred by sub-section (1) and clauses (d), (c), (k) and (12) of sub-section (2) of section 143, read with section 59-D, of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the said section 143, namely :

**PRELIMINARY**

1. Short title and extent.—(1) These Rules may be called the Maharashtra Denatured Spirituous Preparations Rules, 1963.  
(2) They shall extend to the whole of the State of Maharashtra.
2. Definitions.—In these rules, unless the context otherwise requires,—
  - (1) “Act” means the Bombay Prohibition Act, 1949 ;
  - (2) “District Inspector” means a District Inspector of Prohibition and Excise;
  - (3) “Form” means a Form appended to these Rules;
  - (4) “licensed premises” means premises in respect of which a licence has been granted under these Rules;
  - (5) “licensee” means a person who has been granted a licence under these Rules;
  - (6) “bottle” for the purposes of these Rules means a bottle having a capacity to contain 650 milliliters of any liquid;
  - (7) “pass” means a pass granted under these Rules;
  - (8) “Superintendent” means a superintendent of Prohibition and Excise.

## MANUFACTURE

3. *Application for licence.*

(1) Any person desiring to manufacture any denatured spirituous preparation or manufacture and sell such preparation shall make an application to the Collector for a licence in that behalf <sup>1</sup>[along with a challan evidencing payment of a fee of Rs. 10 for each such application]

(2) The application shall contain the following particulars, that is to say :—

(i) Name and address of the applicant;

(ii) Quantity of ordinary denatured spirit to be used per month;

(iii) Name of denatured spirituous preparation to be manufactured and approximate quantity thereof to be manufactured per month;

(iv) Whether the applicant holds any other licence for wholesale sale or retail sale of denatured spirit or for the possession and use of denatured spirit in the manufacture of French polish, varnish or any other denatured spirituous preparation.

(v) Whether the place is fire-proof and whether it has been approved by the municipal or other local authorities for the storage of denatured spirit and denatured spirituous preparations;

(vi) A declaration in writing as to whether the applicant has been convicted at any time of an offence punishable under any of the provisions of the Act, or of any Prohibition or Excise Law in force in any part of India; and whether any prosecution under that Act or such Prohibition or Excise Law, is at present pending against him in any Court;

(vii) An undertaking in writing to the effect that the applicant will abide by the provisions of the Act;

(viii) If the denatured spirituous preparation to be manufactured is for use in any art, industry or profession of the applicant, the name of such art, industry or profession.

4. *Grant of licence.*

(1) On receipt of the application under rule 3, the Collector shall make such inquiries as he may deem necessary, and if he is satisfied that there is no objection to grant the licence applied for, he shall on payment of the fee and on the applicant executing a bond, <sup>2</sup>[if any], provided for in this rule grant to the applicant a licence in Form D.S.P.I. subject to the condition that, except where the denatured spirituous preparation contains not less than 100 grams of soluble ingredients per litre of denatured spirit the ingredients of the denatured spirituous preparation shall be according to the proportion approved by the Director of Industries, Maharashtra State.

<sup>3</sup>(2) The fee (inclusive of consideration) for a licence under this rule shall be according to the following scale, namely;

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1. Ins. by G.N. of 13.3.1969.

2. Subs. by G.N. of 6.11.1981.

3. Added by G.N. of 16.3.1988.



<sup>3</sup>[When the total quantity of denatured spirit allowed to be used per month,—

	Rs.
(a) does not exceed 200 bulk litres	500
(b) exceeds 200 litres but does not exceed 2000 litres	1,000
(c) exceeds 2,000 litres	2,000

Provided that where the quantity of denatured spirit to be used in the manufacture of the denatured spirituous preparation for purpose of sample or research does not exceed 5 litres, the fee (inclusive of consideration) shall be <sup>4</sup>[rupees ten]

(3) The applicant shall execute a bond in Form B for an amount of Rs. 100 where the quantity of denatured spirit permitted to be used by him does not exceed 25 litres per month; and where such quantity exceeds 25 litres, for an amount of Rs. 1,000;

<sup>1</sup>[Provided that no such bond shall be necessary in the case of an applicant applying for the licence under this rule on behalf of any Government, Municipal or any Zilla Parishad institution.]

<sup>2</sup>["4A. *Renewal of Licence*—Any licence granted under rule 4 shall be renewed for a period not exceeding one year on payment of application fee of Rs. 5 and licence fee as prescribed in sub-rule (2) of rule 4, unless there is reason to believe that there has been a breach of any of the terms and conditions of the licence and/or that the licensee has not been working the licence properly".]

#### WHOLE SALE AND RETAIL LICENCE

5. **Application for wholesale or retail licences.**—Any person desiring to sell any denatured spirituous preparation by wholesale or by retail, shall apply to the Collector for a licence in that behalf. The application <sup>2</sup>[Shall be accompanied by a challan evidencing payment of a fee of rupees ten and] shall contain the following particulars :—

- (1) Name and address of the applicant;
- (2) Place where the applicant's shop for selling denatured spirituous preparation is situated;
- (3) Whether the denatured spirituous preparation was sold in the past at the above place and the period during which it was sold;
- (4) Whether the applicant holds any other licence for the wholesale sale or retail sale of denatured spirit or for the possession and use of denatured spirit in the manufacture of French polish, varnish or any other denatured spirituous preparation(s) ;
- (5) Quantity of denatured spirituous preparation intended to be sold during the period of the licence;
- (6) Average yearly sales of the denatured spirituous preparation(s) in the three years immediately before the date of the application;
- (7) Quantity of denatured spirituous preparation(s) intended to be stored at the said place;
- (8) Whether the place is fire-proof and whether it has been approved by the municipal or other local authorities for the storage of denatured spirituous preparation(s).

1. Added by G.N. of 13.3.1969.

2. Ins. by G.N. of 16.3.1988.

3. Added by G.N. of 16.3.1988.

(9) A declaration in writing as to whether the applicant has been convicted at any time of any offence punishable under any of the provisions of the Act, or of any Prohibition or excise law in force in any part of India, and whether any prosecution under that Act or such prohibition or excise law is at present pending against him in any Court of law.

(10) An undertaking in writing to the effect that the applicant shall abide by the provisions of the Act, and the rules, regulations and orders made there under and the conditions of the licence applied for.

6. *Grant of wholesale or retail licence.*—On receipt of the application under rule 5, the Collector shall make such inquiries as he deems necessary, and if he is satisfied that there is no objection to grant the licence applied for, he shall grant the applicant.

a retail licence in Form D.S.P. 3 <sup>1</sup>[on payment of a fee (inclusive of consideration) of Rs. 200] and a wholesale licence in Form D.S.P.2 <sup>2</sup>[on payment of a fee (inclusive of consideration)] according to the following scale, that is to say :—

(a) where the total quantity allowed for sale during the year does not exceed 70,000 litres <sup>4</sup>[Rs. 1,000].

(b) where the total quantity allowed for sale during the year exceeds 70,000 litres but does not exceed 1,40,000 litres-<sup>3</sup>[Rs. 2,000]; and

(c) where the total quantity allowed for sale during the year exceeds 1,40,000 litres-<sup>4</sup>[Rs. 5,000].

7. *Duration of licence.*—No licence under these Rules shall be granted for a period beyond 30th day of September next following the date of commencement of the licence.

<sup>5</sup>[7A. *Renewal of Licence.*—Any licence granted under rule 6 shall be renewed for a period not exceeding one year on payment of application fee of Rs. 5 and licence fee prescribed in rule 6, unless there is reason to believe that there has been a breach of any of the terms and conditions of the licence and/or that the licence has not working the licence properly”]

#### GENERAL LICENCE CONDITIONS

8. *Place of Storage.*—The licensee shall not keep or store denatured spirit or denatured spirituous preparations in any place other than the licensed premises or a godown which has been approved by the Collector.

9. *Location of licensed premises or godown.*—Except with the previous permission of the Collector, the licensed premises or the godown shall not be located in the same premises where any other shop for the sale of potable spirits, rectified spirit, medicated wines, tinctures or for the sale of food or drink for consumption on the premises is situated.

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1. subs. by G.N. of 6.11.1981.
  2. Deleted by G.N. of 2.2.1966.
  3. Ins. *ibid.*
  4. Subs. by G.N. of 16.3.1988.
  5. Ins. *ibid.*

10. *Licensee to abide by certain conditions.*—The licensee.

(1) shall carry on the business under his licensee either personally or by an agent or servant duly authorised in this behalf by a certificate of appointment or a written *nokarnama* signed by himself and countersigned by the local Prohibition and Excise Officer, provided that any such certificate of appointment or *nokarnama* shall also be valid unless and until counter signature is refused. If for any reason, the Collector orders the withdrawal of any *nokarnama* or certificate of appointment issued by the Licensee, the *nokarnama* or the certificate of appointment shall be forthwith withdrawn. For every certificate of appointment or *nokarnama* issued by him, the licensee shall pay a fee of Re. 1 No certificate of appointment or *nokarnama* shall be issued to any person who is a minor and if issued, it shall not be valid;

(2) shall keep, along with the accounts maintained by him, <sup>1</sup>\* \* \* transport passes, duplicate copies of cash memos with the purchaser's signature <sup>2</sup>[or left hand thumb impression] thereon, and other documents relating to the denatured spirit or denatured spirituous preparation and preserve them for a period of one year ;

(3) shall at all reasonable times keep open the account books, <sup>1</sup>\* \* \* passes, duplicate copies of cash memos, and other documents relating to denatured spirit, denatured spirituous preparations, the licensed premises and the stock of denatured spirit and denatured spirituous preparation kept therein for the inspection by the Commissioner, Collector, Superintendent, District Inspector, or any other officer empowered under section 122 of the Act;

(4) shall keep a visit book at his licensed premises for the use of the inspecting officers, the book being paged and stamped with the seal of the Collector, Superintendent, District Inspector, Mamlatdar, Mahalkari or as the case may be, the Tahsildar;

(5) shall not, without the permission of the Collector sell, transfer or sub-let the privilege of manufacture or sale granted to him by his licence, nor shall he in connection with the exercise of the said right enter into any agreement or arrangement which, in the opinion of the Collector, is of the nature of a sub-lease;

(6) shall not admit any person as his partner for the purpose of the licence unless the partnership has been declared to the collector before the licence is granted and the names of the partners have been entered jointly in the licence or, if the partnership is entered into after the granting of the licence, unless the Collector agrees on application made to him to alter the licence and to add the names of the partners in the licence;

(7) shall comply with all lawful orders issued from time to time by the Commissioner, the collector, the Superintendent or the District Inspector.

11. *Suspension or cancellation of licence.*—The licence may be cancelled or suspended in accordance with provisions of section 54 or 56 of the Act.

12. *Power of collector to renew licence, etc.*—As the licence is granted for a specified period only, it gives the licensee, his heirs legal representatives or assigns no claim whatsoever, to the continuance or renewal thereof beyond the period specified

1. Deleted by G.N. of 2.2.1966.

3. Ins. *ibid*

therein. It is entirely within the discretion of the Collector to permit or not to permit the assignee of the licensee in case of sale or transfer; or the heir or legal representative of the licensee in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

13. *Licensee to hand over stock of denatured spirit and preparations to Collector in certain cases.*—In case the licence is cancelled or suspended or surrendered or is not renewed on its expiry, the whole of the unsold stock of denatured spirituous preparations in balance or the stock of denatured spirit in balance with the licensee on the date of such suspension, cancellation, surrender, or non-renewal, shall forthwith be handed over by him to the collector.

### IMPORT

14. Application for import pass.—Any person desiring to import any denatured spirituous preparation<sup>1\*</sup> \* \* shall apply to the Collector for an import pass. The application shall contain the following particulars, namely :

- (1) Name and address of the applicant;
- (2) Form of the licence, if any, held by the applicant and its number and date;
- (3) Kind and quantity of denatured spirituous preparation to be imported (here specify name, quantity of the denatured spirituous preparation and the proportion of soluble ingredients contained in one litre of denatured spirit);
- (4) Purpose for which such denatured spirituous preparation is required;
- (5) Place from which the denatured spirituous preparation is to be imported;
- (6) Name and address of the person from whom the denatured spirituous preparation will be purchased;
- (7) Place at which the denatured spirituous preparation will be kept after its import;
- (8) Period for which import pass is required;
- (9) Route
- (10) An undertaking in writing to the effect that the applicant will abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the pass applied for.

15. *Grant of import pass.*—On receipt of the application under rule 14, the Collector shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the pass applied for, he may grant the applicant a pass in Form D.S.P. 4. The pass shall be in four parts and shall be dealt with as under :—

Part I shall be kept by the officer granting the pass for his record;

Part II shall be handed over to the importer for sending it with the consignment and for record thereafter with his accounts;

Part III shall be forwarded to the Collector or Chief Excise Authority of the place of export;

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1. Deleted by G.N. of 19.3.1963.

Part IV shall be sent to the Superintendent or District Inspector for being forwarded to the local Prohibition and Excise Officer to examine the consignment on its arrival.

16. *Importer to get supply of preparations in sealed casks, etc.*—The importer shall get his supply of denatured spirituous preparation in sealed casks, drums or other receptacles. Each such cask, drum or receptacle containing denatured spirituous preparations shall be conspicuously labelled or branded with the words indicating the name and address of its manufacturer and the kind and quantity of the denatured spirituous preparation contained therein.

17. *Importer not to interfere with the seals until verification by officers.*— On arrival of the consignment of denatured spirituous preparation at the importer's shop or premises the importer shall inform the local Prohibition and Excise Officer about its arrival and shall not interfere with the seals on the casks, drums or receptacles until that officer has verified the contents with particulars entered in Part II of the import pass, and has drawn a sample therefrom for chemical examination. The importer shall allow the officer to take samples free of cost.

18. *Importer not to sell or use the Preparation until verification by officers.*— The importer shall not sell or take out for use any denatured spirituous preparation from the consignment unless such Prohibition and Excise Officer gives him permission to do so after verifying the quantity and strength of the denatured spirituous preparation. No such permission shall be given unless the denatured spirituous preparation is found, on examination by the Director, Forensic Science Laborator and Chemical Analyser to Government, Bombay, or such other officer as may be appointed by Government for such purpose, to contain (i) not less than 100 grams of soluble ingredients per litres of denatured spirit, or (ii) soluble ingredients and denatured spirit in such proportion as was approved by the Director of Industries, Maharashtra, before the grant of the import pass to the importer and denatured spirit used in the manufacture of the denatured spirituous preparation to be of strength not less than 60° O.P.

Provided that such permission may be granted without such examination, if the consignment of denatured spirituous preparation is covered by certificate from the Chief Excise Authority or other competent authority of the State of export, showing—

(i) That the denatured spirituous preparation is the same as it purports to be and contains not less than 100 grams of soluble ingredients per litre of denatured spirit which is of strength not less than 60° O.P.;

(ii) That the quantity and description of denatured spirituous preparation contained in the consignment exactly correspond with the particulars in the pass;

(iii) That the casks, drums, or receptacles containing such denatured spirituous preparation, have been securely closed in his presence and sealed with his presence and sealed with his official seal;

Provided further that not withstanding the permission so granted, a sample shall be taken free of cost from the casks, drums, or receptacles, and if such denatured spirituous preparation on being analysed and tested by the Director, forensic Science Laboratory and Chemical Analyser to Government, Bombay, or by such other officer as may be appointed by Government is found to be not properly manufactured or denatured spirit used in the manufacture of denatured spirituous preparation is found to be less than 60<sup>0</sup> O.P. in strength, the importer shall not further sell or use such denatured spirituous preparation. All such cases shall be reported to the Commissioner of Prohibition and Excise, Maharashtra State, Bombay, for orders for further disposal of such denatured spirituous preparation.

#### <sup>1</sup>[ EXPORT

19. *Application for export pass.*—Any person desiring to export denatured spirituous preparations shall make an application to the Collector in that behalf for an export pass.

The application shall contain the following particulars, namely :—

- (i) Name and address of the applicant;
- (ii) Kind of licence held by the applicant under these rules with its number and date;
- (iii) Kind and quantity of denatured spirituous preparation to be exported;
- (iv) Place from which denature spirituous preparation is to be exported;
- (v) Name and address of the person to whom denatured spirituous preparation is to be consigned;
- (vi) Number and date of import pass or no objection certificate granted by the Collector or the Chief Excise Authority at the place of import;
- (viii) Route (State also the place upto which removal of spirituous preparation will be by road during its transit in the State of Maharashtra);
- (ix) Period for which export pass is required;
- (x) Reason for exporting denatured spirituous preparation;
- (xi) An undertaking in writing to the effect that the applicant shall abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the export pass applied for.

(2) The applicant shall submit with his application an import pass or no objection certificate granted by the Collector or the Chief Excise Authority of the place of import for import of denatured spirituous preparations at such place by the applicant.

20. *Issued of export pass.*—(1) On receipt of an application under rule 19, the collector

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1. Added by G.N. of 20.6.1977.

or the officer issuing the pass shall make such enquiries as he may deem necessary, and if he is satisfied that there is no objection to grant the pass applied for, he may grant the applicant an export pass in Form D. S. P. 5.

(2) Every pass granted under this rule shall be in four parts which shall be dealt with as under :—

Part I shall be retained on the records of the office of the Collector or the officer granting the pass;

Part II shall be handed over to the applicant;

Part III shall be handed over to the applicant for sending it along with the consignment of denatured spirituous preparations;

Part IV shall be forwarded to the Collector or the Chief Excise Authority of the place of import.

21. *Export of preparations in sealed casks. etc.*

(1) Export of denatured spirituous preparations shall be in sealed casks, drums or other receptacles. Each such cask, drum or receptacle shall be labelled or branded with the words indicating the name and address of its manufacturer and the kind and quantity of denatured spirituous preparation contained therein.

(2) The exporter shall take all reasonable precautions to see that the denatured spirituous preparations exported by him reaches its destination without being tampered with in transit.

(3) The exporter shall produce before the Collector within one month from the date of export of the denatured spirituous preparation, an acknowledgment or receipt from the persons receiving the denatured spirituous preparation at the place of import duly countersigned by the Collector or the Chief Excise Authority of the place of import.]

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**FORM D. S. P. 1**

(See rule 4)

*Licence for the manufacture of denatured spirituous preparations or for the manufacture and sale of such preparations*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), and the rules, regulations and order made thereunder to ..... of ..... (hereinafter referred to as “the licensee”) <sup>1</sup>[on payment of a fee inclusive of consideration] of Rs. .... authorising him to manufacture [here mention name or names of denatured spirituous preparation (s)] (hereinafter referred to as the licensed preparation (s) in his premises situated at ..... (hereinafter referred to as the “licensed premises”) or to manufacture and sell them by wholesale and to buy, possess, transport and use ordinary denatured spirit (hereinafter referred to as spirit) for the purposes of such manufacture during the period commencing on ..... and ending on ..... subject to the following conditions, namely :

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1. Subs. by G.N. of 6.11.1981.

*Conditions*

1. The licensee shall not manufacture under this licence any denature spirituous preparation (s) except the following licensed preparation (s), namely :—

- (i)
- (ii)
- (iii)

Provided that the licensee may, with the previous permission of the Collector manufacture any one or more additional denatured spirituous preparation by an endorsement on the licence.

2. The licensee shall not manufacture the licensed preparations in any place other than the licensed premises.

3. Save where the total quantity of any licensed preparation (s) manufactured in a day does not exceed 900 litres, the licensee shall manufacture the licensed preparation (s) in fixed vats or drums having a capacity of not less than 180 litres or such a smaller capacity as the Collector may permit.

4. (1) The licensee shall keep the manufacturing vats empty before any manufacturing operation commences.

(2) The licensee shall effectively stir the contents of the vat or drum to ensure that they are effectively mixed and dissolved.

5. The licensee shall have the vats or drums for the storage of denatured spirit painted white and those used for the storage of licensed preparations painted red.

6. (1) The licensee shall keep the licensed preparation (s) in corked bottles or in metal drums securely closed. Any stock in excess of 50 litres shall be kept in the premises sufficiently fire proof and approved by the municipal or other local authorities and which are not used or intended for human occupation.

(2) The licensee shall not enter or allow any person to enter the licensed premises with naked light.

7. Each bottle containing a licensed preparation shall bear a label indicating the name and address of the manufacturer and the kind of denatured spirituous preparation contained therein.

8. The licensee shall not sell any licensed preparation (s) in any one transaction in a quantity less than five litres.

9. No licensed preparation (s) shall be sold or removed from the licensed premises except in sealed bottles <sup>1</sup>[or sealed drums or other sealed receptacles] securely closed and unless they <sup>1</sup>[bear the manufacturer's label] indicating the name and address of the manufacturer and the kind and quantity of the denatured spirituous preparation (s) contained therein.

10. The licensee shall keep all the spirit received by him for the purposes of manufacturing the licensed preparation (s) in a secure place in the licensed premises under lock and key and all issues of spirit from the said premises shall be made in the presence of the licensee or a person duly authorised by him in writing in this behalf. He shall not keep or use spirit at any place other than the licensed premises.

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1. Subs. by G.N. of 2.2.1966.



11. The spirit possessed under the licence shall not be used except for the purpose of .....
12. The privileges of purchase, possession and transport of spirit shall extend only so far as they are incidental to its use stated in condition 11.
13. The licensee shall not possess or use spirit of a strength less than 60 O.P.
14. The licensee shall not obtain spirit except—
- (a) from an Excise or customs bonded warehouse, or from a licensed manufacturer of ordinary denatured spirit or wholesaler, if he is entitled to possess 5 litres or more of spirit under this licence;
- (b) from a retail licensee, if he is entitled to possess less than 5 litres of spirit under this licence.
- <sup>1</sup>[14A.(1) The licensee manufacturing French Polish, Thinners and Varnish excluding Picture Varnish shall not obtain spirit except from a wholesaler if he is entitled to possess 10 litres or more of spirit under this licence; and from a retailer if he is entitled to possess less than 10 litres, but not 10 litres of spirit under this licence.
- (2) The licensee other than the manufacturer of French Polish, Thinners and Varnish excluding Picture varnish shall not obtain spirit except from an Excise or customs bonded warehouse or from a licensed manufacturer of Ordinary Denatured Spirit or from a wholesaler, if he is entitled to possess 10 litres or more of spirit under this licence and from a retailer, if he is entitled to possess less than 10 litres, but not 10 litres of spirit under this licence.]
15. The licensee shall not transport spirit obtained under this licence to his licensed premises except in accordance with the provisions of the Bombay Denatured Spirit Rules, 1959.
16. The licensee shall not use spirit exceeding \*bottles/litres in any calendar month.
17. The licensee who is permitted to use spirit not exceeding two bottles per month may, during any month, buy and possess spirit in quantity permitted for use for six months. The licensee, who is permitted to use spirit exceeding two bottles shall not possess at any time spirit in excess of ..... , bottles / litres.
18. The licensee shall keep his stock of spirit in excess of 50 litres in premises sufficiently fire-proof and approved by the municipal or other appropriate authorities.
19. The licensee shall not recover spirit used in any process without first obtaining the necessary authority from the Collector to do so.
- <sup>2</sup>[20. The licensee shall be hung up in a conspicuous place in the licensed premises to the front of which shall be affixed a signboard bearing the Following inscription in legible characters in English and in Marathi :—
- Name of the licensee ..... licensed to manufacture and self denatured spirituous preparations by wholesale.

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\* To be fixed by the licensing authority in accordance with the bona fide requirements of the manufacture.

1. Subs. by G.N. of 24.7.1971.  
2. Subs. by G.N. of 2.2.1966.



## FORM D.S.P. 1-A

D.S.P. 1 Licence No. ....

Name and address of the licensee .....

Name of the denatured spirituous preparation .....

*Register of accounts of denatured spirituous preparation manufactured and sold or used by the  
licensed manufacturer during the month ..... 19 ..*

Date 1	Opening balance 2	Quantity manufactured 3	Total 4	Quantity sold to-		
				D.S.P. 2 licensee 5	D.S.P. 3 licensee 6	Other persons 7
	Ltrs. Bottles	Ltrs. Bottles	Ltrs. Bottles	Ltrs. Bottles	Ltrs. Bottles	Ltrs. Bottles

Quantity exported 8	Quantity used 9	Total 10	Closing balance 11	Remarks 12
Ltrs. Bottles	Ltrs. Bottles	Ltrs. Bottles	Ltrs. Bottles	

1. Deleted and re-numbered by G. N. of 12.2.1966.

**FORM D.S.P. 1-B**

D.S.P. 1 Licence No. ....

Name of the licensee .....

Period of the licence .....

*Register of account of denatured spirit used for manufacture denatured spirituous preparation (s)*

Date	Opening balance	Quantity received	Source of supply	Total of Columns 2 and 3
1	2 Ltrs. Bottles	3 Ltrs. Bottles	4	5 Ltrs. Bottles

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Quantity used	Purpose for which used	Closing balance	Remarks, if any, and initials of the licensee
6 Litres	7	8 Litres	9

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FORM D.S.P. 1-C

Form of licence D. S. P.

Name of the denatured spirituous preparation. ....

Licence No. ....

Name and address of the Licsee . . . . .

*Register of daily sales of denatured spirituous preparations* .

Name and address of the person to whom denatured spirituous preparation is sold and the number of his licence, if any					litres Bottles		Remarks
Date	Name	Address	No of if any	licence, Quantity sold	Signature of the licensee or his authorised nokar		
(1)		(2)		(3)	(4)	(5)	
					Litres	Bottles	

Day's total sales . . . . .

**FORM D.S.P. 1-D**

D. S. P. 1 Licence No. ....

Name and address of the Licensee .....

*Monthly return of the denatured spirituous preparations manufactured, sold or used by the licensed manufacturer during the month of ..... 19 .*

Name of the denatured spirituous preparation 1	Opening balance on the 1st day of month 2	Quantity manufactured during the month 3	Total 4
	Litres Bottles	Litres Bottles	Litres Bottles

Quantity sold during the month to -			
D. S. P. 2 licensee 5	D. S. P. 3 licensee 6	Other persons 7	Quantity exported during the month 8
	Litres Bottles	Litres Bottles	Litres Bottles

Quantity used during the month 9	Total 10	Closing balance 11	Remarks 12
	Litres Bottles	Litres Bottles	

**FORM D.S.P. 1-E**

D. S. P. 1 Licence No. ....

Name of the Licensee .....

Period of the Licensee .....

*Monthly return of the denatured spirit furnished by the licence for the month of..... 19 .*

Month and date	Opening balance of denatured spirit on the first day of the month	Quantity of denatured spirit received	Source of supply	Total of columns 2 and 3
1	2	3	4	5
	Liters	Liters		Liters

Quantity used	Purpose for which used	Closing balance on the last day of the month	Remarks, if any and initials of the licensee
6	7	8	9
Liters		Liters	

Signature of the licensee .....

**FORMB**

[See rule 4 (3)]

*Form of Bond to be executed before licence is granted to possess and use ordinary denatured spirit for manufacture of denatured spirituous preparations.*

Whereas, I/we ..... , residing at ..... in ..... taluka of the ..... district have made an application on ..... to the Collector ..... for a licence authorising me/us to possess and use denatured spirit in the manufacture of the \* ..... , as specified in the said application from ..... I/we hereby bind myself/ourselves jointly and severally that I/we shall possess and use ordinary denatured spirit for the possession and use of which licence has been granted or renewed to me/us for ..... purposes at my/our ..... situated at ..... town/village of ..... district in the State of Maharashtra in accordance with the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and the conditions for the licence issued thereunder and in case of my/our making default in the observance of the provisions of the said Act and the rules, regulations and orders made thereunder and the conditions of the said licence, I/we bind myself/ourselves jointly and severally and each and every one of my/our respective heirs, executors, administrators severally and each and everyone of my/our respective heirs executors, administrators and representatives, to forfeit to the Governor of Maharashtra the sum of Rupees ..... = in guarantee of which I have deposited with government an amount of Rs. .... , in cash/in securities.

Place .....

Dated this ..... day of ..... 19 ..

In the presence of —

- 1. ....
- 2. ....

Signature(s) of the Principal(s).

‡ We (1) .....

(2) ..... residing at ..... in the ..... taluka of ..... district do hereby declare ourselves sureties for the above named ..... that he/they shall do and perform all that he/they has/have undertaken to do and perform and in case of his/their making default therein, we hereby bind ourselves jointly and severally to forfeit to the Governor of Maharashtra the sum of rupees .....

Place .....

Dated this ..... day of ..... 19 ..

In the presence of —

- 1) ..... 2) .....
- 1) ..... 2) .....

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Note.—\* Here mention name of licensed preparation(s)  
 = This clause should be struck off where instead of cash or securities, sureties are taken.  
 ‡ The surety bond is not necessary where cash securities are taken.



**FORM D.S.P. - 2**

( See Rule 6)

*Licence for the wholesale sale of denatured spirituous preparation (s)*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), and the rules regulation and orders made thereunder to ....., of ..... (hereinafter referred to as “the licensee”) <sup>1</sup>[on payment of a fee of inclusive of consideration] of Rs. .... authorising him to buy, possess and sell by wholesale (here specify the denatured spirituous preparation (s) which the licensee is authorised to sell) (hereinafter referred to as the licensed preparation (s) at his shop situated at ..... (hereinafter referred to as “the licensed premises”) during the period commencing on ..... and ending on ..... (both days inclusive), subject to the following conditions namely :—

**CONDITIONS**

1. (1) The licensee shall not keep in this licensed premises nor have in his possession more than ..... litres of licensed preparation (s) at any time, unless he is specially authorised by the Collector to do so by an endorsement on this licence.
- (2) The licensee shall keep the denatured spirituous preparation (s) in corked bottles or in metal drums or other receptacles securely closed. Any stock in excess of 50 litres shall be kept in the premises sufficiently fire proof and approved by the municipal or other local authorities and which are not used or intended for human occupation.
2. Each bottle containing denatured spirituous preparation shall bear a label indicating the name and address of its manufacturer, and the kind and quantity of licensed preparation contained therein.
- <sup>1</sup>[3. The licence shall be hung up in a conspicuous place in the licensed premises to the front of which shall be affixed a sign board bearing the following inscription in legible character in English and in Marathi ;—

Name of the licensee .....

Licensed to sell denatures spirituous preparations prepared by wholesale.

Authorised opening hour 8.30 a.m.

Authorised closing hour 8.30 p.m.

Recess (one hour) 1.00 p.m. to  
2.00 p.m.]

1. subs. by G. N. of 6.11.1981.

4. The licensee shall not obtain his supply of licensed preparation(s) from any place except from --

(a) a licensed manufacturer of such licensed preparation(s) or any other wholesale licensee; or

(b) a place outside the State of Maharashtra under an import pass.

5. The licensee shall not sell licensed preparation(s) in any one transaction in quantity less than five litres.

6. The licensee shall not sell licensed preparation(s) except in sealed bottles or drums or other receptacles.

<sup>1</sup>[7. No. licensed preparation(s) shall be sold or removed from the licensed premises except in sealed bottles or in sealed drums or other sealed receptacles and unless they bear the manufacture's label indicating the name and address of the manufacturer and kind and quantity of the licensed preparation(s) contained therein]

8. The licensee shall keep in his licensed premises accounts of licensed preparation(s) purchased and sold by him in form D.S.P. 2-A. He shall also maintain a register of sale in Form D.S.P. 2-B. The accounts and the register of sale shall be plainly and correctly written daily in a bound book, page and stamped with the seal of the Collector/Superintendent/District Inspector/Mamlatdar/Mahalkari/Tahsildar. He shall allot separate pages in the register of account for each kind of denatured spirituous preparations. He shall by the 7th day of every month furnish to the local Prohibition and Excise Officer a monthly return in Form D.S.P. 2-C in respect of the quantities of denatured spirituous preparations purchased and sold by him during the previous month.

9. The licensee shall allow any officer empowered under section 122 of the Act to take samples of the licensed preparation(s), free of cost, for the purpose of analysis or verification of the soluble contents and spirit contents of the preparation.

10. The privilege of purchase of licensed preparation(s) granted under the licence to the licensee shall extend only so far as it is incidental to its sale at the licensed premises.

Granted this ..... day of ..... 19 ..

Seal Collector of .....

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1. subs. by G. N. of 2.2.1966.

**FORM D.S.P. - 2-A**

Name of denatured spirituous preparations .....	Form of licence .....
	No. of licence .....
	Name and address } .....
	of the licensee }

*Register of accounts of denatured spirituous preparations purchased and sold by the wholesale licensee and retail licensee during the month of ..... 19 ..*

Date	Opening balance		Quantity purchased from the licensed manufacturer		Quantity purchased from the wholesale licensee	
(1)	(2)		(3)		(4)	
	Litres	Bottles	Litres	Bottles	Litres	Bottles

*Quantity imported	Name of the manufacturer, wholesaler, etc., from whom the denatured spirituous preparations shown in columns 3 to 5 are purchased and his licence No. and address	No. and date of import pass under which import incidental to the purchase of the denatured spirituous preparations shown in columns 3 to 5 is made	Total of columns 2 to 5
(5)	(6)	(7)	(8)
	Litres    Bottles		Litres    Bottles



**FORM D.S.P. - 2-C**

*Form of Licence*

No. of licence .....  
 Name and address } .....  
 of the licensee }

*Monthly return of the denatured spirituous preparations purchased and sold by the wholesale licensee / retail licensee during the month of ..... 20 ..*

Name of the denatured spirituous preparations	Opening balance of the 1st day of the month		Quantity purchased during the month from the licensed manufacture		Quantity purchased during the month from a wholesale licensee		* Quantity imported during the month		Total of columns 2 to 5	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Litres	Bottles	Litres	Bottles	Litres	Bottles	Litres	Bottles	Litres	Bottles

Quantity sold to -			*Quantity exported	Total of columns 7 to 10	Opening balance on the last day of the month	Remarks
D. S. P. 2 Licensee	D. S. P. 3 Licensee	Other Persons				
(7)	(8)	(9)	(10)	(11)	(12)	(13)
Litrs.	Bottles	Litrs.	Bottles	Litrs.	Bottles	Litrs.

\*Not applicable to retail licensee

**FORM D.S.P. 3**

(See Rule 6)

*Licence for the retail sale of denatured spirituous preparations*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), and the rules, regulations and orders made thereunder, to ..... of ..... (hereinafter referred to as "the licensee") [on payment of a fee inclusive of consideration] of Rs. ...., authorising him to buy, possess and sell by retail denatured spirituous preparation(s) (hereinafter referred to as the licensed preparation (s) as this shop situated at ..... (hereinafter referred to as the "licensed premises"), during the period from ..... to ..... (both days inclusive), subject to the following conditions, namely :—

**CONDITIONS**

1. Except with the previous permission of the Collector in writing the licensee shall not keep in the licensed premises more than 200 litres of licensed preparation(s) at any time. Any stock in excess of 50 litres shall be stored in premises which are sufficiently

1. Subs. by G. N. of 6-11-1981.

fireproof and approved by the municipal or other local authorities and which are not used or intended for human occupation.

2. The licensee shall not obtain his supply of licensed preparation(s) from any place except from a licensed manufacturer or a wholesale licensee.

<sup>1</sup>[3. The licensee shall not sell or offer or expose for sale the licensed preparation(s) other than those purchased by him from a person holding a licence in form D.S.P. 1 or D.S.P. 2 and in sealed bottles, sealed drums and other sealed receptacles bearing the manufacturer's label indicating the name and address of the manufacturer and the kind and quantity of the denatured spirituous preparation(s) contained therein. He shall not sell such preparation(s) to a minor. ]

4. Except with the special permission in writing of the Collector, the licensee shall not sell to any person <sup>1</sup>[more than 6 sealed bottles of the licensed preparation(s) or in sealed drums or other sealed receptacles containing not more than 4,000 ml. of such preparation(s) at a time]

2\* \* \* \* \*

5. The licensee shall keep in his licensed premises accounts of licensed preparation(s) purchased and sold by him in Form D.S.P.,-3-A. He shall also maintain register of sale in Form D.S.P., 3-B. The accounts and the register of sale shall be plainly and correctly written daily in a bound book paged and stamped with the seal of the Collector / Superintendent / District Inspector / Mamlatdar/Mahalkari/Tahsildar. He shall allot separate pages in the registers of account for each kind of denatured spirituous preparations. He shall by the 7th day of every month furnish to the local Prohibition and Excise Officer a monthly return in Form D.S.P., 3-C, in respect of the quantities of licensed preparation(s) purchased and sold by him during the previous month.

6. The licensee shall allow any officer empowered under section 122 of the Act to take samples of the licensed preparation(s) free of cost, for the purpose of analysis or verification of the soluble contents and spirit contents of the preparation.

7. The privilege of purchase of licensed preparation(s) granted under the licence to the licensee shall extend only so far as it is incidental to its sale at the licensed premises.

<sup>1</sup>[8. The licence shall be hung up in a conspicuous place in the licensed premises to the front of which shall be affixed a sign board bearing the following inscription in legible characters in English and in Marathi.

Name of the licensee .....

Licensed to sell by retail denatured spirituous preparations.

Authorised opening hour 8.30 a.m.

Authorised closing hour 8.30 p.m.

Recess 1.00 p.m. to 2.00 p.m.]

Granted this ..... day of ..... 19 .

Seal

Collector of .....

1. Subs. by G. N. of 6-11-1981.  
 2. Deleted and re-numbered, ibid.

## FORM D.S.P. - 3-A

Name of denatured spirituous preparations .....  
 Form of licence .....  
 No. of licence .....  
 Name and address } .....  
 of the licensee }

*Register of accounts of denatured spirituous preparations purchased and sold by the wholesale licensee / retail licensee during the month of ..... 19 ..*

Date (1)	Opening balance (2)		Quantity purchased from the licensed manufacturer (3)		Quantity purchased from the wholesale licensee (4)		*Quantity imported (5)		Name of the manufacturer, wholesale, etc, from whom the denatured spirituous preparations shown in columns 3 to 5 are purchased and his licence No. and address (6)
	Litres	Bottles	Litres	Bottles	Litres	Bottles	Litres	Bottles	

No. and date of import pass under which import incidental to the purchase of the denatured spirituous preparations showing columns 3 to 5 is made (7)	Total of columns 2 to 5 (8)		D.S.P. 2 [licensee*] (9)		D.S.P. 3 [licensee*] (10)		Other persons (11)	
	Litres	Bottles	Litres	Bottles	Litres	Bottles	Litres	Bottles

*Quantity exported (12)	Name and address of the licensee, etc. to whom sold or exported and the No. of his licence, if any (13)	Total of columns 9 to 12 (14)	Closing balance (15)	Remarks (16)				
Litres	Bottles	Name	No.	Address	Litres	Bottles	Litres	Bottles

\* Not applicable to retail licensee.  
 1. Subs. by G.N.of 2.2.1966.

**FORM D.S.P. - 3-B**

Name of denatured spirituous preparations ..... Form of licence D.S.P. ....  
 Licence No. ....  
 Name and address of the licensee .....

*Register of daily sales of denatured spirituous preparations*

Date	Name and address of the persons to whom denatured spirituous preparation is sold and the No. of his licence, if any	Quantity sold	Signature of the licensee or his authorised nokar	Remarks
(1)	(2)	(3)	(4)	(5)
	Name Address No. of licence, if any	Litres Bottles		
Day's total sales .....				

**FORM D.S.P. - 3-C**

Name of denatured spirituous preparations ..... Form of Licence .....  
 No. of licence .....  
 Name and address of the licensee } .....

*Monthly return of the denatured spirituous preparations purchased and sold by the wholesale licensee / retail licensee during the month of ..... 19 ..*

Name of the denatured spirituous preparation	Opening balance of the 1st day of the month		Quantity purchased during the month from the licensed manufactory		Quantity purchased during the month from a wholesale licensed		* Quantity imported during the month		Total of columns 2 to 5		Remarks
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)		
	Litres	Bottles	Litres	Bottles	Litres	Bottles	Litres	Bottles	Litres	Bottles	
Quantity sold to -											
D. S. P. 2 <sup>1</sup> (Licence*)	D. S. P. 3 <sup>1</sup> (Licence*)	Other Persons	*Quantity exported	Total of columns 7 to 10	Opening balance on the last day of the month						Remarks
(7)	(8)	(9)	(10)	(11)	(12)						(13)
Litres.	Bottles	Litres.	Bottles	Litres.	Bottles	Litres.	Bottles	Litres.	Bottles	Litres.	Bottles

\* Not applicable to retail licensee.  
 1. Subs. by G. N. of 2.2.1966.



**FORM D.S.P.-4**

( See rule-15)

(Import pass for denatured spirituous preparations)

PART-I

For record in the office of the Office granting the pass.

No.      Date                      19

Shri / Shris

..... of  
 ..... holding  
 D.S.P. licence (if any), No. .... of  
 ..... is / are hereby granted a  
 pass under and subject to the provisions of the  
 Bombay Prohibition Act, 1949 (Bom. XXV of  
 1949), and the rules, regulations and orders made  
 thereunder authorising him / them to import  
 ..... litres/bottles of the following  
 denatured spirituous preparations namely :—

from ..... of  
 ..... to .....  
 his / their shop/premises situated at .....  
 via ..... (route), subject to the  
 following conditions, namely :—

1. The pass shall remain in force upto .....  
 .....

2. The quantity of denatured spirituous prepara-  
 tions shall be imported in one consignment only  
 and its bulk shall not be broken in transit.

Collector of .....

**FORM D.S.P.-4**

( See rule-15)

(Import pass for denatured spirituous preparations)

PART-II

To be handed over to the importer for sending it with the consignment and for record thereafter with his accounts.

No.      Date                      19

Shri / Shris

..... of  
 ..... holding  
 D.S.P. licence (if any), No. .... of  
 ..... is / are hereby granted a  
 pass under and subject to the provisions of the  
 Bombay Prohibition Act, 1949 (Bom. XXV of  
 1949), and the rules, regulations and orders made  
 thereunder authorising him / them to import  
 ..... litres/bottles of the following  
 denatured spirituous preparations namely :—

from ..... of  
 ..... to .....  
 his / their shop/premises situated at .....  
 via ..... (route), subject to the  
 following conditions, namely :—

1. The pass shall remain in force upto .....  
 .....

2. The quantity of denatured spirituous  
 preparations shall be imported in one consignment  
 only and its bulk shall not be broken in transit.

Collector of .....

**FORM D.S.P.-4**

( See rule-15)

*(Import pass for denatured spirituous preparations)*

**PART-III**

To be forwarded to the Collector or Chief Excise Authority of the place of export.

No.                      Date                      19

Shri / Shris..... of ..... holding D.S.P. licence (if any), No. .... is / are hereby granted a pass under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising him / them to import ..... litres/bottles of the following denatured spirituous preparations namely :—

from ..... of ..... to ..... his / their shop/premises situated at ..... via ..... (route), subject to the following conditions, namely :—

1. The pass shall remain in force upto .....

2. The quantity of denatured spirituous preparations shall be imported in one consignment only and its bulk shall not be broken in transit.

Collector of .....

**FORM D.S.P.-4**

( See rule-15)

*(Import pass for denatured spirituous preparations)*

**PART-IV**

To be sent to the Superintendent or District Inspector for being forwarded to the Local Prohibition and Excise Officer to examine the consignment on its arrival.

No.                      Date                      19

Shri / Shris ..... of ..... holding D.S.P. licence (if any), No. .... is / are hereby granted a pass under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising him / them to import ..... litres/bottles of the following denatured spirituous preparations namely :—

from ..... of ..... to ..... his / their shop/premises situated at ..... via ..... (route), subject to the following conditions, namely :—

1. The pass shall remain in force upto .....

2. The quantity of denatured spirituous preparations shall be imported in one consignment only and its bulk shall not be broken in transit.

Collector of .....

**FORM D.S.P. - 5**

(See Rule-20)

*(Export pass for denatured spirituous preparations)**Part-I*

For record in the office of the officer granting the pass.

Serial No. ...., dated ..... 197 .

Shri/Sarvashri .....

of ..... holding .....

D.S.P. licence No. .... of .....

is / are hereby granted a pass under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and order made thereunder authorising him / them to export ..... litres/bottles of the following denatured spirituous preparations, namely :—

.....  
 .....  
 .....

from .....

of..... to .....

his/their shop/premises situated at .....

..... via ..... (route),

subject to the following conditions, namely :—

(1) The pass shall remain in force upto .....

(2) The quantity of denatured spirituous preparations shall be exported in one consignment only and its bulk shall not be broken in transit.

Seal Collector of .....

1. Added by G. N. of 30.3.1978.

**FORM D.S.P. - 5**

(See Rule-20)

*(Export pass for denatured spirituous preparations)**Part-III*

To be handed over to the exporter for sending it with the consignment of denatured spirituous preparations.

Serial No. ...., dated ..... 197 .

Shri/Sarvashri ..... of ..... holding

..... D.S.P. licence No. .... of .....

..... is / are hereby granted a pass under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations

and order made thereunder authorising him / them to export .....  
litres/bottles of the following denatured spirituous preparations, namely :—

.....  
.....

from .....

of..... to ..... his/their  
shop/premises situated at .....

..... via .....

(route), subject to the following conditions, namely :—

(1) The pass shall remain in force upto .....

(2) The quantity of denatured spirituous preparations shall be exported in one  
consignment only and its bulk shall not be broken in transit.

Seal Collector of .....

**FORM D.S.P. -5**

(See Rule -20)

(Export pass for denatured spirituous preparations)

Part -IV

To be forwarded to the Collector or Chief Excise authority of the place of import

Serial No. ...., dated ..... 197 .

Shri / Sarvashri .....

of ..... holding .....

D.S.P. licence No. .... of ..... is / are

hereby granted a pass under and subject to the provisions of the Bombay Prohibition  
Act, 1949 (Bom. XXV of 1949), and the rules, regulations and order made thereunder  
authorising him / them to export ..... litres/bottles of the  
following denatured spirituous preparations, namely :—

.....

from .....

of..... to .....

his/their shop/premises situated at .....

..... via .....

(route), subject to the following conditions, namely :—

(1) The pass shall remain in force upto .....

(2) The quantity of denatured spirituous preparations shall be exported in one  
consignment only and its bulk shall not be broken in transit.

Seal Collector of .....

**(57) G.O., H.D., No. DNS. 1060/11245-(e)-III, dated 8th March 1963  
(M. G., Pt. IV-B, p-352)**

In exercise of the powers conferred by clause (d) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts the following denatured spirituous preparations from the provisions of sections 59-C and 59-D of the said Act, that is to say—

1. Sulphuric ether,
2. Ethyl Chloride,
3. Methyl Chloride,
4. Ethyl Bromide,
5. Chloroform,
6. Hydrate of Chloral,
7. Aconite,
8. Belladonna,
9. Compound Camphor,
10. Ammoniated Camphor,
11. Mustard,
12. Shop liniment of the British Pharmacopocia.

**(58) G.N., H.D., No. DNS. 2077/(4)/28-PR dated 30th March 1978  
(M. G., Pt. IV-B, p-553)**

In exercise of the powers conferred by clause (d) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Order, Home Department, No. DNS. 1060/11245 (f)-III dated the 8th March 1963, the Government of Maharashtra hereby exempts all denatured spirituous preparations from the provisions of sections 59-C and 59-D of the said Act in so far as they relate to their possession and transport.

**(59) G.O., H.D., No. DNS. 2286/1750/223/PRO-1  
dated 28th January 1991 (M. G., Pt. IV-B, p-143)**

In exercise of the powers conferred by clause (d) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts all denatured spirituous preparations excluding french polish, thinners and varnishes (other than picture varnishes) from the provisions of clause (b) of sub-section (I) of section 59-D of the said Act in so far as they relate to export, for a 3 years with effect from 1st January 1991 and ending on the 31 st December 1993.

**(59-A) G.O., H.D., No. DNS. 2286/1750/223/EXC-1 Dated 5th January 2002**

In exercise of the powers conferred by clause (d) of sub-section (I) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts denatured spirituous preparations excluding french polish, thinners and varnishes (other than picture varnishes), from the provisions of clause (b) of sub-section (I) of section 59-D of the said Act in so far as they relate to export, for a period commencing on the 1st January, 2002 and ending on the 31st December. 2005.

## CHAPTER IX

## COUNTRY LIQUOR

**[60] THE MAHARASHTRA COUNTRY LIQUOR RULES, 1973****G. O. H. D. No. CLR. 1973/III-A, dated 5th February, 1973****(M. G. Pt. IV, P. 304)**

1. Amended by G. N., H. D., No. CLR. 1073-III-A, dated 23rd April 1973, (M. G. Pt. IV-B ; p. 905).
2. Amended by G. N., H. D., No. CLR. 1073-III-A, dated 21st July 1973, (M. G. Pt. IV-B ; p. 173).
3. Amended by G. N., H. D., No. CLR. 0473-III-A, dated 4th October 1973, (M. G. Pt. IV-B ; p. 173).
4. Amended by G. N., H. D., No. CLR. 0176/I-XXVIII, dated 26th November 1976, (M. G. Pt. IV-B ; p. 1514).
5. Amended by G. N., H. D., No. CLR. 0276/XXVIII-PR, dated 4th December 1976, (M. G. Pt. IV-B ; p. 1501).
6. Amended by G. N., H. D., No. CLR. 0276/XXVIII-PR, dated 14th January 1977, (M. G. Pt. IV-B ; p. 95).
7. Amended by G. N., H. D., No. BPA. 2076/4-XXVIII-PR, dated 31st March 1977, (M. G. Pt. IV-B ; p. 326).
8. Amended by G. N., H. D., No. BPA. 2077/XXVIII-PR, dated 20th June 1977, (M. G. Pt. IV-B ; p. 550).
9. Amended by G. N., H. D., No. SLC. 1077/28-PR-Part VI, dated 9th December 1977, (M. G. , 1978, Pt. IV-B ; p. 67).
10. Amended by G. N., H. D., No. BPA. 2079/267-IV-PRO-2, dated 24th March 1979, (M. G. Pt. IV-B ; p. 734).
11. Amended by G. N., H. D., No. FLR. 1079/4813/B-PRO-2, dated 7th July 1979, (M. G. Pt. IV-B ; p. 1401).
12. Amended by corrigendum H. D., No. FLR. 1079/4813/PRO-2, dated 4th August 1979, (M. G. Pt. IV-B ; p. 1544).
13. Amended by G. N., H. D., No. BPA. 2079/3-PRO-2, dated 8th August 1979, (M. G. Pt. IV-B ; p. 1563).
14. Amended by G. N., H. D., No. FLR. 1079/105-C-PRO-2, dated 20th September 1979, (M. G. Pt. IV-B ; p. 1682).
15. Amended by G. N., H. D., No. BPA. 2080/3-PRO-2, dated 13th March 1980, (M. G. Pt. IV-B ; p. 239).

16. Amended by G. N., H. D., No. BPA. 2080/3-PRO-2, dated 11th July 1980, (M. G. Pt. IV-B ; p. 566).
17. Amended by G. N., H. D., No. BPA. 2080/3-PRO-2, dated 6th September 1980, (M. G. Pt. IV-B ; p. 886).
18. Amended by G. N., H. D., No. BPA. 2080/3-PRO-2, dated 26th September 1980, (M. G. Pt. IV-B ; p. 962).
19. Amended by G. N., H. D., No. BPA. 1080/3-PRO-2, dated 27th October 1980, (M. G. Pt. IV-B ; p. 1091).
20. Amended by G. N., H. D., No. BPA. 2080/3-PRO-2, dated 18th December 1980, (M. G. 1981, Pt. IV-B ; p. 1091).
21. Amended by G. N., H. D., No. BPA. 1081/III-PRO-2, dated 25th March 1981, (M. G. Pt. IV-B ; p. 285).
22. Amended by G. N., H. D., No. BPA. 1081/IV-PRO-2, dated 6th November 1981, (M. G. Pt. IV-B ; p. 1938).
23. Amended by G. N., H. D., No. BPA. 1081/31-PRO-3, dated 26th February 1982, (M. G. Pt. IV-B ; p. 215).
24. Amended by G. N., H. D., No. BPA. 1085/8(367(A)-PRO-2, dated 10th September 1985, (M. G. Pt. IV-B ; Ext. Ord. p. 1575).
25. Amended by G. N., H. D., No. BPA. 1088/XVII-PRO-2, dated 16th March 1988, (M. G. Pt. IV-B ; p. 289-90).
26. Amended by G. N., H. D., No. BPA. 1089/V/PRO-2, dated 17th February 1989, (M. G. Pt. IV-B ; p. 321-323).
27. Amended by G. N., H. D., No. CLR. 1087/4513/364-PRO-3, dated 11th May 1989, (M. G. Pt. IV-B ; p. 705-06).
28. Amended by G. N., H. D., No. BPA. 1089/PRO-2, dated 5th January 1990, (M. G. Pt. IV-B ; p. 259).
29. Amended by G. N., H. D., No. BPA. 1089/II/PRO-2, dated 21st May 1990, (M. G. Pt. IV-B ; p. 719-20).
30. Amended by G. N., H. D., No. BPA. 1093/IV/EXC-3, dated 16th March 1993, (M. G. Pt. IV-B ; p. 618-19).
31. Amended by G. N., H. D., No. BPA. 1094/II/EXC-3, dated 16th March 1994, (M. G. Pt. IV-B ; p. 529-30).
32. Amended by G. N., H. D., No. BPA. 1094/1259/I/EXC-3, dated 24th January 1995, (M. G. Pt. IV-B ; p.       ).
33. Amended by G. N., H. D., No. ARM. 1096/21/5/EXC-3, dated 18th October 1996, (M. G. Pt. IV-B ; p. 1263).

34. Amended by G. N., H. D., No. BPA. 1098/26/EXC-3, dated 12th June 1998, (M. G. Pt. IV-B ; p. 420-421).
35. Amended by G. N., H. D., No. BPA. 1094/1259/EXC-3, dated 12th July 1999, (M. G. Pt. IV-B ; p. 1039).
36. Amended by G. N., H. D., No. ARM. 1096/21/Part-3/5/EXC-3, dated 20th January 2000, (M. G. Pt. IV-B ; p. 80).
37. Amended by G. N., H. D., No. BPA. 1098/26/EXC-3, dated 6th August 2001, (M. G. Pt. IV-B ; p. 1007).
38. Amended by G. N., H. D., No. BPA. 1099/01/III/EXC-3, dated 31st August 2001, (M. G. Pt. IV-B ; p. 1047-1048).
39. Amended by G. N., H. D., No. BPA. 1102/1/CR-7/EXC-3, dated 20th August 2002, (M. G. Pt. IV-B ; p. ).
40. Amended by G. N., H. D., No. MIS. 1199/1689/CR-28/2/Part-I/EXC-3, dated 19th August 2004, (M. G. Pt. IV-B ; p. 14).
41. Amended by G. N., H. D., No. BPA. 2003/CR-3/EXC-2, dated 20th April 2005, (M. G. Pt. IV-B ; p. 436-437).
42. Amended by G. N., H. D., No. BPA. 1005/CR-7/EXC-3, dated 30th August 2005, (M. G. Pt. IV-B ; p. 745).
43. Amended by G. N., H. D., No. BPA. 2006/CR-1/EXC-2, dated 31st March 2006, (M. G. Pt. IV-B ; p. 447-448).
44. Amended by G. N., H. D., No. BPA. 2006/CR-1/EXC-2, dated 13 July 2006, (M. G. Pt. IV-B ; p. 956).
45. Amended by G. N., H. D., No. BPA. 1206/CR-27/EXC-2, dated 29th January 2007, (M. G. Pt. IV-B ; p. 165).
46. Amended by G. N., H. D., No. MIS. 1107/CR-40/II/EXC-3, dated 24th July 2008, (M. G. Pt. IV-B ; p. 761).
47. Amended by G. N., H. D., No. BPA. 1006/1/CR-7(3)/EXC-3, dated 14th August 2006, (M. G. Pt. IV-B ; p. 1295).
48. Amended by G. N., H. D., No. FLR. 1209/CR-100/EXC-2, dated 6th July 2009, (M. G. Pt. IV-B ; p. ).
49. Amended by G. N., H. D., No. MIS. 1108/CLR/CR-26/II/EXC-3, dated 3rd June 2009, (M. G. Pt. IV-B ; p. 3).
50. Amended by G. N., H. D., No. MIS. 0610/CR-138/II/EXC-3, dated 7th July 2010, (M. G. Pt. IV-B ; p. 18).
51. Amended by G. N., H. D., No. MIS. 1109/CR-273/EXC-3, dated 23rd August 2010, (M. G. Pt. IV-B ; p. 5).



52. Amended by G. N., H. D., No. BPA. 0311/CR-75(2)/EXC-2, dated 8th November 2011, (M. G. Pt. IV-B ; p. ).

In exercise of the powers conferred by clauses (b), (c), (f), (g), (h1), (i), (k), (l), (l2), (l3) and (u) of sub-section (2) of section 143 read with sections 11 and 52 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the said section 143, namely :—

## PART I

### PRELIMINARY

1. (1) These rules may be called the Maharashtra Country Liquor Rules, 1973.
- (2) They extend to the whole of the State of Maharashtra.
2. In these rules, unless the context otherwise requires,—
  - (a) “Act” means the Bombay Prohibition Act, 1949 ;
  - (b) “Authorised Officer ” means an Officer authorised by Government to grant permits for the purchase, possession, transport, use and consumption of country Liquor ;
  - (c) “Chemical Analyser” means the Commissioner, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra or Government Analyst, Drugs Control Laboratory, Bombay <sup>3</sup>[or Director, Haffkine Institute for Training Research and Testing, Bombay or Officer incharge, State Excise Chemical Laboratory, Bombay] or any other Officer appointed by the State Government as Chemical Analyser for the purposes of these rules;
  - (d) “Compounding” means the manufacture of country liquor by addition of pure filtered water or a flavouring or colouring matter or both, to spirit or to any liquor obtained by distillation ;
  - <sup>4</sup>[(e) “Country Liquor” means colourless liquor <sup>4</sup>], manufactured either by the process of distillation or by compounding or blending spirits, with or without essence and flavouring substances, and without addition of any colour but does not include country liquor which is declared for the purposes of the Act, to be foreign liquor, under the proviso to clause (17) of section 2 of the Act.”].
  - (f) “excise supervision” means supervision over the operations and transactions at a country liquor manufactory by a Prohibition and Excise Officer appointed in that behalf by the Commissioner, or any Prohibition and Excise Officer duly empowered by the State Government ;
  - (f) (a) <sup>5</sup>[\*] deleted.
  - (g) “Form” means a form appended to these rules ;

<sup>1</sup>. Ins. by G. N. of 21-5-1990.

<sup>2</sup>. Deleted by 14-8-2006.

<sup>3</sup>. Ins. by 12-6-1998.

<sup>4</sup>. Sub. by 30-8-2005.

<sup>5</sup>. Deleted by 14-8-2006.

- (h) "licence" means a licence granted under these rules ;
- (i) "licensee" means a person who holds a licence under these rules ;
- (j) "licensed retail shop" or "licensed shop" means premises in respect of which a licence has been issued under these rules for the retail sale of country liquor ;
- (k) "manufactory" means that portion of the premises of a distillery specially set apart for the manufacture, packing storage, and issue of country liquor ;
- (l) "Manufactory Officer" means a Prohibition and Excise Officer appointed for the purpose of supervising operations and transactions in a manufactory ;
- (m) "Manufacturing room" means that portion of the manufactory specially set apart for the manufacture of country liquor ;
- (n) "permit holder" means a person holding a permit under these rules or a permit holder under the Bombay Foreign Liquor Rules, 1953 ;
- (o) "permit" means a permit granted under these rules for the purchase, possession, transport, use and consumption of duty paid country liquor or a permit granted under the Bombay Foreign Liquor Rules, 1953 for the purchase, possession, transport, use and consumption of duty-paid foreign liquor ;
- (p) "spirit room" means that portion of a manufactory specially set apart for the storage of spirit ;
- <sup>1</sup>[(q) "store room" means that portion of a manufactory specially set apart for the storage of non-duty paid country Liquor in bottle or other approved receptacles duly sealed, or in both]
- (r) "Superintendent" means a Superintendent of Prohibition and Excise ;
- (s) "warehouse" means the premises used for the storage and sale by wholesale of duty paid country liquor ;
- (t) words or expressions used in these rules but not defined in these rules shall have the meanings respectively assigned to them in the Act.

## PART II

### MANUFACTURE OF COUNTRY LIQUOR

3. *Grant of Licence.*—(1) any person <sup>5</sup>[\*\*\*]desiring to manufacture country liquor shall make an application in Form C.L.A. for a licence in that behalf to the Commissioner along with a challan evidencing payment of a fee of <sup>3</sup>[Five hundred Rupees (Rs. 500)] for such application. The application shall be accompanied by a plan in quadruplicate containing a full description of the premises and material, utensils, implements or apparatus required for manufacturing country liquor the applicant shall also submit with the application four signed copies of a statement explaining the process which he desires to adopt for manufacturing each kind of country liquor.

(2) If the Commissioner is satisfied, that the materials utensils, premises, plant and implements or apparatus to be used in connection with the manufacture of Country Liquor and arrangements for the storage and issue thereof are suitable, he may, with the previous sanction of the State Government, grant a licence in form C.L.I. to the applicant

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<sup>1</sup>. Ins. by G. N. of 2-7-1973.  
<sup>2</sup>. Subs. by G. N. of 5-1-1990.  
<sup>3</sup>. Subs. by 16-3-1988.  
<sup>4</sup>. Sub. by G. N. of 20-6-1977.  
<sup>5</sup>. Deleted by 20-8-2002.

(hereinafter referred to as manufactory licensee) on payment of a <sup>1</sup>[fee (inclusive of consideration)] of <sup>2</sup>[Rupees one lack fifty thousand (Rs. 1,50,000)] or may, after recording the reasons therefore refuse to grant it, and inform the applicant of the decision. On a licence being granted, the Commissioner shall retain with him the original of the plan and of the statement explaining the process forwarded by the applicant, forward the duplicate and triplicates thereof to the Manufactory Officer and the superintendent respectively, and return the quadruplicates together with the licence to the applicant duly signed and stamped with the seal of the Commissioner.

(3) No licence shall be granted for a period beyond 31st March next following the date of the commencement of the licence :

Provided that in respect of licences granted prior to 1st April 1973, the period of the licence shall stand extended upto 31st March 1974.

4. *Renewal of Licence.*—(1) Any licence granted under rule 3 may subject to the provisions of this rule be renewed by the Commissioner with the previous sanction of the State Government for a period not exceeding one year at a time on payment of renewal <sup>1</sup>[fee (inclusive of consideration) of rupees [One lack fifty thousand (Rs. 1,50,000)]] unless the State Government or the Commissioner has reason to believe that there has been a breach of any of the terms and conditions of the licence or that the manufactory licensee has not been working the licence property.

(2) An application in Form C.L.A. <sup>3</sup>[alongwith a challan evidencing payment of a fee of Rs. 25/- for renewal of a licence shall be made two months before the expiry of the licence or such other extended period as the Commissioner may by order specify in this behalf, through the Manufactory Officer and the Superintendent concerned, provided that where there is no change in the particulars furnished in the original application, they need not be furnished afresh, but it shall be certified accordingly.

<sup>5</sup>[“4-A. *Addition or withdrawal of partner or partners.*—The Commissioner may permit addition or withdrawal of partner or partners after licence in ‘Form CL-I’ is granted.

4-B. *Transfer of licence from one name to other.*—The Commissioner may permit the transfer of licence from one name to other after licence in ‘Form CL-I’ is granted.

4-C. *Transfer of licence from one site to another.*—The Commissioner may permit the transfer of licence from one site to another after licence in ‘Form CL-I’ is granted.”]

5. *Keeping of Deposit.*—Every manufactory licensee shall deposit with the Commissioner either in cash or Government Securities an amount of Rs. 10,000 (rupees ten thousand only) for the proper observance of the rules and conditions of the licence.

6. *Conditions of Licence.*—(1) A manufactory licensee shall provide in the Manufactory separate rooms or compartments having their grills embedded in cement for the following purposes, namely :—

- (a) storing spirit ;
- (b) manufacturing and bottling operations ;
- (c) storing duly manufactured country liquor in sealed bottles <sup>4</sup>[and other approved sealed receptacles.]

No such room or compartment shall be used for more than one of the said purposes, unless specially authorised by the Commissioner for reasons to be recorded by him in writing.

(2) Every room or compartment in the Manufactory shall be well ventilated, and all the windows thereof shall be properly secured and wirenetted. Every such room or compartment shall bear on the outside a sign-board on which shall be legibly painted, the purpose for which the room or compartment is used ; and every room or compartment shall be provided with Excise Ticket, or Revenue or other approved lock.

<sup>1</sup>. Subs. by G. N. of 6-11-1981.

<sup>2</sup>. Subs. by G. N. of 16-3-1993.

<sup>3</sup>. Ins. by G. N. of 16-3-1988.

<sup>4</sup>. Added by G. N. of 20-6-1977.

<sup>5</sup>. Ins. by 7-7-2010.

(3) After the licence has been granted, no addition to, or alteration in, any room or compartment or any of the permanent fixtures to the manufactory shall be made without the previous approval in writing of the Commissioner.

(4) All pipes from sinks or wash-basins inside the Manufactory premises shall discharge into covered drains forming a part of the general drainage system of the premises.

(5) All gas and electric connections within the Manufactory premises shall be fixed in such manner as to ensure that the supply of gas or electricity can be cut-off and all the regulators or switches securely locked at the end of the days work.

(6) Unless otherwise directed by the Commissioner in writing, there shall be only one entrance to the Manufactory and one Emergency exit, and one door to each of its or other approved locks during the absence of the Manufactory Officer. The Emergency exit shall be kept closed with approved lock, and shall be opened only on emergent occasions.

(7) A manufactory licensee shall cause to be legibly painted and shall keep so painted. On some conspicuous part of every vat or other vessel intended to be used by him in his business, the purpose for which it is intended to be used.

(8) When more than one vat or vessel or room is used for the same purpose, all such vats or vessels or rooms shall bear distinctive serial numbers.

(9) all vats, vessels and other receptacles shall be placed and fixed in such manner as to ensure that the contents can be accurately ascertained by gauge or approved measure, and shall not be altered in shape, position or capacity without two days notice in writing to the manufactory Officer.

(10) All vats, vessels and receptacles shall be gauged by the Manufactory Officer and the manufactory licensee jointly and tables prepared by the manufactory Officer showing the total capacity of each vessel in litres and the capacity at each centimeter and 2 mm. depth. Record of these details shall be kept in a register in Form C.L. IV.

(11) No vessel which has been altered in shape position or capacity shall again be taken into use, unless it has been regauged by the Manufactory Officer and new tables therefor are prepared by him, if necessary.

(12) All transactions pertaining to the receipt, transport and storage of spirit and country liquor and manufacture, bottling and issues of country liquor shall be under excise supervision. The Commissioner shall, according to the direction made under section 58-A of the Act by the State Government, station such staff at the Manufactory for excise supervision as is considered necessary and the cost of such staff shall be paid to the State Government by the manufactory licensee quarterly in advance.

(13) The manufactory shall not be kept open except during factory hours on normal factory working days. The Excise Supervisory staff posted at the manufactory shall not be entitled to a Public Holiday, if it is not a Factory Holiday not will that staff be eligible for overtime allowance for the work done on such public holidays. On any emergent, occasions the manufactory licensee may, with the previous written permission of the Superintendent, keep the Manufactory open on any factory holiday. In such cases, the manufactory licensee shall pay to the State Government overtime charges at the rates prescribed by the Commissioner for time to time.

(14) A manufactory licensee shall provide and maintain in the Manufactory sufficient number of accurate scales, weights and measures and other necessary appliances to enable the manufactory Officer or such other Officer as may inspect the Manufactory to

take account of or check by weight, gauge or measure, all materials, spirit and country liquor in the Manufactory, and provide sufficient lights, ladders and other conveniences to enable the Prohibition and Excise staff to perform their duties.

(15) A manufactory licensee shall also provide in the Manufactory proper gauge, rods and a standard Thermometer and Hydrometer.

(16) A manufactory licensee shall not obtain his requirements of spirit except from a licensed Distillery or a Bonded Warehouse or any other authorised source unless he obtains a release order from the Commissioner and under a valid transport pass or permit.

(17) The spirit required for the manufacture of country liquor shall be obtained in the following manner :

(a) A manufactory licensee desiring to purchase and transport in bond spirit from a Distillery shall submit an indent in Form C L. V in triplicate to the Manufactory Officer. The Manufactory Officer shall make such enquiries as he deems necessary, and if he is satisfied that there is no objection to allow the transport in bond of spirit indented for, he may countersign the indent. The original copy of the indent duly countersigned by the Manufactory officer shall be sent by the person indenting to the Officer-in-charge of Distillery.

(b) The duplicate shall be sent by the Officer-in-charge, to the Prohibition and Excise Inspector in whose charge the licensed manufactory is situated. The triplicate copy shall be retained as Office Copy.

(c) On receipt of the original copy of the indent, the Distillery Officer shall, if he is satisfied that there is no objection, allow the issue of spirit after issuing a pass in Form C.L. VI.

(d) The Officer in charge of the Distillery shall keep Part I of the Pass in Form C. L. VI on his record, shall also fill in the particulars to be filled in by him on the reverse of Parts II and III of the pass, and shall hand over Part II and III of the pass to the purchaser duly endorsed.

(e) On arrival of the consignment at the Manufactory, the Manufactory Officer shall examine the seals, and if he has no reason to believe that the consignment has been tampered with, admit the consignment into the spirit room of the Manufactory.

(f) The Manufactory Officer shall measure, and then draw samples from each cask or drum or approved receptacle and examine them to see that the particulars as regards the quantity and strength of spirit actually released correspond with those given by the Distillery Officer in Parts II and III of the pass accompanying the consignment. The consignment shall then be entered in the register in Form C. L. VII maintained by him for the purpose. He shall then return Part III duly completed to the Distillery Officer, and retain Part II on his record. In case of any wastage of spirit found by the Manufactory Officer on arrival of the consignment in excess of the sanctioned wastage of 1/2 per cent per 160 kilometers, he shall report the fact to the superintendent for obtaining the orders of the Commissioner as regards the amount of duty to be levied on such excess wastage from the person liable to pay the same. The Officer-in-charge of the Distillery shall be responsible to see that the Part III of the passes issued by him are received back by him and filled serially.

(g) The transport in bond of spirit by the manufactory licensee from a licensed distillery or a licensed, bonded warehouse shall be as provided in clauses (a) and (b) above notwithstanding anything contained in the other rules made under the Act.

(18) Spirit shall be issued from the spirit room to the manufacturing room on a requisition form a manufactory licensee which shall be made in Form C.L., VIII in such quantities as are required for the manufacture of a batch of country liquor. All such spirit in the manufacturing room shall be kept untouched until the Manufactory Officer, has recorded its quantity and strength in form C.L., IX. Such spirit shall then in the presence of the Manufactory Officer be added to water and other materials for the preparation of country liquor.

(19) Only pure filtered water shall be used in the manufacture of country liquor.

(20) Each batch of country liquor manufactured shall be registered, and shall bear a distinctive number which shall be known as its registered batch number in the register in Form C.L., IX. The register shall also show the receipt and disposal of all spirit issued to the manufacturing room from the spirit room and the quantity of all finished country liquor manufactured therefrom.

(21) On completion of manufacture of a batch of country liquor, the licensee shall declare its true strength in column 12 of the register in Form C.L., IX.

(22) The Manufactory Officer shall then check the entries, and if they are found to be in order, he shall initial the relevant entries in the register in Form C.L., IX.

(23) Unless otherwise permitted by the Commissioner, country liquor so prepared shall be <sup>1</sup>[filled in containers of capacities of 200 bulk litres, 100 bulk litres or 50 bulk litres, or] bottled in bottles of the capacities of 180 millilitres, 375 millilitres and 750 millilitres. <sup>2</sup>[The containers shall be of the material and type as prescribed by the commissioner.]

(24) <sup>3</sup>[All bottles or containers] of country liquor shall bear labels in Marathi showing the name of the manufacturer, the strength and variety of country liquor, the place of manufacture, the batch number, <sup>6,7,8,9</sup>[month & year of manufacture maximum retail price (inclusive of all taxes and duties), statutory warning "consumption of liquor is injurious to health"] and the guaranteed fluid contents of <sup>3</sup>[each bottle or container] in bold letters.

(25) The strength of any variety of country liquor shall be as may be fixed by the Commissioner from time to time.

(26) The <sup>3</sup>[bottles and containers] to be used for the purpose of filling or bottling country liquor shall be properly cleaned and washed.

(27) Immediately after <sup>4</sup>[the bottles or containers] are filled in, they shall be capsuled, sealed and labelled before being removed to the store room. The capsule shall be metallic pilferproof or such other kind as may be approved by the Commissioner from time to time, and shall be firmly fixed in position by a capsuling machine or any other suitable appliance <sup>5</sup>[Casks or Keg shall also be properly closed with bungs, sealed] and labelled and then removed to the store room.

(28) A manufactory licensee shall not mix the produce of one batch with that of another, except in his manufacturing room. No such mixing shall be carried out, unless previous notice is given by him in writing to the Manufactory Officer. The manufactory licensee shall specify the quantity and strength of the spirit or country liquor of each batch before mixing and after mixing.

(29) An account of the manufacture and bottling transactions in the manufacturing room shall be recorded before removal to the store room in the register in Form C.L., IX.

<sup>1</sup> Ins. by G. N. of 20-6-1977.

<sup>3</sup> Subs. *ibid*.

<sup>5</sup> Ins. *ibid*.

<sup>7</sup> Ins. by 20-1-2000.

<sup>9</sup> Ins. by 23-8-2010.

<sup>2</sup> Added *ibid*.

<sup>4</sup> Subs. by G. N. of 20-6-1977.

<sup>6</sup> Ins. by 18-10-1996.

<sup>8</sup> Ins. by 24-7-2008.



(30) A manufactory licensee shall store all the country liquor manufactured and <sup>1</sup>[bottled or filled in containers] in the store room and nowhere else. The manufactory licensee shall maintain an account of the stock of country liquor received in the store room and issued therefrom in Form No. C.L.X which shall be written daily.

(31) A manufactory licensee shall keep the licensed premises and all the goods therein open for inspection and examination at all times by the Commissioner, the Collector, the Superintendent or an Officer of the Food and Drugs Administration or any other Officer empowered under Section 122 of the Act. The manufactory licensee shall render all assistance in such inspection and examination.

(32) The licensee shall, when so required by the Commissioner, Collector, Superintendent, Manufactory Officer or by any Officer empowered by the Commissioner in this behalf, give an explanation in writing regarding any irregularity detected at his licensed premises, and shall furnish any information regarding the management of the said premises. He shall answer all reasonable questions put to him to the best of his knowledge and belief.

(33) A manufactory licensee shall maintain a Visit Book paged and sealed with the seal of the Superintendent in which visiting Officers may record any remark on inspecting the licensed premises. The manufactory licensee shall, on the termination of the period of the licence, deliver the Visit Book, the accounts and the licence to the Superintendent.

(34) A manufactory licensee shall not discontinue the manufactory unless he has given three calendar months notice to the Commissioner.

(35) All the manufacturing and bottling operations shall be conducted under hygienic conditions.

(36) A manufactory licensee shall abide by all rules, regulations and orders made from time to time under the Act.

(37) All coloring and flavoring substances to be used by a manufactory licensee shall be kept on the licensed premises under lock and key. A sample from each kind of such substance shall be sent through the Manufactory Officer by a manufactory licensee immediately on receipt to the Chemical Analyser and no such substance shall be used by the manufactory licensee, unless the Chemical Analyser has approved the same as suitable in the manufacture of country liquor. In the event of any such substance remaining unused for over twelve months from the date of its receipt in the manufactory fresh samples shall be submitted for examination in the same manner:

Provided that the licensee may not send the sample from each kind of such colouring and flavouring substance for analysis, if such, substance is obtained from persons including companies or firms manufacturing such substance and such persons as are approved by the Commissioner and the person manufacturing such substance certifies that the substance supplied to the manufactory licensee conforms to the standard prescribed by or under the Prevention of Food Adulteration Act, 1954 and the rules framed thereunder and that such substance has not remained unused for over 12 months from the date of receipt by the manufactory licensee.

(38) Correct accounts of all colouring and flavouring substances in the Manufactory shall be maintained by a manufactory licensee in Form C. L. XI. The accounts shall remain in the custody of the Manufactory Officer who shall check them at the end of each day's work.

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<sup>1</sup> Subs. by G. N. of 20-6-1977.

(39) A manufactory licensee shall maintain accounts in proper forms and registers as required by these rules. The accounts shall be written every day and got checked and attested every day by the Manufactory Officer, at the close of the day.

(40) A manufactory licensee shall deliver to the manufactory officer not later than the 5th of each months, a return of transactions of business in respect of the proceeding months in triplicate in Form C.L., XII. The Manufactory Officer shall submit with his remarks one copy thereof to the Commissioner and another to the Superintendent.

(41) A manufactory licensee shall establish Warehouses at Bombay, Pune, Nagpur and in such other two Districts in the State as may be specified by the Commissioner and shall be fully responsible for their proper functioning.

(42) Unless otherwise permitted by the Commissioner a manufactory licensee shall not supply country liquor from his manufactory except to a warehouse licensed under these rules.

(43) The price at which a manufactory licensee shall supply country liquor to a warehouse on wholesale and from a warehouse to a licensed retail shop shall not exceed the price that may be fixed by the State Government in this behalf from time to time under rules 12 of these rules.

7. *Issue of Country Liquor* (1) A manufactory licensee desiring to issue country liquor from the Manufactory shall produce before the Manufactory Officer the indent in Form C.L., XIII received from the wholesale licensee to whom the country liquor is to be supplied duly endorsed by him along with a chalan showing the payment of excise duty into a Government Treasury in respect of the liquor proposed to be so supplied.

(2) On receipt of the indent under sub-rule (1) the Manufactory Officer shall alter ascertaining that the particulars furnished in the Form. C. L. XIII are correct and if he sees no objection, issue a transport pass in triplicate in Form C. L. XIV. One copy (triplicate) of such pass shall be retained at the Manufactory on the record of the Manufactory Officer, the duplicate shall be sent to the Inspector of Prohibition and Excise in whose jurisdiction the destination is situated and the original shall be given to the manufactory licensee to accompany the consignment.

8. *No Removal except under Transport pass* - (1) No country liquor shall be issue or removed from a manufactory except under a transport pass in Form C. L. XIV issued by the Manufactory Officer.

(2) No transport pass shall be issued unless excise duty payable on the quantity of country liquor intended for removal has been paid, and a challan for the payment is produced before the Manufactory Officer. All such challans shall be carefully preserved by the Manufactory Officer and kept in his custody.

9. *Collection of Duty* - The Manufactory Officer shall be responsible for the correct collections of duty at the prescribed rate before any country liquor is allowed to be removed from the Manufactory.

10. *Supervision* - (1) The Manufactory Officer shall exercise such supervision as is required to ensure that spirit issue is added to the materials which go to make a batch of country liquor and that no portion of such spirit is diverted for any other purpose.

(2) The Manufactory Officer shall daily check and attest the accounts maintained by a manufactory licensee.



(3) Any Prohibition and Excise Officer specially empowered in this behalf by the Commissioner shall periodically or by surprise inspect the Manufactory and shall submit notes of his inspection to the Officer specified by the Commissioner. He shall also verify the accounts and collection and credit of excise duty by the Manufactory Officer.

11. *Authority of Person Authorised by the Licensee.*—(1) Agents, clerks and other persons who have been duly authorised in writing in this behalf by a manufactory licensee and approved by the Manufactory Officer may enter into the manufactory and carry out their work in connection with the manufacture of country liquor during the working hours of the manufactory.

(2) Any person duly authorised in writing in that behalf by a manufactory licensee may sign all applications and indents for the issue of spirit or country liquor.

12. *Minimum and Maximum Prices.*—A manufactory licensee shall not sell country liquor at a price exceeding the price that may be fixed by the State Government from time to time.

### PART III

#### WHOLESALE LICENCES

<sup>1</sup>[13. *Application for wholesale licence* - Any person desiring to sell country liquor by wholesale shall make an application for a licence in that behalf to the Commissioner through the Superintendent of the district in which he desires to establish a warehouse for the purpose of storing the country liquor, such application shall be accompanied by a challan evidencing payment of fees of rupees one hundred and shall contain the following particulars namely .—

(a) Name and address of the applicant and in case of a firm or a company the name and address of the partners or Directors as the case may be ;

(b) Exact location and full address of the premises where the warehouse shall be located;

(c) Whether on the date of application the applicant (or any of his partner / Director) holds or has at any time in the past (individually or in partnership with others) held other excise licence and if so, the details thereof;

(d) Proof of solvency of the applicant;

(e) Whether the applicant is in arrears of any excise duty or of any other Government dues such as sales tax, income tax *etc*;

(f) An undertaking that he shall abide by the conditions of licence and the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder from time to time.

14. *Grant of Licence.* — (1) On receipt of an application under rule 13, the Superintendent shall verify the particulars given therein and satisfy himself that the building or rooms of the warehouse for the purposes of sale of country liquor by wholesale conform in the requirements of rule 15. He may make such other inquiries as he deems necessary in respect of the proposed warehouse premises and matters incidental thereto and shall forward the application to the Commissioner with his remarks.

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<sup>1</sup> Subs. by G.N. of 17.2.1989.

(2) On receipt of the application under sub-rule (1) Commissioner may if he deems proper on recovery of the licence [fee (inclusive of consideration)] of [Rupees sixty five thousand Rs. 65,000] grant the applicant a licence in Form C.L., II with the previous sanction of the State Government (hereinafter referred to as the wholesale licensee).

(3) No licence under sub-rule (2) shall be granted for a period beyond 31st March, next following the date of the commencement of the licensee. Provided that, in respect of licence granted prior to the 1st day of April, 1973 the period of the licence; shall extend upto 31st March, 1974.

(4) When licence under sub-rule (2) is granted, due intimation shall be given to the Superintendent and the Collector, concerned. Also such intimation shall be given to the authorities of the Food and Drugs Administration in the State.

(5) Any licence granted under sub-rule (2) shall be renewed by the Commissioner for a period not exceeding one year at a time on payment of <sup>4</sup>[Renewal application fee of Rs. 25 and licence fee as prescribed in sub-rule (2) of rule 14] unless the Commissioner has reason to believe that there has been a breach of any of the terms and conditions of the licensee, or that the licensee has not been working it properly.

<sup>6</sup>[15. “*Requirements of Warehouse Premises.*—(1) The building or rooms of the warehouse shall be strongly constructed of masonry or brick work. The windows of the building or rooms shall be securely wire netted. There shall be only one entrance to the building or main room of the Warehouse and to each store-room, respectively which must open into the Warehouse enclosure. The minimum area of the warehouse premises shall be 45 sq. metres, or storage capacity of 2,500 cases of country liquor at a time.

(2) *Prohibition to shift licensed Warehouse to any other place.*—A licence Warehouse shall not be shifted by a wholesale licensee to any other place within a taluka without prior approval of the Collector, and from one taluka to another taluka of the district without prior approval of the Commissioner and from one district to another district without prior approval of the Government.”]

16. *Manner of storage of country liquor.*— The country liquor shall be stored in the warehouse only in bottles duly sealed or capsuled - <sup>2</sup> [and in duly sealed barrels of as may be approved by the Commissioner from time to time.]

17. *Source of Supply.*—The licensee shall obtain his requirement of country liquor only from a licensed manufactory in the State or from such other source as may be approved by the Commissioner and under cover of transport passes issued by the Manufactory Officer or such other officer duly authorised in that behalf.

18. *Removal of Country liquor from Warehouse* — Country liquor stored in a warehouse shall be removed therefrom by a wholesale licensee only for sale to the holder of a retail shop licence and under a transport pass in Form C. L. XVII issued by the wholesale licensee. Provided that if permitted by the Superintendent the licensee may also remove country liquor for sale to any other holder of licence in Form C. L, II for wholesale sale ;

<sup>5</sup> [Provided further that no such wholesale licensee shall remove country liquor for sale to another wholesale licensee or to a holder of retail shop licence at such time so as to reach the premises of such other licensee on the day or hour during which such other licensee is not authorised to keep his licensed premises open.]

19. *Licensee to Account for Losses.*— Any loss in the country liquor stored in the warehouse or issued therefrom shall be reported by a wholesale licensee to the Commissioner through the Superintendent, explaining in detail the causes thereof.

1. Subs. by G. N. of 6-11-1981.

2. Added by G. N. of 20-6-1977.

3. Subs. by G. N. of 16-3-1993.

4. Subs. by G. N. of 11-16-3-1988.

5. Added by G. N. of 31-3-1977.

6. Subs. by 20-4-2005.

20. *Closure of Licensed Premises.*—The warehouse shall remain closed on 2nd October every year<sup>1</sup> [and days mentioned in clause (c) of sub-rule (1) of Rule 26.] and on such other day as may be specially ordered by the Superintendent. In either case, the wholesale licensee shall not be entitled to any compensation.

21. *Working Hours of Warehouse.*—Unless otherwise permitted by the Commissioner, the warehouse shall not be kept open except during the hours from 9.00 a. m. to 5-00 p. m.

22. *Minimum and Maximum Prices.*—A wholesale licensee shall not sell country liquor except to a person holding a licence to sell country liquor by retail under these rules and except at a price not exceeding the price that may be fixed by the State Government from time to time.

#### PART IV

##### LICENCES FOR RETAIL SALE OF COUNTRY LIQUOR

<sup>2</sup>[23. *Application for licence.* —Any person desiring to sell country liquor by retail, shall apply in Form C. L. A.I<sup>3</sup>[ \* \* \* ] for a licence in Form C. L. III <sup>4</sup> [to] the Collector of the district in which he desires to locate the licensed premises for selling country liquor.

Fees prescribed for the application for a licence to sell country liquor by retail shall be according to the following scales, namely :

<sup>4</sup> [If the application is for locating the licensed shop in a	
(a) village town or city with	Rs.
a population below 2 lakhs.	500.00
(b) City with population of	
2 lakhs and above.	1000.00]

The application shall be accompanied by a challan evidencing payment of application fee]

<sup>5</sup> [23 A *Consideration of application for licence by committee* : Application received under rule 23 shall be considered by a committee consisting of following members namely :—

(1) Collector of the District	Chairman
(2) Commissioner of Police or his representative who is not below the rank of Deputy Commissioner of Police.	Member
(3) Superintendent of Police of the District except in Greater Bombay.	Member
(4) Chief Executive Officer of the Zilla Parishad of the District and in case of Greater Bombay area the Municipal Commissioner or his representative not below the rank of Deputy Municipal Commissioner.	Member
(5) Superintendent of Prohibition and Excise of the District.	Member Secretary]

1. Ins. 24-1-1995.

2. Subs. by G. N. of 26-2-1982.

3. Deleted by G. N. of 17-2-1989.

4. Subs. *ibid.*

5. Ins. by G. N. of 17-2-1989.

<sup>1</sup>[23 (B) The Committee constituted under rule 23 A, shall determine the number and location of the required shops and shall carry out the selection of candidates by drawing lots from suitable candidates subject to general or special orders, if any, issued in this behalf by Government from time to time.]

<sup>3</sup>[24. *Grant of licence : (IA)* The Collector shall in conformity with the committee's recommendations and after satisfying himself that the premises proposed for location of the shop for selling country liquor are in conformity with the provisions of the rules and instructions issued in this behalf by the State Government or the Commissioner from time to time and that there is no objection to grant the licence applied for, may inform the applicant of the decision and grant the licence in form CL-III on payment of the fee (inclusive of consideration) prescribed in the sub-rule (13)].

<sup>3</sup>[Provided that if the selected applicant fails to complete necessary formalities for obtaining the licence within 3 months or the receipt of intimation, it shall automatically be treated as cancelled and after the expiry of the said period of 3 months the Collector shall proceed to allot the licence to another suitable applicant.]

(1B) Fees prescribed for the licence in Form C. L. III shall be according to the following scales, namely :

Where the licensed shop is proposed to be located in a—

	Rs.
<sup>6</sup> [(a) town and village with a population upto 5,000.	6,000
(b) town with a population of 5,000 and above but below 10,000.	10,000
(c) town and city with a population of 10,000 and above but below 2 lakhs.	20,000
(d) city with a population of 2 lakhs and above but below 10 lakhs.	30,000
(e) city with a population of 10 lakhs and above but below 20 lakhs.	45,000
(f) city with a population of 20 lakhs and above	60,000]

*Explanation.*—for the purpose of this sub-rule “population” means the population as ascertained at the last preceding census of which the relevant figure, either provisional or final, have been published.]

(2) No licence under <sup>3</sup>[sub-rule (IA)] shall be granted for a period beyond 31st March next following the date of commencement of the licence :

<sup>2</sup>\* \* \* \* \*

<sup>3</sup>[(2A) Any person desiring to renew a licence shall, thirty days before the date of expiry of the licence, apply for the renewal thereof. Every such application shall be accompanied by a challan evidencing payment of a fee.] <sup>4</sup>[of Rs. 25].

<sup>5</sup>[(3) Any licence granted under sub-rule (IA) shall be renewed by the Collector for a period not exceeding one year at a time on payment of fees on the scale mentioned hereunder, unless the Collector has reason to believe that there has been a breach of any of the terms and conditions of the licence, or that the retail licensee has not been working it properly.]

1. Subs. by G. N. of 17-2-1989.

2. Deleted by G. N. of 31-3-1977.

3. Ins. by G. N. of 26-2-1982.

4. Subs. 16-3-1988.

5. Subs. by G. N. of 16-3-1994.

6. Subs. by G. N. of 16-3-1993.

Where the licensed shop is located in a—

	Rs.
(a) town or village with a population upto 5,000	3,000
(b) town with a population of 5,000 and above but below 10,000.	4,500
(c) town and city with a population of 10,000 and above but below 2 lakhs.	12,000
(d) city with a population of 2 lakhs and above but below 10 lakhs.	20,000
(e) city with a population of 10 lakhs and above but below 20 lakhs.	30,000
(f) city with a population of 20 lakhs and above	40,000]

<sup>1</sup>[(4) No licence under sub-rule (1) shall be granted in respect of any shop (a) which is less than sixteen square metres in area and which, in the opinion of the Collector or the Officer authorised by him in this behalf, in writing, is not adequate for storage and consumption of country liquor and where such consumption is visible to outsiders and passers-by ; or

(b) which, if situated in areas within the jurisdiction of any Municipal Corporation or 'A' Class or 'B' Class Municipal Council, is within a distance of fifty metres and, if situated elsewhere, one hundred metres, from any educational or religious institution ; or

(c) Which is situated within a distance of one hundred metres from any bus stand, station or depot of the Maharashtra State Road Transport Corporation ; or

(d) Which is not duly approved by the Collector or the Officer authorised by him in this behalf and is not, for reasons to be recorded in writing, certified by him to be otherwise suitable also for locating the shop before the grant of the licence :

Provided that nothing contained in this sub-rule shall apply in respect of an existing shop for which the licensee holds a valid licence in Form C. L. III immediately before the coming into force of the Maharashtra Country Liquor (Amendment) Rules, 1981.

*Explanation.*—For the purpose of this sub-rule,—

(i) “educational institution” means any pre-primary, primary or secondary school managed or recognised by any local authority or the State Government or the Central Government and any College affiliated to any University established by law, but does not include any private coaching institution ;

(ii) “religious institution” means an institution for the promotion of any religion and includes a temple, math, mosque, church, synagogue, agiary or other place of public religious worship which is managed or owned by a public trust registered under the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950) and includes such other religious institutions as the State Government may by order specify in this behalf ;

(iii) the distance referred to in clause (b) or (c) of this sub-rule shall be measured from the mid-point of the entrance of the shop along the nearest path by which pedestrian ordinarily reaches,—

(a) the mid-point of the nearest gate of the institution if there is a compound wall and if there is no compound wall, the mid-point of the nearest entrance of the institution, or

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1. Subs. by G. N. of 25-3-1981.

(b) the mid-point of the nearest gate of the bus stand, station or depot of the Maharashtra State Road Transport Corporation, if there is a compound wall and if there is no compound wall, the nearest point of the boundary of such bus stand, station or depot.

(4A) Any shop in respect of which a licence in Form C. L. III has been granted shall not be deemed to be situated within the prohibited distance referred to in clause (b) or (c) of sub-rule (4) if at any time after such licence is granted,—

(a) any institution referred to in clause (b) of sub-rule (4) comes into existence within a distance of fifty metres or, as the case may be, one hundred metres, from that shop, or

(b) if any bus stand, station or depot referred to in clause (c) of the said sub-rule (4) comes into existence within a distance of one hundred metres from that shop.]

(5) The distance between any two shops should not be less than 200 metres.

<sup>1</sup>[25. *Prohibition to shift licensed shop to any other place.*

(a) a licensed shop shall not be shifted by a retail licensee to any other within a taluka without prior approval of the Collector ;

(b) a licensed shop shall not be shifted by retail licensee to any place from one taluka to another taluka of the district without prior approval of the Commissioner :

Provided that, the number of licensed shops for such shifting shall not exceed 15% of the total existing licensed shops in any district <sup>5</sup>[excluding Mumbai City and Mumbai suburban district] which would be inclusive of the licensed shop already shifted with prior approval of the Government or the Commissioner before the date of publication of these rules;

<sup>3</sup>[" Provided further that, any licence shop shall not be shifted within the Mumbai City and Mumbai suburban District, without prior approval of the Government. ”

(c) a licensed shop shall not be shifted by retail licensee to any place from one district to another district without prior approval of the Government ;

(d) the shifting of licences under clauses (a), (b) and (c), shall be subject to the fulfillment of the following conditions, namely :—

<sup>2</sup>["(i) considering the sale of liquor of past five years, the sale of liquor of any two years of last four years shall be less than the sale of first year of the block of five years ; or considering the sale of liquor of past five years, the sale of liquor of any three years shall be less than that of the annual average sale of the liquor for the same five years :

Provided that, the licenced shop holds valid licence during the said period ; ”]

(ii) that there is no inconvenience of drinking of liquor to the people residing in that area ;

(iii) that the Gram panchayat in whose area licenced shop is proposed to be shifted, has given no objection by passing a resolution of the Gramsabha ; and if the shop is proposed to be shifted to any area other than Grampanchayat area, no objection of the Municipal Council concerned has been obtained ;

(iv) that the proposed premises are free from distance restriction as provided under sub-rules (4) and (5) rule 24 ;

1. Subs. by G. N. of 20-4-2005.

2. Subs. by G. N. of 31-3-2006.

3. Ins. by G. N. of 13-7-2006.

(v) that the construction of the premises in which shop is proposed to be shifted is an authorized construction and certificate of the competent of the competent local authority is submitted :

Provided that, the proviso to clause (b) and sub clauses (i) and (ii) of clause (d) shall not apply in respect of shifting of licensed shop which has been closed down or required to be closed down as per the provisions of the Bombay Prohibition (Closure of Licence on Resolution by the Village Panchayat or Gramsabha or Women/Social Organisation or Representation by Voters in the Village or Ward of Municipal Council) Order, 2003.”

[Provided further that the conditions as laid down in [sub-clauses (i), (ii) and (iii)] of clause (d) shall not apply in respect of the following situations ; however under such situation shifting shall be allowed within the area of [same district] as the case may be ;

(A) licensee whose premises are affected by the implementation of Development Scheme such as road widening, and the like ;

(B) in the case where the licensee is running his licensed shop at the place under the rental deed and the landlord or owner of the place do not agree to extend the rental deed ; or

(C) in the case where the shifting is essential due to Hon’ble Court’s Order.”]

<sup>1</sup>[26. Closure of shops.—(1) No licensed shop shall be kept open for the sale of country liquor on—

<sup>3</sup>(a) The day on which the licensed premises is required to be kept closed under the Bombay Shops and Establishment Act, 1948 (Bom. XXIX of 1948) and if the licensed premises in situated in the area wherein the said Act is not in operation, the holder of licence shall give on day paid weekly off to the employees ;

(b) the following days during the year namely :

(i) 26th January (Republic Day)

(ii) 30th January (Martyr’s Day)

(iii) 1st May (Maharashtra Day)

(iv) Ashadhi Ekadashi

(v) 15th August (Independence Day)

(vi) Anant Chaturdashi

(vii) Two days in prohibition week that is to say the 2nd October and 8th October.

(viii) Kartiki Ekadashi]

(c) <sup>4,5,6,12</sup>[(1) forty eight hours ending with the hours fixed for the conclusion of the poll in relation to any general election or by-election to the House of People, or the Maharashtra Legislative Assembly is taken in the constituency in which such premises are located and on the counting day or days.]

(2) the day or days on which poll in relation to any general election or by-election to any local authority in the State is taken in the constituency in which such premises are located and a day immediately before the day of poll and on the counting day.”]

(d) such special occasions and in such area as the collector may, after giving notice of not less than seven days in the *Official Gazette* and in any local news paper having wide circulation in such area, specify in this behalf.

(2) <sup>2,\*</sup> \* \* \* \* \*

<sup>1</sup> Subs. by G. N. of 7-7-1979.

<sup>2</sup> Deleted by G. N. of 20-9-1979.

<sup>5</sup> Subs. by 12-7-1999.

<sup>7</sup> Added. by 31-3-2006.

<sup>9</sup> Subs. by 9-1-2007.

<sup>11</sup> Subs. by 6-7-2009.

<sup>3</sup> Subs. by G. N. of 17-2-1989.

<sup>4</sup> Subs. by G. N. of 24-1-1985.

<sup>6</sup> Subs. by G. N. of 8-11-2011.

<sup>8</sup> Subs. by G. N. of 29-1-2007.

<sup>10</sup> Subs. by G. N. of 29-1-2007.

<sup>12</sup> Subs. by G. N. of 8-11-2011.



(3) For the purposes of <sup>1</sup>[sub-clause (vi)] of clause (b) of sub-rule (1) of this rule, the Collector shall, as far as possible before the commencement of each licensing year declare, by a notification published in the *official Gazette* and in any local newspaper having wide circulation in the area the day or days of important fairs or, as the case may be, of the pay day during which, and the area in which, the licensed shop shall remain closed :

Provided that, where such a declaration is not made before the commencement of the licensing year the Collector shall make the declaration at any other suitable time thereafter but the notification in that behalf shall be published at least seven days before the day or days of closure.

(4) No licensee shall be entitled to any compensation for closure of his licensed shop under sub-rules (1) and (2) of this rule.]

27. *Power a Collector to close down licensed shop etc. in public interest.*—The Collector may by order require a retail licensee to close his shop in the public interest for any period specified in the order; and may in public interest, also curtail the hours of sale ; and in either case the retail licensee shall not be entitled to any compensation.

28. *Transfer of licence.*—The Collector may permit the transfer of a licence from one name to another or admit or delete the name of any partner after the licence is granted.

29. *Application for licence.*—Any person holding a licence in form F. L. II for the retail sale of foreign liquor under the Bombay Foreign Liquor Rules, 1953 <sup>2</sup>[(hereinafter in these rules referred to as “the Foreign Liquor Vendor’s Licence”) or in form T. D. I. for the retail sale of toddy granted under the Maharashtra Toddy shops (Licensing) and Toddy Tree (Tapping) Rules, 1968 (hereinafter in these rules referred to as the “Licence for the Retail Sale of Toddy”)] and desiring to sell country liquor by retail in sealed bottles for off consumption only in the same licensed premises shall, apply in form C. L. A. -1, appended to these rules, to the collector for a licence in Form <sup>3</sup>[C.L./F.L./TOD/III] with a challan evidencing payment of a fee of <sup>4</sup>[one hundred ruppes] for such application.

30. (1) *Grant of licence.*—On receipt of the application under rule 29 the collector may make enquiries for verification of the details mentioned in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence applied for, he may, on payment <sup>5</sup>[of a fee (inclusive of consideration) at the scale given below] grant the applicant a licence in form <sup>6</sup>[C.L./F.L./TOD/III] (hereinafter referred as the retail licensee.)

<sup>7</sup> [(a) city with a population upto 3 lakhs	..	<sup>8</sup> [6000]
(b) city with a population of 3 lakhs and above but below 10 lakhs.	..	<sup>8</sup> [8000]
(c) city with a population of 10 lakhs and above	..	<sup>8</sup> [12000]

<sup>6</sup>[(2) Duration of licences.—No licence under sub-rule (1) shall be granted,—

(a) in the case of a person holding the Foreign Liquor Vendor’s Licence for a period beyond the 31st March next following the date of commencement of the licence ; and

1. Subs. by Corring of 20-9-1979.

3. Ins. by G. N. of 23-4-1973.

5. Subs. by G. N. of 10-9-1985.

7. Added by G. N. of 10-9-1985

2. Subs. by G. N. of 25-3-1981.

4. Ins. by G. N. of 17-2-1989.

6. Subs. by G. N. of 24-3-1979.

8. Subs. by G. N. of 16-3-1988.



(b) in the case of a person holding the licence for the Retail Sale of Toddy for a period beyond 31st August, next following the date of commencement of the licence.]

(3) <sup>1</sup>[*Renewal of licence*].—any licence granted under sub-rule (1) shall be renewed by the collector for a period not exceeding one year at a time on payment of <sup>2</sup>[renewal application fee of Rs. 25 and licence fee as prescribed in sub-rule (1) of rule 30] unless the collector has reason to believe that there has been breach of any of the terms and conditions of the licence or that the licensee has not been working the licence properly ;

<sup>1</sup>[Provided that, the licence in Form C.L./F.L./TOD/III shall be renewed only after verification of the fact that the holder thereof is in possession of a valid Foreign Liquor Vendor's Licence or, as the case may be, a valid Licence for the Retail sale of Toddy.]

<sup>1</sup>[(3A) *Licence to become inoperative in certain circumstances*.—The licence in Form C.L./F.L./TOD/III shall become inoperative if the licensee ceases to hold a valid Foreign Liquor Vendor's Licence or, as the case may be, a valid Licence for the Retail Sale of Toddy or if such licence is at any time suspended or cancelled in accordance with the provisions of the Bombay Foreign Liquor Rules, 1953, or as the case may be the Maharashtra Toddy Shops (Licensing) and Toddy tree (Tapping) Rules, 1968.]

(4) *Transfer of licence*.—The Collector may permit the transfer of a licence from one name to another or admit (or delete) the same of any partner after the licence is granted.

(5) *General conditions of the licence*.—the general conditions specified in Part V of these rules shall apply *matatis matandis* in respect of the licences granted under this Part IV.

<sup>6</sup>“(6) Notwithstanding anything contained in these rules, any holder of licence in Form CL-III desiring to sell beer to the person above the age of 21 years in sealed bottles for “off consumption” may be permitted to do so by the Collector by duly making endorsement thereof on the CL-III licence on recovery of 25 per cent of the fee payable for grant or renewal of the licence in the area in which shop for CL-III licence is located.

*Explanation*.—For the purpose of this rule, the words “beer” shall have the same meaning as assigned to it in the Bombay Foreign Liquor Rules, 1953.

(7) The holder of CL-III licence permitted to sell Beer shall maintain the registers in Form F.L.R. 3, F.L.R. 4 and F.L.R. 5 prescribed under the Maharashtra Foreign Liquor (Sale on Cash, Registers of Sales etc., Rules, 1969.]”.

## PART V

### GENERAL CONDITIONS APPLICABLE TO COUNTRY LIQUOR RETAIL SHOPS

31. *Indent and transport of country liquor*.—(1) A retail licensee shall obtain, possess, or transport country liquor required for sale at his licensed shop from a whole sale licensee's licensed warehouse.

(2) a retail licensee shall send an indent in Form C.L. XXI to the wholesale licensee for obtaining the supply of country liquor. For each consignment, a separate indent shall be placed. The counterfoil shall be kept in the licensed shop.

(3) the transport of country liquor from the licensed premises of a wholesale licensee to the licensed shop shall be under a transport pass in Form C.L. XVII issued by the wholesale licensee, or his Manager or agent duly approved by an officer not below the rank of a Superintendent in this behalf.

(4) all such transport passes shall be filed by the retail licensee of his authorised agent datewise and serially, and kept in the licensed premises.

<sup>4,5</sup>[31 A.31 B \* \* \*]

1. Subs. by G. N. of 24-3-1979.

2. Subs. by G. N. of 16-3-1986.

3. Subs. by G. N. of 20-6-1977.

4. Subs. by G. N. of 21-5-1990.

5. Deleted by 14-8-2006.

6. Inserted by 19-8-2004.

32. *Retail price.*—a retail licensee shall not sell country liquor at a price exceeding the price that may be fixed by the State Government from time to time.

33. *Account of country liquor.*—a retail licensee shall maintain at his licensed retail shop a register in Form C.L. XXII wherein he shall write before the closure of the shop correct daily accounts of all quantities of <sup>2</sup>[country Liquor and foreign Liquor] received, sold, and held in balance by him at the shop.

<sup>5</sup>["33A. A Country Liquor retail Licensee shall also maintain additional register in Form C.L. XXII A, in prescribed proforma, appended hereto, at his licensed premises. The register may be duly paged and sealed with the seal of Collector in which he shall write the correct brandwise stock and accounts of that day's transactions of each brand of the country liquor in stock at his licensed premises in a neat and legible manner."].

34. *Quality of country liquor to be sold.*—Every retail licensee shall possess, sell or expose for sale only such <sup>2</sup>[country Liquor as is obtained according to the provisions of these rules. <sup>3,4</sup>[\* \* \*]]

<sup>1</sup>[35. *Hours of sale.*—(1) A licensee holding licence in Form C.L. III, shall not sell country liquor except during the hours from 10.00 a.m. to 10.00 p.m. in 'C' Class Municipal areas and in areas within the limits of Zilla Parishads (excluding cantonment areas) and from 10.00 a.m. to 12.00 midnight, in all other remaining areas.

(2) A licensee holding licence in Form C.L./FL/TOD/III shall sell country liquor only during the hours he is authorised to sell foreign liquor under the Foreign liquor Vendor's Licence.

(3) a licensed retail shop may be kept open outside the aforesaid hours of sale for such time as is necessary for cleaning receiving stock of country liquor and completing accounts, but no sale of country liquor shall be made during such period. No person other than the retail sale licensee and his *nokar* holding valid *NOKARNAMA* shall be present in the shop during such period.

*Explanation.*—For the purpose of this rule—

(a) "C" Class Municipal area" has the meaning assigned to it in the Maharashtra Municipalities Act, 1965 and

(b) "Zilla Parishad" means a Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.]

36. *No unnecessary articles to be kept in licensed shop.*—A retail licensee shall not keep any article in the licensed retail shop unless such article is necessary for the conduct of his business in connection with the sale of country liquor.

37. *Licensee not to permit certain acts.*—Gambling or any unlawful act shall not be permitted on the licensed shop.

38. *Employees.*—(1) Subject to the provisions of sub-rule (2), a retail licensee may employ such employees as he thinks necessary, and shall execute a *NOKARNAMA* in favour of every employee so employed in connection with his business of sale of country liquor in Form C.L. XVIII and shall enter the names of all such employees in the register in Form C.L. XIX.

1. Subs. by G. N. of 290-6-1977.

2. Subs. by G. N. of 21-5-1990.

3. Added *ibid.*

4. Proviso Deleted by 14-8-2006.

5. Inserted by 31-8-2001.

(2) A retail licensee shall not employ any of the following persons as his servants to assist him in his business in any capacity whatsoever, namely :

- (i) women and persons below 21 years of age;
- (ii) persons suffering from any infectious or contagious disease;
- (iii) persons who are insane;
- (iv) persons who in the opinion of the Collector have a bad character;
- (v) persons whose *NOKARNAMAS* or licences have previously been cancelled;
- (vi) persons convicted of any criminal offence :

Provided that, in the case of persons falling under clauses (iv), (v) and (vi), the disqualification may at any time be removed by a written order of the Collector.

39. *Restriction on sale of country liquor to certain persons.* — A retail licensee shall not sell country liquor to the following categories of persons, namely :

- (i) a lunatic or insane person;
- (ii) person who is in an intoxicated state;
- (iii) person known or suspected to be participating in any rioting or disturbance of peace, and
- (iv) the Armed Forces of the Union, member of the Police force, the Prohibition and Excise Department, State Transport and Railway Department or driver of a motor vehicle, when on duty or in uniform or both.

40. *Country Liquor sales to be on cash only.* — All sales of country liquor shall be made on cash only.

41. *Licensed shop to be open for inspection of officers.*—The licensed retail shop and the country liquor therein shall at all times be open to inspection by Officers empowered under section 122 of the Act.

42. *Maintenance of registers and submission of returns by licensee.*—The accounts Register and Visit Books shall be page-numbered and got stamped with the seal of the Superintendent, and kept properly in the licensed retail shop. The Visit Book shall be made available to the Inspecting Officers to record their inspection remarks therein, the Visit Book and Account Registers shall not be removed from the licensed retail shop at any time except under proper written authority and the retail licensee will be responsible for their safe custody, the retail licensee shall submit by the 5th of each month, a return in Form C.L. XXIII to the Inspector of Prohibition and Excise, in whose jurisdiction his shop is situated and a copy thereof to the Superintendent concerned.

43. *Licensee to abide by Act, Rules, etc.*—A retail licensee shall abide by the conditions of his licence and the provisions of the Act and rules, regulations and orders made thereunder.

44. *Suspension or cancellation of licence.*—The licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Act.

**PART VI**

45. <sup>1</sup>\* \* \* \* \*

<sup>2</sup>[46. A permit for the purchase, possession, transport, use and consumption of foreign liquor issued under the Bombay Foreign Liquor Rules, 1953, shall be deemed to be also a permit issued under these rules.]

<sup>3</sup>[46A. *Grant of new permits for possession, use and consumption of country liquor is in exchange for existing permits.*—The permits granted in Form C.L. XXIV immediately before the commencement of these rules, shall expire on the 1st day of October 1979 :

Provided that, if the permit holder, who attains the age of 30 years on or before the 1st day of October, 1979. Makes an application in Form F.L./A-6-B appended to the Bombay Foreign Liquor Rules, 1953 before the 1st day of October, 1979 alongwith a fee of Rs. 10 together with the Court fee stamp and proof of age, he shall be issued a new permit in Form F.L.X-C appended to the said rules, in exchange for his old permit for a period of twelve months from the date of issue there of :

Provided further that, such a permit holder in Wardha District shall, in addition, produce a medical certificate in Form F.L./M./C. I appended to the Bombay Foreign Liquor Rules, 1953, from any Registered Medical Practitioner.]

47. *Powers to issue supplementary instruction.*—The Commissioner may issue written instructions providing for any supplemental matters arising out of these rules.

Here affix  
Court Fee  
Stamp

**Form C.L.A.**  
[See rule 3(1) and rule 4(2)]  
*Application for Licence to manufacture Country Liquor*  
(Delete the portion not applicable)

To  
The Commissioner of Prohibition and Excise,  
Maharashtra State, Bombay.

Sir,

I/We ..... of .....

(here full address) request that I/We may be granted licence to manufacture country liquor the accompanying during the year ending on the 31st March 19 may be renewed for period .

2. I/We hereby declare particulars (in the table overleaf) of the Manufactory and the premises where I/We intend to carry on business for the manufacture of country liquor.

1. Deleted by G. N. of 8-8-1979.  
2. Subs. *ibid.*  
3. Ins. *ibid.*

3. I/We hold licence No. .... for constructing and working a distillery for the manufacture of spirit valid up to .....

<sup>1</sup>[Or/I/We hold licence No. .... for the possession and use of Rectified Spirit valid up to .....]

4. I/We agree to abide by the terms and conditions of the licence which may be granted/renewed, and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.

5. I/We have enclosed in quadruplicate the site and elevation plans of the manufactory premises, together with relevant records.

6. I/We enclose four signed copies of the process which I/We desire to adopt for the manufacture of each variety of country liquor.

7. I/We enclose a Chalan No. .... dated ..... evidencing payment of a sum of <sup>2</sup>[Five hundred rupees (Rs. 500)] for the application.

8. I/We hereby declare that no excise licence previously held by me/us has been, revoked or suspended or has failed to be renewed owing to breach of the Act, rules regulations, notifications or orders governing the grant of such licence.

9. I/We declare that to the best of my/our knowledge and belief, the information furnished herein is true and complete.

Place .....

Dated .....

Signature's of the applicant's

---

1. Added by G. N. of 21-7-1973.  
2. Added by G. N. of 21-7-1973.

**TABLE**

1. Name or names and address or addresses of the person or persons applying, if the applicant is a firm, the name and address of every partner of the firm and if a company, the registered name and address thereof, the names of the Commissioners, Managers and Managing Agents, and if there is a Managing Commissioner, his name.
2. The name of the place and the site on which the building or buildings housing the Manufactory is/are situated to constructed ; the following particulars, with distinguishing letter or number or letter and number of each to be furnished :—
  - (i) Brief description (with boundaries) or the premises.
  - (ii) Description of each main division or sub-division the manufactory.
  - (iii) Spirit rooms
  - (iv) Manufacturing and bottling room's.
  - (v) Store rooms.
3. Approximate date from which the applicant desires to commence the manufacture of country liquor.
4. The number and full description of the vats, and other permanent apparatus and machinery which the applicant wishes to set up or work, or has-already set up (give distinguishing letter or number or letter and number of each).

Place .....

Dated .....

Signature's of the applicant's

Licence No. ....

**FORM C. LI***[See rule 3 (2)]**Licence for the manufacture of country liquor*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), (hereinafter referred to as “ the said Act”), the Maharashtra Country Liquor Rules, 1973, and all other rules, regulations and orders made under the Act to .....(hereinafter referred to as “the licensee”), authorising him to manufacture and sell country liquor at his manufactory situated at .....(hereinafter referred to as “the Manufactory”), during the period commencing on the .....day of .....19 and ending on the 31st day of March 19 , on the following conditions, namely :—

*Conditions*

1. The licensee shall not manufacture and sell country liquor except at the Manufactory, and under the supervision of a Prohibition and Excise Officer appointed to be in-charge of the Manufactory (hereinafter referred to as Manufactory Officer).

2. The licensee shall provide suitable office accommodation, with sanitary arrangements for the use prohibition and Excise Officer and his staff within the premises of the Manufactory.

3. The licensee shall, to the satisfaction of the Commissioner provide suitable quarters for the residential accommodation of the Prohibition and Excise Officer and his staff employed under condition I, in the close vicinity of the Manufactory. The rent to be charged to a member of the staff shall be the economic rent or 10 per cent of the basic pay of the member concerned, whichever is less. If the economic rent of the quarters is more than 10 per cent of the basic pay of the member, the licensee shall pay the excess over 10 percent, provided that, in no case will the licensee be liable to pay more than the difference between 10 percent. and 35 percent. of the basic pay of the member. If the economic rent is more than 35 percent. of the basic pay of the member then the member shall pay 10 per cent. and the licensee shall pay 25 percent. and the member shall pay the excess over 35 percent. If the licensee is not willing to pay it.

4. The licensee shall not dilute or adulterate country liquor, or store or permit to be stored any country liquor which he knows to be diluted or adulterated.

5. The licensee shall permit samples of spirit, country liquor or materials used in the manufacture of country liquor to be taken free of cost at any time by the Manufactory Officer or any other Officer of the Prohibition and Excise Department or Officer of the Food and Drugs Administration duly authorised by the Commissioner, for sending them to the Food and Drugs Administration Laboratory for analysis. The licensee may also draw samples of spirit and country liquor not exceeding <sup>1</sup> [375 ml.] from each batch for analysis in the laboratory of the manufactory. An account of samlpe of spirit, country liquor or materials drawn for analysis shall be maintained in the register in Form C. L. XXV.

1. Subs. by G. N. of 23-4-1973.

6. All samples required for analysis under the Maharashtra Country Liquor Rules, 1973, or under this licence shall be supplied free of cost by the licensee and all expenses in connection with the packing and dispatch of samples to places of analysis shall be borne by the licensee. The licensee shall pay on demand, a fee <sup>1,2,3</sup>[as may be prescribed by the Commissioner to the chemical analyser for] analysing each sample of country liquor <sup>4</sup>[\*\*\*]

7. The licensee shall ensure that no smoking and no use of naked lights or fires are allowed within the premises of the manufactory.

8. The licensee shall display the licence in a conspicuous place in the Manufactory.

9. In addition to the registers and account books prescribed under the Maharashtra Country Liquor Rules, 1973, the licensee shall also keep such registers and account books as the Commissioner may direct from time to time.

10. No. entry in any of the books kept by the licensee under this licence shall be erased or overwritten. Should it be necessary to correct any entry, a line should be drawn through the incorrect entry in such manner as to leave it distinctly visible, and the amended entry should be inserted above it. Every correction shall be initialled and dated by the person making it at the time it is made.

11. The names of all persons to be employed either as managers or servants shall be submitted for information to the Manufactory Officer by the Licensee.

12. The licensee shall not carry on the business of manufacture or sale of country liquor or of both except personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* in Form C.L. XVIII signed by himself, and countersigned by the Manufactory Officer, provided that, any such *nokarnama* signed by the licensee shall be valid until counter signature is refused. The licensee shall maintain at his manufactory a register in Form C.L. XIX of all his agents or servants duly authorised by him.

If for any reason the Commissioner or the Superintendent shall order the withdrawal of any *nokarnama* issued by the licensee the *nokarnama* shall forthwith withdrawn. For every *nokarnama* issued by him, the licensee shall pay such fee as may from time to time be prescribed for this privilege. No *nokarnama* shall be issued to any person under 21 years of age, and no such *nokarnama* if issued, shall be valid. The licensee shall be responsible for breach of the rules or any of the conditions of this licence committed by any of this servants.

13. Except with the written permission of the Commissioner, the licensee shall not sell, manufacture, transfer or subject the right of manufacture conferred upon him by this licence nor shall he, in connection with the exercise of the said right enter into any agreement or arrangement which is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease, the decision of the Commissioner on such question shall be final and binding on the licensee.

14. No person shall be recognised as a partner of the licensee, for the purpose of this licence, unless the partnership has been declared to the Commissioner before the licence is granted and the names of the partners have been entered jointly in the licensee; or if the

1. Sub. by G.N. of 23-4-1973.

2. Sub. by G.N. of 11-5-1989.

3. Ins. by G.N. of 12-6-98.

4. Deleted by G.N. 12-6-98.



partnership is entered into after the granting of the licence, unless the Commissioner agrees, on application made to him, to alter the licence, and to add the name or names of the partner or partners in the licence.

15. Unless otherwise specifically permitted by the Commissioner, the licensee shall not sell country liquor to any person other than the holder of a warehouse licence in Form C.L. II.

16. The licensee, his Successors or assignees shall have no claim whatsoever to the continuance or renewal of this licence, after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Commissioner, whether or not to permit the assignee of the licensee in case of sale or transfer, or his successors in case of death to have the benefit of the licence for the unexpired portion of the term for which it is granted.

17. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and shall give an undertaking to that effect in Form C.L. XX.

18. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

Granted this ..... day of ..... 19 ..

Place : .....

Commissioner of Prohibition and Excise,  
Maharashtra State, Bombay.

\_\_\_\_\_  
Licence No. ....

### FORM C.L. II

[See rule 14 (2)]

#### *Licence authorising the Storage and Wholesale Sale of Duty Paid Country Liquor to Retail Shops*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the Maharashtra Country Liquor Rules, 1973 and other relevant rules, regulations and orders made under the Act to ..... (hereinafter referred to as " the licensee ") authorising him to store Country Liquor at..... in the District of ..... (hereinafter called " the licensed premises ") ..... during the period commencing on ..... and ending on ..... (both days inclusive), subject to the following conditions, namely :—

#### *Conditions*

1. The licensee shall pay into the Government Treasury a sum of <sup>1</sup>[<sup>2</sup>(Rs. 65,000 (Rupees Sixty Five Thousand))] as licence fee (inclusive of consideration).

1. Subs. by G. N. of 16-3-1993.

2. Subs. by G. N. of

2. This licence extends to the storage in the warehouse, of country liquor not exceeding ..... litres in the aggregate.

3. If the licensee desires to discontinue the warehouse licence, he shall, give three months' previous notice in that behalf to the Commissioner.

4. The licensee shall carry on the business at his licensed premises either personally or by an agent or servant duly authorised by him in this behalf by a written *Nokarnama* in Form C. L. XVIII signed by himself and counter signed by the Prohibition and Excise Officer not lower in rank than Prohibition and Excise Sub-Inspector, provided that, such *Nokarnama* signed by the licensee shall also be valid, unless and until counter-signature is refused. If for any reason, the Collector orders the withdrawal of any *Nokarnama* issued by the licensee, the *Nokarnama* shall be forthwith withdrawn. For every *Nokarnama* issued by him, the licensee shall pay such fee as may from time to time be prescribed for this privilege by rules made under the Act.

No *Nokarnama* shall be issued to any person under 21 years of age, and no such *Nokarnama*, if issued shall be valid. The licensee shall maintain at his licensed warehouse a register in Form C.L. XIX of all his agents and/or servants duly authorised by him.

5. The licensee shall keep in the licensed premises a true and correct account of the quantity of country liquor received, issued and in balance in the register in Form C. L. XV. The account register and passes shall at all times, be open for inspection by the Commissioner, Superintendent or any other Officer authorised in this behalf.

<sup>1</sup>[" 5A. The licensee shall maintain an additional register in the Form C.L. XXII-A in prescribed proforma appended hereto, at his licensed premises. The register may be duly paged and sealed with the seal of Collector, in which he shall write the correct brandwise stock and accounts of the day's transactions of each brand of country liquor in stock at his licensed premises in neat and legible manner."]

6. The licensee shall furnish to the Commissioner and the Superintendent on or before the 7th day of each month a statement in Form C. L. XVI showing the quantity of country liquor received at, and issued from his licensed premises during the preceding month, and also the quantity of country liquor held in balance at the end of the preceding month and shall furnish such other information at the Commissioner or the Superintendent may from time to time require.

7. The licensee shall keep a Visit Book at the licensed premises for the use of the Inspecting Officers. This book shall be paged and sealed with the seal of the Superintendent.

8. The licensee shall not sell country liquor of any person other than a holder of a licence in Form C.L. III or C.L./F.L./III for retail sale of country liquor. Provided that, the licensee may also sell country liquor to any other holder of licence in Form C.L. II for wholesale sale of country liquor, with the permission of the Superintendent.

9. No country liquor stored in the warehouse shall be removed for sale except under a transport pass in Form C.L. XVII issued by the licensee or his authorised agent.

10. Without the permission of the Commissioner, the licensee shall not sell, transfer or sub-let the privilege of storing country liquor granted to him by this licence nor shall he in connection with the exercise of the said right enter into any agreement or agreement which in the opinion of the Commissioner is of a nature of a sub-lease. No person shall be recognised as the partner of the licensee for the purpose of this licence unless the partnership has been declared to the Commissioner before the grant of the licence and the names of the partners have been entered jointly in the licence or if the partnership is entered into afterwards, unless the Commissioner agrees, on application made to him, to alter the licence and to add the name of the partner in the licence.

11. The licensee shall, when called upon by any Prohibition and Excise Officer not below the rank of Sub-Inspector, give an explanation in writing regarding any breach of

1. Inserted by 31-8-2001.

the rules or any irregularity detected and committed by him or his agents or servants, and furnish any information regarding the management of the shop and shall answer all reasonable questions to the best of his knowledge and belief. He shall also on demand allow a Prohibition and Excise Officer or an Officer of the Food and Drugs Administration to take free of cost samples of country liquor for analysis <sup>2,3</sup>[by the Chemical Analyser, <sup>4</sup>[Chemical Analyser a fee as may be prescribed by the Commissioner] <sup>1, 5,6</sup>[\*\*\*] for the analysis of each sample. (An account of the samples of country liquor drawn for analysis shall be maintained in Form C.L. XXV.)

12. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and shall give an undertaking to that effect in Form C. L. XX.

13. The licensee shall obey all lawful orders from time to time by the Commissioner, the Superintendent or any Competent Prohibition and Excise Officer duly authorised by the Commissioner in this behalf.

14. This licence may be suspended or cancelled in accordance with the provision of section 54 or 56 of the Bombay Prohibition Act, 1949.

15. In case this licence is cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith surrender the whole stock of country liquor held in balance at the licensed premises to the Superintendent of Prohibition and Excise of the District.

Granted this ..... day of ..... 20 ..

Seal

Commissioner of Prohibition and Excise,  
Maharashtra State, Bombay.

**<sup>1</sup>[FORM C. L. A. I.**

(See rules 23 and 29)

*Form of application for a licence to sell Country Liquor by Retail*

1. Name, age and address of the applicant.
2. Names, ages and address in full of the partners, if the applicant is partnership firm (copy of the Deed to be appended).
3. The address in full of the premises where the Country Liquor would be sold.
4. Whether the proposed premises referred to at item 3 above are -
  - (a) Within 50 metres from any educational or religious institution, if they are within the jurisdiction of any Municipal Corporation or 'A' Class or 'B' Class Municipal Council and 100 metres if situated elsewhere.

1. Subs. by G.N. of 26-2-1982.

3. Subst. 12-6-1998.

5. Deleted by 12-6-98.

7. Subs. by 12-6-98.

2. Subs. by G.N. 11-5-1989

4. Subs. by 12-6-98.

6. Deleted by 12-6-1998.

- (b) Within 100 metres from any bus stand, station or depot of the Maharashtra State Road Transport Corporation.
5. (a) Whether the applicant or any member of his family (or any of the partners) holds at present or held at any time in the past (individually or in partnership with any other person) any excise licence(s) and if so, indicate the particulars of such licence(s) held and also the period(s) for which he held.
- Explanation.*—For the purpose of this clause ‘ family ’ means a person and his spouse (or more than one spouse) and his children solely dependent on him for their maintenance.
- (b) Whether the applicant is holding a Vendor’s Licence for sale of Foreign Liquor and if so, whether he desires to sell country liquor in sealed bottles at the same licensed premises.
6. Whether the applicant holds the solvency certificate or bank guarantee. If so, give particulars with copy thereof duly certified by Notaries, Special Executive Magistrate or Tahsildar.
7. Present occupation and income therefrom.
8. Whether the Food and Drugs licence if any held by the applicant is or was suspended or cancelled at any time in the past, and if so, the period of such suspension or cancellation and the reasons therefor.
9. Whether the applicant is in arrears of excise or any other Government dues.
10. Whether the applicant has experience of conducting liquor trade and if so, state details with documentary evidence in support.
11. Whether the applicant belongs to any of the following categories and if so, to produce proof in support :-
- (i) Whether the applicant belongs to Economically Weaker Section,
- (ii) Whether the applicant has in his possession ready premises for the proposed shop and if so, details thereof,

(iii) Whether the applicant was holding or was granted a licence in Form CL., III for the, retail sale of country liquor but was not operating it on 1st January, 1979 and if so, reason (s) therefor.

I/We hereby declare that the particulars given above are correct.

N. B. : Wilful submission of false information or mis-representation of facts will render the licence, if eventually granted liable for cancellation under section 54 (1) (e) of the Bombay Prohibition Act, 1949.

I/We enclose a Chalan No. ....date.....evidencing payment of a sum of Rupees .....(Rupees .....) for the application.

I hereby undertake to abide by the conditions of the licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder from time to time.

Date :.....

Signature of the applicant.

Signed before me

.....  
Notary/Special Executive Magistrate/Tahsildar.

To,

\* The Secretary to the Government of Maharashtra.  
Home Department, Mantralaya, Bombay 400 032.  
(Through the Collector of .....)

† The Collector of .....

\* When application is for grant of a licence.

† When application is for renewal of a licence.

### FORM C. L., III

<sup>1</sup>[See rule 24 (IA)]

Licence No. ....

#### *Licence for the Retail Sale of Country Liquor*

Licence is hereby granted, to Shri /Messrs..... (hereinafter called "the licensee") authorising him to sale country liquor by retail at his shop situated at .....more particularly described in the Schedule hereto (hereinafter referred to as "the shop") for the period commencing on .....and ending on 31 st ..... 20 , under and subject to the provisions of the Bombay Prohibition Act, 1949 and the Maharashtra Country Liquor Rules, 1973 and other rules, regulations and orders made under the Act in so far as they relate to the retail sale of country liquor and the following conditions, namely :—

1. Subs. by G. N. of 26-2-1982.

*Conditions*

1. The licensee shall always keep in a prominent place in the shop a clock or time-piece which shall be in good working order, and shows the correct Standard Time.

2. The licensee shall provide the shop with a water closet and urinal facilities for the use of customers which shall always be kept in a clean and sanitary condition.

3. The licensee shall, if so directed by any Officer empowered under section 122 of the said Act (hereinfter called the Inspecting officer), get the shop colour washed prior to the commencement of the licence, and subsequently at such time as the Collector, or the Superintendent or any other Officer duly authorised by him, may consider it necessary. The licensee shall at all times keep the shop clean to the satisfaction of the aforesaid officers.

4. The licensee shall always display at the entrance of the shop a sign-board of the size of 60 centimetres by 90 centimetres bearing the following inscriptions in legible characters :--

- (1) Name of the licensee/s.
- (2) Licence No.
- (3) Location of the Shop.
- (4) Authorised opening and closing hours.

5. The licensee shall always be displayed in the licensed shop at a conspicuous place.

<sup>1</sup>[6. Licensee shall keep and sell country liquor unadulterated and undiluted as obtained from the Licensed Warehouse. All utensils used for storing country liquor shall be thoroughly washed and cleaned before use.]

7. (1) The licensee shall carry on the business of the shop either personally or by agent/s or servant/s duly authorised by him in this behalf by a written Nokarnama in Form C. L. XV111 signed by himself and countersigned by a Prohibition and Excise Officer, not lower in rank than a Sub-Inspector, provided that, any such Nokarnama signed by the licensee shall be valid, until countersignature is refused. If for any reason the Superintendent orders the withdrawal of any Nokarnama issued by the licensee, the Nokarnama shall be forthwith, withdrawn. For every Nokamama issued by him, the licensee shall pay in advance into the Treasury a fee of rupee one. No Nokarnma shall be issued to any person under 21 years of age, and no such Nokarnama, if issued, shall be valid. The licensee shall be responsible for breach of any of the conditions of this licence or that of the rules committed by his agent or any person in his employ.

(2) The licensee shall maintain at his licensed shop a Registrar in Form C. L. XIX of all his agents and Nokars (servants) duly authorised by him.

(3) The licensee shall instruct all his agents and Nokars (servants) to keep the Nokarnama with them at all times when on duty and that they are bound to observe the Rules, regulations and orders aforesaid. Such Nokarnama shall be produced before an Inspecting Officer whenever demanded by him.

<sup>2,3</sup>(4) \* \* \*

1. Subs. by G. N. of 20-6-1977.

2. Ins. *ibid.*

3. deleted by 3.6.2009.

<sup>1</sup>[8. The licensee may sell country liquor by measure for consumption only on the licensed premises of the licensed shop to a person holding valid permit.

The licensee may also sell country liquor in sealed bottles for consumption to a permit-holder for removal of the licensed premises.]

9. No disorderly person shall be harboured, and no drunkenness or gambling shall be allowed in the licensed shop. No person below 21 years of age, and no insane or intoxicated person shall be permitted to enter upon or remain in the shop.

10. The licensee shall give immediate information to the nearest Police Officer of any person suspected to be a bad character who may come to the shop, and of every irregularity committed thereat tending to disturb the public peace.

11. The licensee shall close the shop--

<sup>2</sup>[*a*] on the days of closure specified in or under rule 26 of the Maharashtra Country Liquor Rules, 1973.]

(*b*) on such days or times as may be specially ordered by the Collector ;

(*c*) of his own accord during any riot or disturbance in the neighbourhood of the shop.

The licensee shall not be entitled to any compensation on account of the closure of the shop on such occasions ;

<sup>3</sup>[Provided that, where a licensee desires to keep his licensed shop on any other day than those referred to at clauses (*a*) to (*c*) above, he shall do so after obtaining prior written permission of the licensing authority.]

12. The shop and the stock of Country Liquor therein shall at all times be open to inspection by officers duly empowered under section 122 of the Bombay Prohibition Act, 1949.

13. The licensee shall when called upon by any Prohibition and Excise Officer not below the rank of Sub-Inspector, give an explanation in writing regarding any breach of the rules or any irregularity detected and committed by him or his agents or servants and furnish any information regarding the management of the shop, and shall answer all reasonable questions to the best of his knowledge and belief. He shall also on demand allow a Prohibition and Excise Officer or an Officer of the Food and Drugs Administration to take free of cost sample of country liquor for analysis <sup>6</sup>[by the chemical analyser.] He shall also pay on demand to the <sup>7</sup>(chemical analyser fee as may be Prescribed by the Commissioner for the analysis of each such sample <sup>4,5,6</sup>[ \* \* \*].) An account of the samples of Country Liquor drawn for analysis shall be maintained in Form C. L. XXV.

<sup>1</sup>[14. The country liquor in storage shall be kept intact in the casks or vessels as received from the licensed warehouse. The seals shall not be broken. When a cask or vessel is opened for sale, the seal on the bung shall be removed and a cork shall be fixed in place of the bung and the cask or vessel shall be placed on the sale counter for issue of country liquor therefrom.

1. Ins. by G. N. of 20-6-1977.

3. Added by G. N. of 31-3-1977

5. Subs. by G. N. of 31-5-1984.

7. Subs. by G.N. 12-6-1998.

2. Subs by G. S. of 7-7-1979

4. Subs by G. N. of 23-4-1973.

6. Subs. by G.N.12-6-1998.

8. dele. by G.N. 12-6-1998.

15. The licensee shall abide by the condition of this licence and the provisions of the Bombay Prohibition Act, 1949 the rules, regulations and orders made thereunder and shall give an undertaking to that effect, in Form C.L. XX.

16. The licensee shall comply promptly, with all lawful orders and directions issued from time to time by the Commissioner, Collector or the Superintendent.

17. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence, after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licensee, in case of sale or transfer of the heir or legal representatives of the licensee, in the case of death to have the benefit of the licence for the unexpired portion of the term for which it is granted.

18. The licence is liable to be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

19. In case this licence is cancelled or suspended during the currency of the licence period or is not renewed on its expiry, the licensee shall surrender the whole stock of unsold country liquor forthwith to the Collector. The stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government be returned to the licensee.

Granted this ..... day of ..... 20 .

Seal of the  
Collector

Collector  
..... District.

SCHEDULE

1. Description of site, such as House No.  
and the locality.
2. Boundaries of the shop

North	East
South	West

Seal of the  
Collector.

Collector  
..... District.



Licence No. ....

**<sup>1</sup>[FORM C.L./FL./TOD/111]**

[See rule 30(I)]

*Licence for the Retail Sale of Country Liquor in sealed bottles for ' off ' Consumption*

Licence is hereby granted to Shri/Messrs .....  
 (Hereinafter called " the licensee ") authorising him/them to sell Country Liquor in sealed bottles by retail at his/their shop situated at ..... (hereinafter referred to as " the shop ") for the period commencing on ..... and <sup>1</sup>[ending on 31st March ..... 20 , 31st August ..... 20 .] under and subject to the provisions of the Bombay Prohibition Act, 1949 and the Maharashtra Country Liquor Rules, 1973 and other rules, regulations and orders made under the Act, in so far as they relate to retail sale of country liquor, and the following conditions, namely :—

*Conditions*

1. The licensee shall always display at the entrance of the shop a sign board of the size of 60 centimetres by 90 centimetres bearing the following inscription in legible characters :—

- (1) Name of the licensee.
- (2) Licence No.
- (3) Location of the shop.
- (4) Authorised opening and closing hours.

2. The licence shall always be displayed in the licensed shop at a conspicuous place.

3. The licensee shall keep and sell country liquor in sealed bottles as obtained from a licensed warehouse.

4. (i) The licensee shall carry on the business of the shop either personally or by agent/s or servant/s duly authorised by him in this behalf by a written *Nokarnama* in Form C.L. XVIII signed by himself and countersigned by a Prohibition and Excise Officer not lower in rank than a Sub-Inspector, provided that any such *Nokarnama* signed by the licensee shall be valid until countersignature is refused. If for any reason, the Superintendent orders the withdrawal of any *Nokarnama* issued by the licensee, the *Nokarnama* shall be forthwith withdrawn. For every *Nokarnama* issued by him, the licensee shall pay in advance into the Treasury a fee of rupee one. No *Nokarnama* shall be issued to any person under 21 years of age, and no such *Nokarnama*, if issued shall be valid. The licensee shall be responsible for breach of any of the conditions of this licence or that of the rules committed by his agent or any person in his employ.

(ii) The licensee shall maintain at his licensed shop a Register in Form C.L. XIX of all his agents or servants duly authorised by him.

(iii) The licensee shall instruct all his agents and servants to keep the *Nokarnama* with them at all times while on duty and that they are bound to observe the rules regulations and orders aforesaid. Such *Nokarnama* shall be produced before an Inspecting Officer whenever demanded by him.

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1. Subs. by G. N. of 23-4-1973.

5. The licensee shall sell country liquor in sealed bottles for consumption to a permit holder for removal ' off ' the licensed premises.

6. The Shop and the stock of country liquor therein shall at all times be open to inspection by officers duly empowered under section 122 of the Bombay Prohibition Act, 1949.

7. The licensee shall, when called, upon by any Prohibition and Excise Officer not below the rank of Sub-Inspector, give an explanation in writing of any breach of the rules or any irregularity detected and committed by him or his agents or servants of the rules or any irregularity detected and committed by him or his agents or servants and furnish any information regarding the management of the Shop, answer all reasonable questions to the best of his knowledge and belief. He shall also on demand allow a Prohibition and Excise Officer or an Officer of the Food and Drugs Administration to take free of cost samples of country liquor for analysis <sup>2</sup>[by the chemical Analyser]. He shall also pay to the <sup>2,3</sup>[Chemical Analyser a fee as may be prescribed by the commissioner for the analysis of such sample.] An account of samples of country liquor shall be maintained in register in Form C.L. XXV.

8. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and shall give an undertaking in Form C.L. XX to that effect.

9. The licensee shall comply promptly with all lawful orders and directions issued from time to time by the Commissioner, Collector or the Superintendent.

10. The licensee, his heirs, legal representative or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of licensee, in case of sale or transfer or the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

11. The licence is liable to be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

12. In case this licence is cancelled or suspended during the currency of the licence period or is not renewed on its expiry the licensee shall surrender the whole stock of unsold country liquor forthwith to the Collector. The stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government be returned to the licensee.

Granted this ..... day of ..... 19 ..

Seal of the  
Collector.

Collector  
..... District.

<sup>1</sup>[\* Foot-Note.—Strike out what is not applicable.]

1. Added *ibid.*  
2. Sub. by 12-6-98.  
3. Sub. by 12-6-98.



**FORM C. L. V**

[See rule 6(17) (a)]

*Duplicate*

(For Manufactory Officer's record )

*Indent for Spirit for Manufacture of Country Liquor*

Name of Manufactory .....

Indent No. .... of 20 .....

To,

The Distillery Officer,

Sir,

Please issue ..... litres of spirit for the manufacture of Country  
Liquor in my /our Manufactory.

I/We shall pay duty at the tariff rate on all wastages in excess of the prescribed  
allowance.

Signature of licensee or his Authorised Agent.  
Licence No.

Counter signature of the  
Manufactory Officer.

**FORM C. L. V**

[See rule 6(17) (a)]

*Triplicate*

(To be retained by the licensee as Office Copy )

*Indent for Spirit for Manufacture of Country Liquor*

Name of Manufactory .....

Indent No. .... of 20 .....

To,

The Distillery Officer,

Sir,

Please issue ..... litres of spirit for the manufacture of Country  
Liquor in my /our Manufactory.

I/We shall pay duty at the tariff rate on all wastages in excess of the prescribed  
allowance.

Signature of licensee or his Authorised Agent.  
Licence No.

Counter signature of the  
Manufactory Officer.

**FORM C.L. VI**

[See rule 6 (17) (c) and (d)]

**PART I***Transport in Bond Pass for Spirit*

(For record in the office of the Distillery Officer)

No ..... of 19 .....

Shri/Sarvashri ..... is/are permitted to transport ..... litres of Spirit of the strength of ..... from the distillery at ..... to his/their Bonded Country Liquor Manufactory at ..... via ..... (Route .....). This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules made thereunder authorising the above transport and subject to condition that the consignment shall not be broken in transit.

The pass will remain force upto ..... p.m. on the ..... day of ..... 19 .....

Seal

Dated ..... 19.....

Distillery Officer.

**FORM C.L. VI**

[See rule 6(17) (c) and (d)]

**PART II***Transport in Bond Pass for Spirit*

(For Transporter for accompanying the consignment )

No ..... of 19 .....

Shri/Sarvashri ..... is/are permitted to transport ..... litres of Spirit of the strength of ..... from the distillery at ..... to his/their Bonded Country Liquor Manufactory at ..... via ..... (Route .....). This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules made thereunder authorising the above transport and subject to condition that the consignment shall not be broken in transit.

The pass will remain force upto ..... p.m. on the ..... day of ..... 19 .....

Seal

Dated ..... 19.....

Distillery Officer.

REVERSE OF PART II

*Advised*

Cask, Drum or Package No. (1)	Registered capacity (2)	Actual Contents in B.L. (3)	Thermometer indication (4)	Hydrometer indication (5)
-------------------------------------	-------------------------------	-----------------------------------	----------------------------------	---------------------------------

*Received*

Strength (6)	Proof litres (7)	Actual Contents in bulk litres (8)	Thermometer indication (9)	Hydrometer indication (10)
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Strength (11)	Proof litres (12)	Proof litres loss in transit (13)	Proof litres Increase in transit (14)	Remarks (15)
------------------	----------------------	---	---	-----------------

Forwarded to the Officer--in--charge of the Bonded Manufactory at .....  
columns (1) to (7) having been duly filled in.

Dated ..... 19 ..... Distillery Officer.

Returned to the Distillery Officer. Columns (8) to (15) having been duly filled in.

Dated ..... 19 ..... Officer-in -charge,  
Manufactory.

**FORM C.L. VI**

[See rule 6(17) (c) and (d)]

**PART III***Transport in Bond Pass for Spirit*

(To be forwarded to the Officer-in-charge of the Country Liquor Manufactory )

No. .... of 19 .....

Shri/Sarvashri ..... is/are permitted to transport ..... litres of Spirit of the strength of ..... from the distillery at ..... to his/their Bonded Country Liquor Manufactory at ..... via ..... (Route ..... This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules made thereunder authorising the above transport and subject to condition that the consignment shall not be broken in transit.

The pass will remain in force upto ..... p.m. on the ..... day of ..... 19 .....

Dated ..... 19.....

Distillery Officer.

**REVERSE OF PART III***Advised*

Cask, Drum or Package No. (1)	Registered capacity in Bulk Litres (2)	Actual Contents (3)	Thermometer indication (4)	Hydrometer indication (5)
----------------------------------	---	------------------------	-------------------------------	------------------------------

Strength (6)	Proof litres (7)	Actual Contents in bulk litres (8)	Thermometer indication (9)	Hydrometer indication (10)
-----------------	---------------------	---------------------------------------	-------------------------------	-------------------------------

*Received*

Strength (11)	Proof litres (12)	Proof litres loss in transit (13)	Proof litres Increase in transit (14)	Remarks (15)
------------------	----------------------	--------------------------------------	--	-----------------

Endorsement of Officer receiving Spirit.

Compared, with the pass received from the Distillery Officer, and recorded.

Dated ..... 19.....

Manufactory Officer.





**FORM C.L. VIII**

[See rule 6(18)]

*Foil*

(To be kept on manufactory Officer's record)

*Requisition for issue of spirit from the spirit room for the manufacture of  
Country Liquor*

Requisition No. .... of 19

To,  
The Manufactory Officer,  
Sir,

Please issue ..... litres of spirit for manufacture of the  
following Country Liquor :—

Month and date	Spirit Required		Alcoholic content (in Proof litres)	Variety of country Liquor to be manufactured	Remarks
	Quantity in bulk litres	Strength			
(1)	(2)	(3)	(4)	(5)	(6)

Signature of licensee or his authorised agent.

Dated.....

Quantity issued .....

Manufactory Officer.

**FORM C.L. VIII**

[See rule 6(18)]

*Counterfoil*

(To be kept on licensee's record)

*Requisition for issue of spirit from the spirit room for the manufacture of  
Country Liquor*

Requisition No. .... of 19

To,  
The Manufactory Officer,

Sir,  
Please issue ..... litres of spirit for manufacture of the  
following Country Liquor :—

Month and date	Spirit Required		Alcoholic content (in Proof litres)	Variety of country Liquor to be manufactured	Remarks
	Quantity in bulk litres	Strength			
(1)	(2)	(3)	(4)	(5)	(6)

Signature of licensee or his authorised agent.

Dated.....

<sup>1</sup>[FORM C.L. IX]

[See rule 6(18)]

*Register of manufacturing operation of Country Liquor in manufacturing Room*

Quantity of spirit received from spirit room					
Month and date (1)	Requisition No. in From C.L. VIII (2)	Strength (3)	Bulk litres (4)	Proof litres (5)	
Quantity of spirit used					
Page No. of Register in From C.L. VII pertaining to relevant entry (6)	Strength (7)	Bulk litres (8)	Proof litres (9)	Batch No. (10)	
Country Liquor manufactured					
Variety of Liquor (11)	Strength (12)	Bulk Litres (13)	Proof Litres (14)		
No. of bottles and other receptacles filled in					
750 ml. (15)	375 ml. (16)	130 ml. (17)	Quantity in Bottles (18)	200 Bulk Litres (19)	Bulk Litres (*20)
Signature of					
Quantity in receptacles (21)	Licensee (22)	Manufactory Officer (23)	Remark (24)		

\* Here mention the receptacles of any other capacity allowed to be filled in by the Commissioner.  
1 Subs. by G.N. of 20-6-1977.

<sup>1</sup>[FORM C. L. X]

[See rule 6 (30)]

## Register of transactions in the Store room of the manufactory

Month and Date	Batch No.	Quantity of Country Liquor in balance		
		No. of bottles and other receptacles		
(1)	(2)	750 ml. (3)	375 ml. (4)	180 ml. (5)

Total Quantity in Bottles (6)	Quantity of Country Liquor in balance			Total Quantity in other receptacles (9)
	No. of bottles and other receptacles			
	200 B.L. (7)	B.L. (8)		

Batch No. (10)	Quantity of Country Liquor received from manufacturing room		
	Number of bottles and other receptacles received		
	750 ml. (11)	375 ml. (12)	180 ml. (13)

Total Quantity in bottles (14)	Quantity of Country Liquor received from manufacturing room			Total Quantity in other receptacles (17)
	Number of bottles and other receptacles received			
	200 B.L. (15)	B.L. (16)		

1 Subs. by G. N. of 20-6-1977.

FORM C.L. X—*contd.*

Transport Pass No. (18)	Name of the Party to whom issued (19)	Chalan No. and date (20)	Amount of duty paid (21)	Batch No. (22)
-------------------------------	---	--------------------------------	--------------------------------	-------------------

## Quantity of Country Liquor issued from Store Room

Number of bottles and other receptacles						
750 ml. (23)	375 ml. (24)	180 ml. (25)	Total Quantity in bottles (26)	200 B.L. (27)	* B.L., (28)	Total Quantity in other receptacles (29)

## Quantity of Country Liquor held in balance

Number of bottles and other receptacles						
750 ml. (30)	375 ml. (31)	180 ml. (32)	Total Quantity in bottles (33)	200 B.L. (34)	* B.L., (35)	

## Signature of

Total Quantity in other receptacles (36)	Licensee (37)	Manufactory Officer (38)	Remark (39)
--	------------------	--------------------------------	----------------

\* Here mention the receptacles of any other capacity allowed to be filled in by the Commissioner.

**FORM C.L. XI**

[See rule 6 (38)]

*Register showing the accounts of colouring and flavouring substance used in the manufacture of Country Liquor.*

Serial No.	Date	Name of substance		
		Colouring (3)	Flavouring (4)	
(1)	(2)			
Opening Balance Quantity of		Quantity received		
Colouring substance (5)	Flavouring substance (6)	Colouring substance (7)	Flavouring substance (8)	
Total Quantity of		Quantity issued for the use in the manufacture of Country Liquor		
Colouring substance (9)	Flavouring substance (10)	Variety of liquor (11)	Colouring substance (12)	Flavouring substance (13)
Quantity in balance		Signature of		Remarks (18)
Colouring substance (14)	Flavouring substance (15)	Licensee or his authorised agent (16)	Manufactory Officer (17)	

**<sup>1</sup>FORM C.L. XII**

[See rule 6 (40)]

Monthly return of transaction at the Country Liquor Manufactory of .....  
during the month of ..... 19 ..

(To be submitted by the licensee by the 5th of every month)

(Note— Separate registers should be maintained for 25° ‘U.P. and 40° U.P. Country Liquor.

		Spirit		Remarks
		Bulk Litres	Proof Litres	
1.	Opening Balance .. .. .	..	..	..
2.	Receipt from Distillery .. .. .	..	..	..
3.	Total Stock (S. Nos. 1 and 2) .. .. .	..	..	..
4.	Wastage, if any, in transit .. .. .	..	..	..
5.	Issues for manufacture of Country Liquor .. .. .	..	..	..
6.	Wastage in manufacture of Country Liquor .. .. .	..	..	..
7.	Balance in stock at the end of month .. .. .	..	..	..
8.	Number of batches —			
	(a) manufactured .. .. .	..	..	..
	(b) in unfinished condition at the end of the month .. .. .	..	..	..

**9. Particulars of Country Liquor Manufactured —**

Variety of Liquor and its Strength	Bulk Litres	Opening					200 B.L.	*B.L.
		Number of bottles of other receptacles				Total Quantity in bottles		
		750 ml.	375 ml.	180 ml.				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	

<sup>1</sup> Subs. by G. N. of 20-6-1977.

## FORM C.L. XII—contd.

Manufactured during the month								
Total Quantity in receptacle	Bulk Litres	Number of bottles or other receptacles						Total Quantity in receptacles
		750 ml.	375 ml.	180 ml.	Total Quantity in bottles	200 B.L.	*B.L.	
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)

Total stock								
Bulk Litres	Number of bottles or other receptacles						Total Quantity in receptacles	
	750 ml.	375 ml.	180 ml.	Total Quantity in bottles	200 B.L.	*B.L.		
(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	

Issued during the month								
B. Lts.	Number of bottles or other receptacles						Total Quantity in receptacles	Amount duty paid during the month
	750 ml.	375 ml.	180 ml.	Total Quantity in bottles	200 B.L.	*B.L.		
(26)	(27)	(28)	(29)	(30)	(31)	(32)	(33)	(34)

Rs. P.



**FORM C.L. XII—contd.**

Balance stock at the end of the month									
Number of bottles or other receptacles									
Litres	750 ml.	375 ml.	180 ml.	Total Quantity in bottle	200 B.L.	*B.L. Quantity in receptacles	Total	Remarks	
(35)	(36)	(37)	(38)	(39)	(40)	(41)	(42)	(43)	

I/We declare that the particulars in this statement have been correctly stated.

(Signature of the licensee or his authorised agent).

Countersigned and submitted to the Commissioner  
Superintendent of Prohibition and Excise.

.....  
Manufactory Office

\* Here mention the receptacles of any other capacity allowed to be filled in by the Commissioner.]

**[FORM C.L. XIII**

[See rule 7 (1)]

(To be kept on Wholesale Licensee's record)

*Indent for the supply of Country Liquor*

Wholesale Licence No. ....

Indent No. ....

Date .....

To

The Manufactory Licensee of Country Liquor

.....  
 .....

Sir,

Please supply ..... Bulk litres of country liquor in the following receptacles :

Strength of Country Liquor	Variety	No. of casks or Kegs of the capacity of	No. of bottles of the capacity of		
		200 B.L.	750 ml.	375 ml.	180 ml.
		100 B.L.			
		50 B.L.			
(1)	(2)	(3)	(4)		
.....	U.P.				
.....	U.P.				
.....	U.P.				
Total No. . .					

Quantity in Bulk Litres . .

Signature of the Wholesale Licensee or his  
authorised agent.

Quantity issued under Transport Pass No.  
..... dated .....

Manufactory Officer

Dated :

Submitted to the Manufactory Officer.

Endorsement of the Manufactory Licensee.

1. Subs. by G. N. of 20-6-1977.

Here affix  
Court Fee  
Stamp

**FORM C.L. XIII—contd.**

[See rule 7(1)]

(To be sent to the Country Liquor Manufactory Licensee)  
*Indent for the supply of Country Liquor*

Wholesale Licence No. ....

Indent No. ....

Date .....

To

The Manufactory Licensee of Country Liquor

.....

.....

Sir,

Please supply ..... Bulk litres of country liquor in the following receptacles :

Strength of Country Liquor	Variety	No. of casks or Kegs of the capacity of	No. of bottles of the capacity of		
		200 B.L.	750 ml.	375 ml.	180 ml.
(1)	(2)	100 B.L.	(4)	(5)	(6)
		50 B.L.			
		(3)			
.....	U.P.				
.....	U.P.				
.....	U.P.				

Total No. . .

Quantity in Bulk Litres . .

Signature of the Wholesale Licensee or his  
authorised agent.

Quantity issued under Transport Pass No.  
..... dated .....

Manufactory Officer

Submitted to the Manufactory Officer.

Endorsement of the Manufactory Licensee.

Dated :

Serial No. ....]

Sr. No. ....

**FORM C.L. XIV**

[See rule 7(2)]

*Pass for the transport of duty paid country liquor as detailed on the reverse*

**(Original)**

(To be retained by the Manufactory Officer)

- (1) Ref. of relevant page No. of Register in Form C.L.X.
- (2) Name and address of the transporter.
- (3) Place to which the country liquor is to be transported.
- (4) Place from which country liquor is to be transported.
- (5) Route (i.e. by road or rail) by which country is to be transported (State here the places *via* which the consignment will be sent).

The consignment shall not be broken in transit. This pass shall remain in force upto and including .....19 .

Seal

Place :

Date :

Manufactory Officer

*(Reverse)*

Details of the country liquor allowed to be transported from .....

(Here state the name of the Manufactory)

Variety of country liquor	Strength	No. of Bottles	Total B. Litres
(1)	(2)	(3)	(4)

Place :

Date :

Munufactory Officer.

**FORM C.L. XIV—Contd.**

[See rule 7(2)]

Serial No. ....

*Pass for the transport of duty paid country liquor as detailed on the reverse***(Duplicate)**(To be forwarded to the Inspector of Prohibition and Excise at the  
place of destination)

- (1) Reference of relevant page No. of register in Form C.L.X.
- (2) Name and address of the transporter.
- (3) Place to which the country liquors is to be transported.
- (4) Place from which country liquor is to be transported.
- (5) Route (*i.e.* by road or rail) by which country liquor is to be transported (State here the places *via* which the consignment will be sent.)

The consignment shall not be broken in transit. This pass shall remain in force upto and including .....19 .

Seal

Place :

Date :

Manufactory Officer

*(Reverse)**Details of the country liquor allowed to be transported from .....*

(Here state the name of the Manufactory)

Variety of country liquor	Strength	No. of Bottles 1 * * *	Total B. Litres
(1)	(2)	(3)	(4)

Place :

Date :

Munufactory Officer

**FORM C.L. XIV—Contd.**

[See rule 7 (2)]

Serial No. ....

*Pass for the transport of duty paid country liquor as detailed on the reverse*

**(Triplicate)**

(To be handed over to the Wholesale licensee to accompany consignment)

- (1) Reference of relevant page No. of register in Form C.L.X.
- (2) Name and address of the transporter.
- (3) Place to which the country liquor is to be transported.
- (4) Place from which country liquor is to be transported.
- (5) Route (i.e. by road or rail) by which country liquor is to be transported (State here the places *via* which the consignment will be sent.)

The consignment shall not be broken in transit. This pass shall remain in force upto and including 19 .

Seal

Place :

Date :

Manufactory Officer

*(Reverse)*

Details of the country liquor allowed to be transported from .....

(Here state the name of the Manufactory)

Variety of country liquor	Strength	No. of Bottles 1 * * *	Total Bulk Litres
(1)	(2)	(3)	(4)

Place :

Date :

Munufactory Officer.

1 Deleted by G. N. of 8-8-1979.

## FORM C.L. XV

(See condition 5 of Licence in Form C. L. II)

Register of transaction of Country liquor to be maintained by a wholesale licensee  
*Note* — Separate registers should be maintained for 25° U.P. Country Liquor and 40° U.P. Country Liquor.

Month and date	Variety of Country Liquor	Details of stock held in balance in bottles and in other receptacles			
		750 ml.	375 ml.	180 ml.	Total quantity in bottles
(1)	(2)	(3)	(4)	(5)	(6)

Details of stock held in balance in bottles and in other receptacles				Indent No. and its date under which the stock was received from the manufactory
B.L.,	*B.L.,	Total Quantity in receptacles	Total B.L., (6 + 9)	
(7)	(8)	(9)	(10)	(11)

Received from the country liquor manufactory in bottles and in other receptacles									
Transport pass No. and date	Name of supplier	750 ml.	375 ml.	180 ml.	Total quantity in bottles	200 L.	* L.	Total quantity in receptacles L.	Total L. (17 + 20)
(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)

1 Subs. by G. N. of 20-6-1977.

## FORM C.L. XV—contd.

Indent No. and date received from the licensed retail shop	Transport Pass No. and date	Licence No. of the shop and name of shop-keeper	Country liquor supplied to retail sale shop licensees in bottles and other receptacles	
			750 ml. (25)	375 ml. (26)
(22)	(23)	(24)		

Country liquor supplied to retail sale shop licensees in bottles and other receptacles					
180 ml. (27)	Total quantity in bottles (28)	200 B.L. (29)	*B.L. (30)	Total quantity receptacles (31)	Total B.L. (28 + 31) (32)

Held in balances in bottles and in other receptacles								
750 ml. (33)	375 ml. (34)	180 ml. (35)	Total quantity in bottles B.L. (36)	200 B.L. (37)	* B.L. (38)	Total quantity in receptacles B.L. (39)	Total (36 + 39) (40)	Remarks, if any, and signature of the licensee or his authorised agent (41)

\* Here mention the receptacles of any other capacity allowed to be filled in by the Commissioner.]



**FORM C.L. XVI**

(See condition 6 of Licensee in Form C. L. II)

Monthly return of transactions at a country liquor warehouse of Messrs .....  
 at ..... during the month of .....

(To be submitted to the Commissioner of Prohibition and Excise, Maharashtra State,  
 Bombay and the Superintendent of Prohibition and Excise of the district by the licensee  
 by 5th of every month)

Serial No.	Variety of liquor and its strength	Opening Balance on the first day of 19					
		750 ml.	375 ml.	180 ml.	Total Quantity in bottles	200 B.L.	*B.L.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Total Quantity in receptacles	Total B.L. (6 + 9)	Name of the manufactory	Received from country liquor manufactories during the month	
			750 ml. (12)	375 ml. (13)
(9)	(10)	(11)	(12)	(13)

Received from country liquor manufactories during the month.—*contd.*

180 ml.	Total Quantity in bottles B.L.	200 B.L.	*B.L.	Total Quantity in receptacles	Total B.L. (15 + 18)
(14)	(15)	(16)	(17)	(18)	(19)

1 Subs. By G.N. of 20-6-1977.

\* Here mention the receptacles of any other capacity allowed to be filled in by Commissioner.

## FORM C. L. XVI—Contd.

Supplied to retail sale shop licensees during the month and wastage, if any					
750 ml. (20)	375 ml. (21)	180 ml. (22)	Total Quantity (23)	200 B. L. (24)	* B.L. (25)

Supplied to retail sale shop licensees during the month and wastage, if any--- Contd.			Held in balance at the close of the last day of the month		
Total Quantity in receptacles (26)	Total (23 + 26) B.L. (27)	Wastage, if any with reasons B.L. (28)	750 ml. (29)	375 ml. (30)	180 ml. (31)

Held in balance at the close of the last day of the month--- Contd.					
Total Quantity in bottles B.L. (32)	200 B.L. (33)	*B.L. (34)	Total Quantity in receptacles (35)	Total B.L. (32 + 35) (36)	Remarks, if any (37)

No. ....

Dated .....

Submitted for favour of information to ---

1. The Commissioner of Prohibition and Excise, Maharashtra State, Bombay-- 1.
2. The Superintendent of Prohibition and Excise.

Signature of the licensee or his  
authorised agent.

\* Here mention the receptacles of any other capacity allowed to be filled in by Commissioner.]

**FORM C.L. XVII**

[See rules 18 and 31 (3) and condition 9 of the licence in Form C.L., II]

*Pass for the transport of duty paid country liquor from the licensed premises of a person holding a wholesale licence to the licensed premises of a licensed retail shop*

**PART-I**

- (1) Serial No.       ..       ..
- (2) Name and Address of the person transporting the country liquor.
- (3) Licence number of the transporter .
- (4) Quantity and Description of country liquor.

Kind of country liquor	Quantity in sealed bottles <sup>1</sup> [or containers]					
	In bulk litres	<sup>2</sup> [ No. of casks or bottles]	No. of casks or drums	750 ml. bottles	375 ml. bottles	180 ml. bottles
Country liquor 25 U.P.	..					
Country liquor 40 U.P.	..					

- (5) Route       ..       ..
- (6) Name and Address of the person holding a wholesale licence
- (7) Number and Date of the indent in Form C.L. XXI by the person holding a licensed Retail shop.
- (8) Date upto which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules made thereunder authorising the above mentioned transport, subject to the following conditions, namely :

The consignment shall not be broken in transit.

Dated :

Signature of the Wholesale Licensee.

<sup>1</sup> Added by G. N. of 20-6-1977.  
<sup>2</sup> Inserted *ibid*.

**FORM C.L. XVII**

[See rules 18 and 31 (3) and condition 9 of the licence in Form C.L., II]  
*Pass for the transport of duty paid country liquor from the licensed premises of a  
 person holding a wholesale licence to the licensed premises of a  
 licensed retail shop*

**PART-II**

(To be handed over to applicant for sending with the consignment)

- (1) Serial No.        ..        ..
- (2) Name and Address of the person  
transporting the country liquor.
- (3) Licence number of the transporter .
- (4) Quantity and Description of country liquor.

Kind of country liquor	Quantity in sealed bottles <sup>1</sup> [or containers]					
	In bulk litres	<sup>1</sup> [No. of casks or bottles]	No. of casks or drums	750 ml. bottles	375 ml. bottles	180 ml. bottles
Country liquor 25 U.P.	..					
Country liquor 40 U.P.	..					

- (5) Route        ..        ..
- (6) Name and Address of the person  
holding a wholesale licence
- (7) Number and Date of the indent in  
Form C.L. XXI by the person  
holding a licensed Retail shop.
- (8) Date upto which the pass shall be  
valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules made thereunder authorising the above mentioned transport, subject to the following conditions, namely :

The consignment shall not be broken in transit.

Dated :

Signature of the Wholesale Licensee.

<sup>1</sup> Added by G. N. of 20-6-1977.

**FORM C.L. XVII**

[See rules 18 and 31 (3) and condition 9 of the licence in Form C.L., II]

*Pass for the transport of duty paid country liquor from the licensed premises of a person holding a wholesale licence to the licensed premises of a licensed retail shop*

**PART-III**

(To be sent to the Inspector of Prohibition and Excise or Sub-Inspector of Prohibition and Excise as the case may be in whose jurisdiction and licensed premises of the person holding a warehouse is situated.)

- (1) Serial No.       ..       ..
- (2) Name and Address of the person transporting the country liquor.
- (3) Licence number of the transporter .
- (4) Quantity and Description of country liquor.

Kind of country liquor	In bulk litres	Quantity in sealed bottles <sup>1</sup> [or containers]				
		[ No. of casks or bottles]	No. of casks or drums	750 ml. bottles	375 ml. bottles	180 ml. bottles
Country liquor 25 U.P.	..					
Country liquor 40 U.P.	..					

- (5) Route       ..       ..
- (6) Name and Address of the person holding a wholesale licence
- (7) Number and Date of the indent in Form C.L. XXI by the person holding a licensed Retail shop.
- (8) Date upto which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules made thereunder authorising the above mentioned transport, subject to the following conditions, namely :

The consignment shall not be broken in transit.

Dated :

Signature of the Wholesale Licensee.

<sup>1</sup> Added by G. N. of 20-6-1977.

**FORM C.L. XVII**

[See rules 18 and 31 (3) and condition 9 of the licence in Form C.L., II]

*Pass for the transport of duty paid country liquor from the licensed premises of a person holding a wholesale licence to the licensed premises of a licensed retail shop*

**PART-IV**

(To be sent to the Inspector of Prohibition and Excise or Sub-Inspector of Prohibition and Excise, as the case may be of the place to which country liquor is to be transported.)

- (1) Serial No.        ..        ..
- (2) Name and Address of the person transporting the country liquor.
- (3) Licence number of the transporter.
- (4) Quantity and description of country liquor.

Kind of country liquor	In bulk litres	Quantity in sealed bottles <sup>1</sup> [or containers]				
		[ No. of casks or bottles]	No. of casks or drums	750 ml. bottles	375 ml. bottles	180 ml. bottles
Country liquor 25 U.P.	..					
Country liquor 40 U.P.	..					

- (5) Route        ..        ..
- (6) Name and Address of the person holding a wholesale licence
- (7) Number and Date of the indent in Form C.L. XXI by the person holding a licensed Retail shop.
- (8) Date upto which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules made thereunder authorising the above mentioned transport, subject to the following conditions, namely :

The consignment shall not be broken in transit.

Dated :

Signature of the Wholesale Licensee.

<sup>1</sup> Added by G. N. of 20-6-1977.

**FORM C.L. XVIII**

[See rule 38 (I) and conditions 12, 4, 7(i) and 4(i) of licences in Form C.L. I, C.L. II, C.L. III and C.L./F.L./III respectively]

*Form of Nokarnama*

Name of the Licensee .....  
 Licence No. ....  
 Location of the Manufactory/Warehouse/Shop .....

1. Subject to the provisions of the Maharashtra Country Liquor Rules, 1973.

I/We —

Name .....  
 Age ..... licensee of the above named  
 Residential Address ..... Manufactory/Warehouse/Shop hereby  
 Appointment from the ..... 19 authorise the servant named and for the  
 to the ..... 19 period mentioned in the margin to officiate  
 for me/us in respect of the following functions that is to say namely :—

(a) to officiate for me/us at my/our Manufactory/Warehouse/Retail Sale Shop at .....  
 ....., and

(b) to transport spirit or Country Liquor.

2. The said person is competent in my/our absence to conduct my/our above-mentioned duties in accordance with the provisions of the said rules. He is of good character; and as far as I/we know, he has not been convicted of any offence under the Bombay Prohibition Act, 1949, nor has he been convicted by a Criminal Court or Black listed in respect of excise licenses, rendering him unfit for appointment as *Nokar*.

3. I/We have explained to him personally all the conditions of my/our licences; and I/we hold myself/ourselves responsible personally for any offences he may commit in the conduct of the business under my/our licence.

4. This *Nokarnama* shall become invalid on the suspension, cancellation or expiry of my/our licence or if a competent officer refuses counter signature thereon. This *Nokarnama* will also become invalid, if the Superintendent concerned issues order to that effect. This *Nokarnama* shall be kept with the employee.

Dated ..... 19 . Signature of the Licensee.

The sum of Re. 1 only as the fee prescribed for the issue of this *Nakarnama* has been paid, *vide* Chalan No. .... dated .....

Dated ..... 19 . Signature of the Licensee.

1. The appointment of the above named *Nokar* is noted.

2. The *Nokarnama* shall be in operation till the ..... 19 .  
 but it is liable to cancellation for any breach, on the part of nominee, of the Bombay Prohibition Act, 1949 or for any other offence rendering him unfit to hold the appointment hereby made.

Dated ..... 19 . Signature and Designation of  
 Prohibition and Excise Officer.

**FORM C. L. XIX**

[See conditions 12, 4, 7(ii) and 4(ii) of the licences in Form C.L. I, C.L. II, C.L. III and C.L./F.L./III respectively]

*Form of Register of Nokars/Agents to be maintained by the Licensee*

Serial No.	Name, address and age of the Nokar/Agent in whose name the Nokarnama is issued	Monthly wages including all allowance paid to the Nokar/Agent	Date of issue of Nokarnama	Chalan No. and date of payment of fee	Place at and purpose for which the Nokar/Agent is appointed	Remarks, if any
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**FORM C. L. XX**

[See conditions 17, 11, 15 and 8th of licences in Form C.L. I, C.L. II, C.L. III and C.L./F.L./III respectively]

*Form of Undertaking*

I/We .....  
 hereby undertake to abide by the conditions of the licence in Form C.L. I/C.L. II/C.L. III/C.L./F.L./III that may be granted\*/renewed\* in my/our favour, and the provisions of the Bombay Prohibition Act, 1949 and the Maharashtra Country Liquor Rules, 1973 and other relevant rules, regulations and orders made thereunder from time to time.

Date .....

Place .....

Signature of the Licensee.\*  
Applicant.\*

To

\*The Director of Prohibition and Excise  
 Maharashtra State, Bombay.

\*The Collector of .....

\* Strikeout whichever is not applicable.



**FORM C. L. XXI**

[See rule 31(2)]

Original  
Duplicate  
Triplicate

*Intendent the supply of country liquor to retail shop*

- (1) Name of the licensee.....Indent No. ....
- (2) Location of the shop .....Date .....
- (3) Licence No. ....

To,

The Country Liquor Wholesale Licensee

.....

.....

Sir,

Please supply .....bulk litres of country liquor in the

Following receptacles :—

Serial No.	Variety of country liquor	Strength	No. of bottles and other receptacles					
			750 ml.	375 ml.	180 ml.	200 B.L.	* B.L.	* B.L.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

---

 Total No.
 

---



---

 Quantity in Bulk Litres
 

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Signature of the Retail Sale Shop  
Licensee or his Authorised Agent.

**FORM C. L. XXI—contd.**

The following quantity against the above indent has been issued under Transport Pass  
No. ....dated the.....

Serial No.	Variety of country liquor	Strength	No. of bottles and other receptacles					
			750 ml.	375 ml.	180 ml.	200 B.L.	* B.L.	* B.L.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

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Total No.

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Quantity in Bulk Litres

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Dated .....

Signature of the Wholesale Licensee or his  
Authorised Agent.

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\* Here mention the bottles or receptacles of any other capacity allowed to be filled in  
by the <sup>1</sup>[Commissioner.]

- Note* — (1) Original of this is to kept by the indenting licensee.  
(2) Duplicate and Triplicate to be sent to Wholesale Licensee.  
(3) The Wholesale licensee to fill in both the copies and return duplicate to  
the Retail Sale Shop Licensee and retain Triplicate on his record.

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<sup>1</sup> Added by G. N. of 20-6-1977.

## [FORM C.L. XXII]

(See rule 33)

*Register of Receipt and Sale of country liquor to be manufactured at the licensed retail shop*

Date	Variety of country liquor	Strength	opening balance in other receptacles				200 B.L.
			750 ml	375 ml	180 ml	Total Quantity in bottles B.L.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

* B.L.	Total Quantity in receptacles	Total Quantity in B.L. (Co. 7 plus 10)	Indent No. and date	Name of the wholesale licensee	Transport pass No. and date
9	10	11	12	13	14

Received from the wholesale licensee							
750 ml.	375 ml.	180 ml.	Total Quantity in bottles B.L.	200 B.L.	B.L.*	Total Quantity in receptacles B.L.	Total Quantity in B.L. (Col. 18 plus 21)
15	16	17	18	19	20	21	22

1 Subs. by G.N. of 20-6-1977.

**FORM C.L. XXII—contd.**


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Sold in bottles and in loose				
750 ml.	375 ml.	180 ml.	loose B.L.	Total sale B. Litres ml. (Col. 23 to 26)
(23)	(24)	(25)	(26)	(27)

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Received from the wholesale licensee							
750 ml.	375 ml.	180 ml.	Total Quantity in bottles B.L.	200 B.L.	* B.L.	Total Quantity in receptacles B.L.	Total (Col. 31 plus 34) B.L.
(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)

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Signature of the licensee or his authorised Agent (36)	Remarks, if any (37)
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\* Here mention the receptacles of any other capacity allowed to be filled in by the Commissioner.

**FORM C.L. XXII-A**

[See Rule 33(a) and condition 5(a) of licence in Form CL-II]

Name of Licence : Month : Year :  
 Kind of Licence and Number : Date :

Name of the Brands (1)	T.P. No. (2)	Opening Balance								Receipt							
		1000: 500: 750	650: 375: 330:	325: 180: 60	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.
		(3)								(4)							

Sale									Closing Balance									
1000: 500: 750	650: 375: 330:	325: 180: 60	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.	1000: 500: 750	650: 375: 330:	325: 180: 60	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.	M.L.
(5)									(6)									

M.L. = Millilitre  
 \* Inserted by 31-8-2001.

**[FORM C.L. XXIII**

(See rule 42)

Monthly return of transaction at the country liquor retail sale shop of .....  
 during the month of ..... 19 ..

(To be submitted to the Inspector of Prohibition and Excise and the Superintendent of  
 the District by the licensee by 5th of every month)

Licence No. .... Name and Address of the licensee .....

.....

Opening balance as on 1st day of the month

Serial No.	Variety of Liquor	Strength	In bottles and other receptacles and in loose						
			750 ml.	375 ml.	180 ml.	200 ml.	*B.L.	*B.L.	Loose B.L.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Total No.

Quantity in  
 B.L.

Received from Warehouse licensee

Sold to permit-holders in bottles and in loose  
 during the month

750 ml.	375 ml.	180 ml.	200 B.L.	* B.L.	* B.L.	750 ml.	375 ml.	180 ml.	* ml.	Loose B.L.	Wastage if any B.L.
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)

Total No.

Quantity in Bulk litres

1 Subs. by G.N. of 20-6-1977.

**FORM C. L. XXIII—contd.**

Held in balance on close of the last day of the month							Remarks if any, and explanation for wastage and signature of the licensee or his authorised Agent
750 ml.	375 ml.	180 ml.	200 B.L.	* B.L.	* B.L.	Loose B.L.	
23	24	25	26	27	28	29	30

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 Total No.
 

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 Quantity in Bulk litres
 

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No. ....

Date .....

Submitted to :

(1) The Superintendent of Prohibition and Excise .....

(2) The Inspector of Prohibition and Excise .....

\* Here mention the receptacles of any other capacity allowed to be filled in by the Commissioner.

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<sup>1</sup>[FORM C.L.A. II]
*(Deleted)*<sup>1</sup>[FORM C.L. XXIV]*(Deleted)*


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<sup>1</sup> Deleted by G. N. of 8-8-1979.

**FORM C.L. XXV**

[See conditions 5, 11, 13 and 7 of the licences in from C.L. I, C.L. II, C.L. III and C.L./F.L./II respectively]

Name of the Country Liquor Manufactory/Warehouse/Retail Sale Shop .....

Account of samples of  $\frac{*Country\ Liquor}{*Material}$  taken for analysis

Date of drawing sample	Name of Officer drawing sample	*Variety of Country liquor *Material	Batch No.	Quantity drawn	Quantity used for analysis	Quantity if any returned to the manufactory and mixed with the main bulk of *Country liquor *Material
1	2	3	4	5	6	7

Amount of analysis fee if any paid	Chalan No. and date	Here state the result of analysis when known	Initials of the sample drawing officer	Initials of the licensee or his authorised Agent	Remarks if any
8	9	10	11	12	13



(61) **Tha Maharashtra Liquor (Ceiling on wholesale price) Rules 1973.**

(62) **The Maharashtra Country Liquor (Ceiling on Retail price) Retail 1973.**

(63) **The Maharashtra Country Liquor (Ceiling on Ex-manufactory price) Rules 1989.**

**Note :** These three sets of Rules are repealed vide G. N. H. D. No. BPA 1993/VII/Exc-3 dt. 22-6-1993 (m. G. pt. IV - B.P. 96 Extra ordinary) Reproduced below.

(64) **G. N. H. D. BPA 1993/VIII/Exc- 3 dt. 22 nd June 1993  
(M. G. Pt. IV -B. Extra Ordinary P. 96)**

No. BPA. 1993/VIII/EXC- 3 Whereas the Government of Maharashtra considers that the following Rules to repeal the Maharashtra Country Liquor (Ceiling on Wholesale Price) Rules, 1973, the Maharashtra Country Liquor (Ceiling on Retail Price) Rules, 1973 and Maharashtra Country Liquor (Ceiling Ex-manufactory Price) Rules 1989 should be brought into force at once and, therefore, the rules should be made without previous publication as provided but the proviso the sub -section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949 (hereinafter referred to as “ the said Act ”).

Now therefore, in exercise of the powers conferred by sub-clause (ii) of clause (h1) of sub-section (2) and the proviso to sub-section 143 of the said Act, read with section 21 of the Bombay General Clauses Act, 1904(Bom. I of 1973, the Maharashtra hereby makes the following rules to repeal the Maharashtra Country Liquor (Ceiling on Wholesale Prices) Rules, 1973 the Maharashtra Country Liquor (Ceiling on Retail Price) Rules, 1973 and the Maharashtra Country Liquor (Ceiling on Ex-manufactory Price) Rules, 1989.

**1. Short title -** These rules may be called the Maharashtra Country Liquor (Ceiling on Wholesale Price, Retail Price and Ex-manufactory Price) (Repeal) Rules, 1993.

**2. Repeal of Ceiling on Price of Liquor Rules -** On the date of publication of these rules in the *Official Gazette*, the Maharashtra Country Liquor (Ceiling on Wholesale Price) Rules, 1973, the Maharashtra Country Liquor (Ceiling on Retail Price Rules, 1973 and the Maharashtra Country Liquor (Ceiling on Ex-manufactory Price) Rules, 1989, shall stand repealed, except as respect things done or omitted to be done before such repeal.

(65) **THE MAHARASHTRA COUNTRY LIQUOR (IMPORT AND SALE BY WHOLESAL) RULES, 1975.**

**G. N., H. D. No. CLR. 0673/36114-III-A, dated 27th January 1975  
(M. G., Pt. IV-B. p. 231)**

In exercise of the powers conferred by clauses (b), (f), (g), (h-1), (k) and (u) of sub-section (2) of section 143 read with sections 12, 52 and 53 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 143 namely -

#### **CHAPTER 1**

**1. Preliminary -** (1) These rules, may be called the Maharashtra Country Liquor (Import and Sale by Wholesale) Rules, 1975.

(2) They shall extend to the whole of the State of Maharashtra.

2. *Definitions* -In these rules, unless the context otherwise requires,

- (1) "Act " means the Bombay Prohibition Act, 1949;
- (2) "Authorised Officer " means an Officer of the Prohibition and Excise Department, authorised by the State Government to grant passes for the import of country liquor;
- (3) " Chemical Analyser " means the Director, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra or Government Analyst, Drugs Control Laboratory, Bombay or any other Officer appointed by the State Government as Chemical Analyser for the purposes of these rules;
- (4) " Country liquor " means liquor manufactured either by the process of distillation or by compounding or blending spirits, with or without essence, colouring and flavouring substance, and does not include country liquor which is declared for the purposes of the Act, to be foreign liquor, under the proviso to clause (127) of section 2 of the Act;
- (5) " duty " means excise duty or countervailing duty as defined in clause (14) of section 2 of the Act;
- (6) " duty paid country liquor " means country liquor on which the excise or countervailing duty under the Act has been paid, and includes country liquor which is exempted from such duty;
- (7) " Form " means a Form appended to these rules;
- (8) " Import pass " means a pass granted by the Authorised Officer for the import of duty paid country liquor;
- (9) " licence " means a licence granted under these rules for the import and sale by wholesale of duty paid country liquor;
- (10) " licensed premises " means premises in respect of which a licence to import country liquor from other parts of India and sell it by wholesale in the State has been granted under these rules;
- (11) " place of export " means a place in India outside the State of Maharashtra, from which country liquor is to be imported into the State of Maharashtra;
- (12) " retail licence " means a person holding a licence in Form C.L. III or C.L./F.L./TOD/III under the Maharashtra Country liquor Rules, 1973, to sell country liquor by retail;
- (13) " sale by wholesale " means sale of duty-paid country liquor in quantities not less than eight litres at a time to a wholesale or retail licensee;
- (14) " Superintendent " means a Superintendent of Prohibition and Excise;
- (15) " Wholesale licensee " means a person holding a licence in Form C.I.W. II under these rules to sell duty paid country liquor by wholesale,

## CHAPTER II

### Country Liquor (Import and Sale by Wholesale)

3. *Application for import and sale by wholesale of country liquor* - Any person desiring to import and sell country liquor by wholesale shall make an application in Form C.I.W.I. to the State Government for a licence, through the Collector of the district in which he desires to locate his licensed premises for storing imported duty paid country

liquor. The application shall be accompanied by a chalan evidencing payment of a fee of twenty five rupees for such application.

**4. Grant of licence** - (1) On receipt of an application under rule 3, the Collector shall verify the particulars given therein and satisfy himself that the building or rooms proposed for storing and selling imported duty paid country liquor by wholesale conform to the requirement of rule 5. He shall also make such other inquiries as he deems fit and which are incidental to the grant of the licence, and shall forward the application to the State Government with his remarks.

(2) On receipt of the application under sub-rule (1), the State Government may, after making such inquiries as it thinks fit and if it is satisfied that there is no objection to grant the licence, on payment by the applicant of the licence fee of Rs. 2,000 by order direct the Collector to grant the licence in Form ' C.I.W.II ' to the applicant; and shall forward a copy of such order to the Commissioner and the Commissioner, Food and Drugs Administration in the State and thereupon, the licence in Form ' C.I.W. II ' shall be issued by the Collector of the district in which the Applicant desires to locate his licensed premises. A duplicate copy of the licence shall be forwarded by the Collector to the State Government for its record and the third copy of the licence shall be kept by the Collector on his record.

(3) No licence under sub-rule (2) shall be granted for a period beyond 31st March next following the date of the commencement of the licence :

Provided that in respect of licence granted prior on 1st day of April 1975 the period of the licence shall extent up to 31st March 1976.

(4) Every licensee shall deposit with the Collector either in cash or in Government securities, an amount of Rs. 5,000 (Rupees five thousand only) for the proper observance of the rules and conditions of the licence.

(5) Any licensee desiring to renew his licence shall make an applicant in Form ' C.I.W.I ' to the State Government through the Collector of the district in which his licensed premises are located at least three months before the expiry of the licence accompanied by a chalan evidencing payment of a fee of twenty-five rupees for such application. Thereupon the provisions of sub-rules (2), (3) and (4) of this rule shall apply as they apply in relation to the application for the grant of a licence.

**5. Requirement of licensed premises.**- The building or rooms of the licensed premises shall be constructed of strong masonry or brick work. The windows of the building or room shall be securely wire-netted. There shall be only one entrance to the building or main room of the licensed premises and to each store room, respectively, which must open into the enclosure of the premises.

**6. Restriction on import and Sale by wholesale of duty paid country liquor** - (1) The wholesale licensee shall import only such quantity of duty paid country liquor as may be permitted to be imported by the State Government from time to time after obtaining the necessary import permit from the Collector by following the procedure laid down in Chapter III. It shall not exceed the quantity mentioned in the licence.

(2) The licensee shall not import country liquor from any source other than those distilleries or bonded warehouses which are approved by the State Government from time to time and, country liquor to be imported for sale by wholesale shall be of such specification or standards as may be prescribed by the State Government from time to time, and country liquor to be imported for sale by wholesale shall be of such

specification or standards as may be prescribed by the State Government from time to time

7. *What country liquor shall not be kept for sale.*— A wholesale licensee shall not receive or keep in his licensed premises any country liquor which has not been lawfully imported by him for sale wholesale.

8. *Manner of storage of country liquor* — A wholesale license shall store in his licensed premises duty paid country liquor only in bottles duly sealed or capsuled and in duly sealed barrels of 200 litres capacity or of such other capacities as may be approved by the Commissioner from time to time.

9. *Removal of country liquor from licensed premises* — No country liquor stored in a licensed premises shall be removed therefrom except for sale to a wholesale or retail licensee under a transport pass in Form C. L. III issued by the wholesale licensee.

10. *Licensee to account for losses* — Any loss in the duty paid country liquor stored in a licensed premises or issued therefrom shall be reported in writing within three days of the loss by the wholesale licensee to the Superintendent explaining in detail the causes there of. The Superintendent shall thereafter cause necessary enquiries to be made and submit his report to the Commissioner for further orders.

11. *Closure of licensed premises* — The licensed shall remain closed on 2nd October every year and on such other days as may be specifically ordered by the Collector. In either case, the licensee shall not be entitled to any compensation.

12. *Working hours of licensed premises* — Unless otherwise permitted by the Collector the licensed premises shall not be kept open except during the hours from 9.00 a.m. to 5.00 p.m.

13. *Maximum prices.* — A wholesale licensee shall not sell duty paid country liquor at a price exceeding such price that may be fixed by the State Government from time to time.

### CHAPTER III

#### Procedure for the import of duty paid country liquor

14. *Application for import pass* — Any wholesale licensee who desires to import (hereinafter referred to as “importer”) any country liquor into the State of Maharashtra on prepayment of duty shall apply in form C. I. W. IV for an import pass to the Authorised officer in whose jurisdiction his licensed premises are situated.

15. *Issue of Pass* — (1) On receipt of an application made under rule 14, the Authorised Officer shall make such inquiries as he may deem necessary and if he sees no objection and if the quantity applied for does not exceed the total quotas sanctioned by the State Government in this behalf may grant an import pass in Form ‘C. I. W. V.’ to the extent permitted under rule 6, provided that the duty payable under the Act on such country liquor has been paid and receipted chalan evidencing payment of such duty has been produced.

(2) Every import pass granted under sub-rule (1) shall show designation the officer by whom and the places at which the consignment of country liquor be imported is to be inspected *en route* and examined at the place of import under rules 19 and 20 respectively. In cases of import by road, one of the officers shall be the Prohibition and Excise Officer in charge of the tahsil of the place where the consignment is to first enter

the State of Maharashtra. In cases of import by rail direct to the place of import, one of the inspecting officers shall be the Prohibition and Excise Officer in charge of the place where the railway station to which the consignment is to be booked is situated.

(3) Every import pass granted under sub-rule (1) shall be in four parts. PART -1 shall be retained on the records of the Authorised Officer issuing the pass PART II and III shall be sent by post to the Excise Officer of the place of export with a request to endorse on part III the quantity of country liquor in litres and proof litres issued to the importer, and thereafter, to return that Part III to the Authorised Officer issuing the Part IV shall be handed over to importer or his agent issuing the pass, and PART IV shall be handed over to the importer or his agent together with the certificate in Form 'Certificate I' annexed thereto.

(4) No import pass under sub-rule (1) shall be granted unless the applicant produces written proof that country liquor is to be imported from a distillery or its bonded warehouse which has been approved by the State Government.

16. *Procedure in transit.* — PART IV of the import pass and the certificate thereto shall accompany the consignment while in transit and shall be produced for inspection on demand in the State by Prohibition and Excise Officer not below the rank of a Sub-inspector.

17. *Timely intimation of arrival of consignment to be given to inspecting and examining officers* — The importer or his agent shall give to the Inspecting and Examining Officers named in the import pass at least two days previous intimation of the date and hour when the consignment will be ready for inspection at the place appointed for the purpose as shown in the Import pass. On receipt of such intimation the Authorised Officer shall examine or cause to be examined the consignment in accordance with the procedure laid down in rules 18 and 19.

18. *Inspection of consignment en route* — On arrival of the consignment at the appointed place of inspection, the importer shall produce Part IV of the import pass and the certificate thereto to the Inspecting Officer named in the import pass or his nominee. The Inspecting Officer shall compare the number marks and other particulars on each receptacle or package forming part of the consignment with those shown in the certificate issued by the Officer at the place of export, and in the Railway receipt in the case of consignment sent by rail and satisfy himself that the seals on the receptacles or packages are intact and that they have not been tampered with in transit. If the Inspecting Officer finds that the seals on any receptacle or package are tampered with, he shall immediately seize them; provided that if the Inspecting Officer, on enquiry made and concluded on the spot is satisfied that the explanation tendered by the importer or his agent is satisfactory, he shall ask the importer to get the receptacle or package securely packed in his presence and after this has been done, the Inspecting Officer shall reseal such receptacle or package with his own seal, and shall release the consignment after making necessary remarks on the import pass and the certificate, and noting thereon the particulars of impression of seal with which such receptacle or package has been resealed by him. He shall then hand over to the importer or his agent Part IV of the import pass and the certificate.

19. *Examination of consignment at place of import* — The Importer or his agent shall on arrival of the consignment at the place appointed for its examination and shown in the import pass, produce Part IV of the import pass and certificate thereto before the Examining Officer named in the import pass. The examining Officer or his nominee shall examine the consignment and satisfy himself that —

(a) The number marks and other particulars shown on each receptacle or package forming part of the consignment tally with those shown in the certificate issued by the Inspecting Officer ;

(b) The seal on each such receptacle or package are intact and that have not been tampered with in transit ;

(c) the quantity contained in each receptacle or package as gauged by him tallies with that shown in the aforesaid certificate and the note made by the Inspecting Officer ;

(d) the number of bottles contained in the receptacles or packages is correct, and that seals of the bottle or receptacles, as the case may be are intact ; and

(e) duty and any other fee payable under the Act has been paid correctly on the quantity of country liquor imported.

(2) If on examination of the consignment under sub-rule (1), the Examining Officer finds that the quantity contained in each or any of the receptacles or packages is less than that shown in the certificate issued sub-rule (3) of rule, 15 and the deficiency exceeds the quantity which is allowed as wastage in the State from which the consignment has been imported, the Examining Officer shall ascertain from the Officer at the place of export the amount of duty leviable on such deficiency and submit his detailed report to the Commissioner.

(3) The Examining Officer shall also draw samples not exceeding 375 ml from each variety and batch of country liquor imported for the purpose of analysis and shall send such samples for analysis to the Drug Control Laboratory, Bombay, in accordance with the procedure laid down by the Commissioner in this behalf.

20. *Release of consignment*—(1) On receipt of the report of the analysis from the Drugs Control laboratory, Bombay, if the Authorised Officer finds that —

(a) the imported country liquor is of the standard prescribed for the country liquor allowed to be manufactured and sold in the State of Maharashtra; and

(b) duty calculated according to the strength certified by the Chemical Analyser has been paid.

He shall allow the whole sale licensee to sell the country liquor by wholesale, in accordance with the conditions of his Import and Sale by Wholesale Licence.

(2) Where the Authorised Officer finds that the duty has been paid according to the lower strength than the strength reported by the Chemical Analyser, he shall calculate the amount of duty according to the strength certified by the Chemical Analyser, and direct the importer to pay the differential amount of duty and on payment of such differential amount of duty he shall release the consignment for sale as provided to in sub-rule (1).

(3) Where the Authorised Officer finds that the country liquor is not of the standard prescribed, he shall seal the packages of receptacles of country liquor and report through the Collector of his district, to the Commissioner for further orders in the matter.

21. *Powers to issued supplementary instructions*.—The State Government and the Commissioner may issue written instructions for any supplementary matters arising out of the rules to the licensees and officers exercising powers and performing duties under these rules.



**FORM NO. C.I.W.I**

(See Rules 3)

**APPLICATION FOR LICENCE FOR IMPORT AND SALES BY WHOLESALE OF COUNTRY LIQUOR**

(1) Name or names and address or addresses of the person or person applying, if the applicant is a firm the name and address of every partner of the firm and if a company, the registered name and address thereof, the names of the Directors, managers and Managing Agents, and if there is a managing Director, his name.

(2) Location of the shop or premises where the applicant wants to sell imported Country Liquor with census number of the house or building, name of street, village, town or city, as the case may be.

(3) Where the person or any partner of the firm or the Director, Managing Director, Manager or managing Agent of a Company is/was holding any Excise Licence, if so state the kind of licence held and the duration of the licence.

(4) Whether any excisable articles are/were stored in the premises proposed for location of the licence and if so, give full details.

(5) Certificate from the Municipality / Grampanchayat, etc. to the effect that it has no objection to locate the licenced premises in the concerned locality.

(6) Does the applicant agree to give an undertaking in writing to abide by the provisions of the Act, and the rules, regulations and orders made thereunder and conditions of the licence applied for.

(7) Whether the applicant has been convicted at any time of an offence punishable under any of the provisions of the Bombay Prohibition Act, 1949, or any Rules, Regulations or Orders made thereunder.

I/ We hereby declare that the particulars given above are correct. I/We enclose a Chalan No. ...., and dated ..... as an evidence for the payment of a sum of Rs. 25 (Rupees twenty five only) for the application.

I/We hereby undertake to abide by the conditions of the licence and the provision of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder from time to time.

Date .....

Place .....

Licensee.  
Signature of the Applicant.

To

The Secretary to the Government of Maharashtra,  
Home Department, Sachivalaya, Bombay  
(through the Collector of .....) )

**FORM C.I.W. II**

[See rules 4(2)]

Licence No. ....

**Import and Sale by Wholesale Country Liquor Licence**

Licence is hereby granted to Shri/Messrs ..... (hereinafter called “ the licensee ”) authorising him to import and sell wholesale country liquor at his premises situated at ..... (hereinafter referred to as the ‘ licensed premises ’) for the period commencing on ..... and ending on ..... the 31st day of March ..... (both days inclusive) under and subject to the provisions of the Bombay prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as “ the said Act”), the Maharashtra Country Liquor (Import and Sale by Wholesale) Rules, 1974 and all other rules; regulations and orders made under the Act and to the following conditions, namely :

**CONDITIONS**

1. The licensee shall deposit a sum of Rs. 2,000 (Rupees two thousand) as licence fee in a Government Treasury.
2. If the licensee desires to discontinue the licence, he shall give on month’s previous notice in that behalf to the Collector of the district concerned.
3. The licensee shall carry on his business at his licensed premises either personally or by an agent or servant duly authorised by him in his behalf by a written NOKARNAMA in Form C. I. W. VI, signed by him and countersigned by a Prohibition and Excise Officer not below the rank of Prohibition and Excise Sub-Inspector, provided that, such NOKARNAMA signed by the licensee shall also be valid unless counter signature is refused. If for any reason, the Collector orders the withdrawal fo any NOKARNAMA the same shall be withdrawn forthwith. For every NOKARNAMA issued by him, the licensee shall pay such fee as may from time to time be prescribed for this privilege by the rules made under the Act.  
No NOKARNAMA shall be issued to any person under 21 years of age, and no such NOKARNAMA if issued shall be valid.
4. The licensee shall daily keep in the licensed premises a true and correct account of the quantity of imported duty paid country liquor received, issued and in balance in the register in Form C. I. W. VII. The account register, import passes and other record shall at all times be open for inspection by the Commissioner, Collector or any other officer authorised in this behalf.
5. The licensee shall furnish to the Commissioner, and the Collector on or before the 7th day of each month a statement in Form C. I. W. VII showing the quantity of imported duty paid country liquor received at and issued from his licensed premises during the preceding month, and also the quantity of imported duty paid country liquor held in balance at the end of the preceding month and shall furnish within a reasonable time such other information as the Commissioner or the Collector may from time to time direct.
6. The licensee shall at all times keep a Visit Book at the licensed premises for the use of the inspecting officers. This book shall be paged and sealed with the seal of the Collector.
7. The licensee shall not import for sale by wholesale country liquor from any sources other than from those distilleries or the bonded warehouse which are approved by the State Government from time to time. The quantity imported shall not exceed ..... Bulk litres during the validity of the license.



8. The licensee shall not sell imported country liquor to any person other than wholesale licensee or retail licensee.

9. Without the permission of the State Government, the licensee shall not sale, transfer or sub-let the privilege of importing and string country liquor granted to him by this licence not shall he in connection with the exercise of the said right enter into any agreement or arrangements which in the opinion of the State Government is of a nature of a sublease. No person shall be recognised as partner of the licensee for the purpose of the licence unless the partnership has been declared to the State Government before the grant of the licence and the name/s of the partner/s have been entered jointly in the licence or unless the State Government agrees, on application made to it to alter the licence and to add the name of the partner/s in the licence.

10. The licensee shall, when called upon by the Collector or any Prohibition and Excise Officer not below the rank of a Prohibition and Excise Sub-Inspector, give an explanation in writing regarding any breach of the rules or any irregularity detected and committed by him or his agent or servants, and furnish any information regarding the management of the licence an shall answer all reasonable question to the best of his knowledge and belief. He shall also on demand allow the Collector or a Prohibition and Excise Officer, or an Officer of the Food and Drugs Administration in the State to draw the free of cost samples not exceeding 375 ml. at any one time of imported country liquor for analysis in the laboratory of the Food and Drugs Adminstration. He shall also pay on demand to the Officer in charge of the said laboratory a fee or Rs. 25 for the analysis of each such sample.

11. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and shall give an undertaking to that effect in From IX.

12. The licensee shall obey all lawful orders issued from time to time by the Commissioner the Collector or any other Prohibition and Excise Officer duly authorised by the Commissioner in this behalf.

13. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

14. The licensee, his successors or assignees shall have no claim whatsoever to the continuance of this licence, after the expiry of the period for which it is granted. It shall be entirely within the discretion of the State Government whether or not to permit the assignees of the licensee in case of sale or transfer or his successors in case of death to have the benefit of the licenced for the unexpired portion of the period for which it is granted.

15. In case this licence is cancelled before its expiry or is not renewed on its expiry, the licensee shall forthwith surrender the whole stock of imported country liquor held and stored in the licensed premises to the Superintendent of Prohibition and Excise of the district concerned.

Granted this ..... day of .....20

Seal of the  
Collector

The Collector  
..... District.

**FORM C.I.W. III**

(See rule 9)

*Pass for the transport of duty paid country liquor from the licensed premises of a person holding wholesale licence to a licensed retail shop or another licenceholder.*

**PART II**

(To be handed over to the applicant for sending with the consignment)

1. Serial Number .. ..
2. Name and address of the person transporting the Country Liquor.
3. Licence Number of the transporter.
4. Quantity and description of Country Liquor.

Kind of Country Liquor	Quantity in sealed bottle				
	In Bulk litres	No. of casks of drums	750 ml. bottles	375 ml. bottles	180 ml. bottles
Country Liquor 25 U. P.	..				
Country Liquor 40 U. P.	..				

5. Route .. ..
6. Name and address of the persons holding a retail or wholesale licence.
7. Number and date of the indent in Form C. L. XXI appended to the Maharashtra Country Liquor Rules, 1973 by the person holding a licensed Retail Shop.
8. Date up to which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder authorising the abovementioned transport subject to the following condition, namely :

The consignment shall not be broken in transit.

.....

Dated .....

Signature of the wholesale licensee.

**FORM C. I. W. III**

(See rule 9)

*Pass for the transport of duty paid country liquor from the licensed premises of a person holding wholesale licence to a licensed retail shop or another licenseeholder.*

**PART I**

(To be handed over to the applicant for sending with the consignment)

1. Serial Number .. ..
2. Name and address of the person transporting the Country Liquor.
3. Licence Number of the transporter.
4. Quantity and description of Country Liquor.

Kind of Country Liquor	Quantity in sealed bottle				
	In Bulk litres bottles	No. of casks of	750 ml. bottles	375 ml. bottles	180 ml. bottles
Country Liquor 25 U. P. ..					
Country Liquor 40 U. P. ..					

5. Route .. ..
6. Name and address of the persons holding a retail or wholesale licence.
7. Number and date of the indent in Form C. L. XXI appended to the Maharashtra Country Liquor Rules, 1973 by the person holding a licensed Retail Shop.
8. Date up to which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder authorising the abovementioned transport subject to the following condition, namely :

The consignment shall not be broken in transit.

.....

Dated .....

Signature of the wholesale licensee.

**FORM C. I. W. III**

(See rule 9)

*Pass for the transport of duty paid country liquor from the licensed premises of a person holding wholesale licence to a licensed retail shop or another licenseeholder.*

**PART III**

(To be send to the Inspector of Prohibition and Excise or Sub-Inspector of Prohibition and Excise as the case may be in whose jurisdiction the licensed premises of the person holding licence in form C. I. W. II is situated).

1. Serial Number .. ..
2. Name and address of the person transporting the Country Liquor.
3. Licence Number of the transporter
4. Quantity and description of Country Liquor.

Kind of Country Liquor	Quantity in sealed bottle				
	In Bulk litres bottles	No. of casks of	750 ml. bottles	375 ml. bottles	180 ml. bottles
Country Liquor 25 U. P.	..				
Country Liquor 40 U. P.	..				

5. Route .. ..
6. Name and address of the persons holding a retail or wholesale licence.
7. Number and date of the indent in Form C. L. XXI appended to the Maharashtra Country Liquor Rules, 1973 by the person holding a licensed Retail Shop.
8. Date up to which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder authorising the abovementioned transport subject to the following condition, namely :

The consignment shall not be broken in transit.

.....

Dated .....

Signature of the wholesale licensee.

**FORM C. I. W. III**

(See rule 9)

*Pass for the transport of duty paid country liquor from the licensed premises of a person holding wholesale licence to a licensed retail shop or another licenseeholder.*

**PART IV**

(To be sent to the Inspector of Prohibition and Excise or Sub-Inspector of Prohibition and Excise, as the case may be of the place to which country liquor is to be transported.)

1. Serial Number .. ..
2. Name and address of the person transporting the Country Liquor.
3. Licence Number of the transporter.
4. Quantity and description of Country Liquor.

Kind of Country Liquor	Quantity in sealed bottle				
	In Bulk litres bottles	No. of casks of	750 ml. bottles	375 ml. bottles	180 ml. bottles
Country Liquor 25 U. P. ..					
Country Liquor 40 U. P. ..					

5. Route .. ..
6. Name and address of the persons holding a retail or wholesale licence.
7. Number and date of the indent in Form C. L. XXI appended to the Maharashtra Country Liquor Rules, 1973 by the person holding a licensed Retail Shop.
8. Date up to which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder authorising the abovementioned transport subject to the following condition, namely :

The consignment shall not be broken in transit.

.....

Dated .....

Signature of the wholesale licensee.

**FORM C.I.W. IV**

(See rule 14)

*Application for pass to import duty paid country liquor*

Place .....

Date .....

To,

The Collector,

District .....

Sir,

I/We ..... of

.....

(full address)

request you to grant me/us a pass for the import of the undermentioned kind and quantity of duty paid country liquor from the Distillery situated at ..... in the District of ..... in the state of ..... to my/ our wholesale licensed premises ..... No situated at.

in Greater Bombay \*

..... in the District of ..... on payment of duty in the State of Maharashtra.

I/We furnish the requisite information as follows, namely :

- (1) Route by which Country Liquor is to be imported .....
- (2) Name address of my/our agent, if any, at the place .....
- (3) Purpose for which country liquor is to be imported .....

.....

- (4) Period of validity of the pass required .....

I /we agree to abide by the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions on which the pass may be issued to me/us.

Yours faithfully,  
(Signature of the applicant).

\* Strike off the words which are not applicable.

**FORM C. I. W. V**

[See rule 15(1)]

*Pass for the import of country liquor*

(On payment of duty in the State of Maharashtra)

**PART I**

For record in the Office of Collector ..... District

No ..... of 20

Shri/M/s. .... having paid  
 in to the Government Treasury at ..... the sum of  
 Rs. .... (Rupees) only on account of duty on the under  
 mentioned description and quantity of country liquor is/are hereby permitted to import  
 the said country liquor from the Distillery at ..... in the  
 district of ..... in the state of ..... to  
 his/their wholesale (Trade) licensed premises ..... situated a .....

Greater Bombay  
 in the district of .....

Description of Country Liquor	Quantity		Strength
	Litres	Proof Litres	

The consignment shall be conveyed by rail/road, via ..... shall  
 be inspected en-route at ..... by \* ..... and  
 on arrival at the destination shall be examined at .....  
 by \*\* at ..... it shall not be broken in transit.

This pass shall remain in force upto the ..... day of  
 ..... 19 .

This pass issued subject to the provisions of the Bombay Prohibition Act, 1949, the  
 rules, regulations and orders made thereunder and the conditions specified in this pass.

Dated the ..... day of ..... 19 .

(Signature) .....

Collector, .....

† Parts II and III of this pass have been forwarded to .....

(Signature) .....

Dated .....

Collector, ..... District.

\* Here enter the designation of the inspecting Officer.

\* \* Here enter designation of the Examining Officer.

† Parts II and III to be forwarded to the excise Officer at the exporting place.

**FORM C. I. W. V.**

[See rule 15(1)]

*Pass for the import of country liquor*

(On payment of duty in the State of Maharashtra)

**PART II**

(To be sent to the Excise Officer of the exporting Place)

No ..... of 19

Shri/M/s. .... having paid  
 in to the Government Treasury at ..... the sum of  
 Rs. .... (Rupees) only on account of duty on the under  
 mentioned description and quantity of country liquor is/are hereby permitted to import  
 the said country liquor from the Distillery at ..... in the  
 district of ..... in the state of ..... to  
 his/their wholesale (Trade) licensed premises ..... situated at  
 ..... Greater Bombay .....  
 in the district of

Description of Country Liquor	Quantity		Strength
	Litres	Proof Litres	

The consignment shall be conveyed by rail/road, via ..... shall  
 be inspected en-route at ..... by \* .....  
 and on arrival at the destination shall be examined at .....  
 by \*\* ..... it shall not be broken in transit.

This pass shall remain in force upto the ..... day of  
 ..... 19 .

This pass issued subject to the provisions of the Bombay Prohibition Act, 1949, the  
 rules, regulations and orders made thereunder and the conditions specified in this pass.

(Signature) .....

Dated ..... 19 . Collector, ..... District.

This pass, together with Part III is forwarded to the Excise Officer .....

(Signature) .....

Dated ..... 19 . Collector, ..... District.

\* Here enter the designation of the Inspecting Officer.

\*\* Here enter designation of the Examining Officer.



**FORM C. I. W. V**

[See rule 15(1)]

*Pass for the import of country liquor*

(On payment of duty in the State of Maharashtra)

**PART III**

(To be sent to the Excise Officer of the exporting Place)

No ..... of 19

Shri/M/s. .... having paid in to the Government Treasury at ..... the sum of Rs. .... (Rupees) only on account of duty on the under mentioned description and quantity of country liquor is/are hereby permitted to import the said country liquor from the Distillery at ..... in the district of ..... in the state of ..... to his/their wholesale (Trade) licensed premises No. .... situated at  
 ..... Greater Bombay  
 ..... in the district of

Description of Country Liquor	Quantity		Strength
	Litres	Proof Litres	

The consignment shall be conveyed by rail/road, via ..... shall be inspected en-route at ..... by \* ..... and on arrival at the destination shall be examined at ..... by \*\* at ..... it shall not be broken in transit.

This pass shall remain in force upto the ..... day of ..... 19 .

This pass issued subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and the conditions specified in this pass.

(Signature) .....

Dated ..... 19 . Collector, ..... District.

This pass, together with Part III is forwarded

to the Excise Officer ..... (Signature) .....

Dated ..... 19 . Collector, ..... District.

\* Here enter the designation of the Inspecting Officer.

\*\* Here enter designation of the Examining Officer.

**FORM C. I. W. V**

[See rule 15(1)]

*Pass for the import of country liquor*

(On payment of duty in the State of Maharashtra)

**PART IV**

(To be handed over to the importer or his agent for presentation to the Excise Officer of the exporting place and on arrival of the consignment at the place of import to Examining Officer.)

No ..... of 19

Shri/Messrs ..... having paid in to the Government Treasury at ..... the sum of Rs. .... (Rs. ....) only on account of duty on the under mentioned description and quantity of country liquor is/are hereby permitted to import the said country liquor from the Distillery at ..... in the district of ..... in the state of ..... to his/their wholesale (Trade) licensed premises No. .... situated at Greater Bombay in the district of

Description of Country Liquor	Quantity		Strength
	Litres	Proof Litres	

The consignment shall be conveyed by rail/road, via ..... shall be inspected en-route at ..... by \* ..... and on arrival at the destination shall be examined at ..... by \*\* ..... It shall not be broken in transit.

This pass shall remain in force upto the ..... day of ..... 19 ..

This pass issued subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and the conditions specified in this pass.

(Signature) .....

Dated ..... 19 .. Collector, .....District.

Remarks if any, of the Officer who inspects the consignment en-roule and copy of the impression of the seal, if any, used in resealing the consignment.

\* Here enter the designation of the Inspecting Officer.  
 \*\* Here enter designation of the Examining Officer.

**PART IV (REVERSE)***Particulars of Country Liquor advised and received*

Advised as shown in the certificate issued by the officer at the exporting place								
Description of liquor	No. and description of each kind of receptacle or package (2)	Marks and No. of each receptacle or package (3)	Registered capacity of each receptacle or package (4)	Litres actual contents (5)	Thermometer indication (6)	Hydrometer indication (7)	Strength (8)	Proof litres (9)
(1)								
Received								
Litres actual contents (10)	Thermometer indication (11)	Hydrometer indication (12)	Strength (13)	Proof litres (14)	Increase in transit (15)	Found P. Litres (16)	Allowed P. Litres (17)	Excess P. Litres (18)

The consignment has been examined by me and I have found that the amount of duty and transport fee recovered from him is correct/less by .....

As the importer has paid the difference in duty and fees recoverable from him and has agreed in writing to pay any excess amount of duty of fees that may be found to be due from him after receipt of the analysis report, I have allowed him to remove the consignment.

(Signed) .....  
Examining Officer.

**FORM CERTIFICATE I**

[See rule 15(3)]

No. ....

Dated .....

Certified that Shri/Smt./Kumari/Messrs. .... of  
 ..... who has/have been granted an  
 import Pass No. .... dated ..... by .....  
 has/have been issued country liquor from the Distillery at ..... in  
 the district of ..... as shown below :

Description of Country Liquor	No. of description of each kind of sealed receptacle or packages	Marks and No. on sealed package or receptacles	Capacity of each sealed receptacle or packages.
(1)	(2)	(3)	(4)

Actual contents Litres	Thermometer indication	Hydrometer indication	Strength	Proof Litres
(5)	(6)	(7)	(8)	(9)

and that receptacles and packages containing the said country liquor are securely packed  
 in my presence and sealed with my official seal.

Seal

.....

Signature and designation of the  
 Inspecting or Excise Officer at the place of Export.

Place .....

## FORM C. I. W. VI

(Condition 3 of licence in form C. I. W. II)

## FORM OF NOKARNAMA

Name of the licensee ..... Licence

No. ....

Location of the licensed premises .....

1. Subject to the provisions of the Maharashtra Country Liquor (Import and sale by Wholesale) Rules, 1974,

Name ..... Age ..... I/We .....

Residential Address ..... licensee of the abovenamed shop hereby

authorise the servant named and for the

Appointment from the ..... period mentioned in the margin to officiate

19 to the ..... 19 . for me/us in respect of the following

functions that is to say namely :

(a) to officiate for me/us at our wholesale shop at .....  
and

(b) to transport country liquor.

2. The said person is competent in my/our absence to conduct my/our abovementioned duties in accordance with the provisions of the said rules. He is of a good character; and as far as I/We know, he has not been convicted of any offence under the Bombay Prohibition Act, 1949, nor has been convicted by criminal Court or Black listed in respect of excise licence, rendering him unfit for appointment as *Nokar*.

3. I/We have explained to him personally all the conditions of my/our licence and I/We hold myself/ourselves responsible personally for any offence he may commit in the conduct of the business under my/our licence.

4. The *Nokarnama* shall become invalid if it is issued to person below 21 years of age and on the suspensions, cancellation or expiry of my/our licence or if a competent officer refuses countersignatures thereon. This *Nokarnama* will also become invalid, if the Superintendent concerned issues order to that effect. This *Nokarnama* shall be kept with the employees.

Dated ..... 19 .

Signature of the licensee.

The sum of Re. 1 only as the fee prescribed for the issue of this *Nokarnama* has been paid vide chalan No. .... dated .....

Dated ..... 19 .

Signature of the licensee.

1. The appointment of the abovenamed *Nokar* is noted.

2. The *Nokarnama* shall be in operation till the ..... 19 but it is liable to cancellation for any breach, on the part of the nominee, of the Bombay Prohibition Act, 1949 or for any other offence rendering him unfit to hold the appointment hereby made.

Dated ..... 19 .

Signature and Designation of  
Prohibition and Excise Officer.

**FORM C. I. W. VII**

(Condition 4 of Licence in Form C. I. W. II)

*Register of transaction of Country Liquor to be maintained by the wholesale trade and import licensee**(Note — Separate registers should be maintained for 25 U. P. Country Liquor and 40 U. P. Country Liquor)*


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Details of stock held in balance in bottles and in other receptacles					
Date	Variety of Country Liquor	750 ml.	375 ml.	180 ml.	Quantity in bottles
(1)	(2)	(3)	(4)	(5)	(6)

---



---

Details of stock held in balance in bottles and in other receptacles				
200 B. L.	B. L.	Quantity in receptacles	Total B. L. (6+9)	Import Pass No. and date under which the stock was imported
(7)	(8)	(9)	(10)	(11)

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Imported from other State in bottles and in other receptacles					
Transport Pass No. and Date	Name of Supplier	750 ml.	375 ml.	180 ml.	Quantity in bottles
(12)	(13)	(14)	(15)	(16)	(17)

---

## FORM C. I. W. VII—Contd.

Imported from other State in bottles and in other receptacles								
200 B. L.	B. L.	Quantity in receptacles in B. L.	Total B. L. (17+20)	Indent No. and date received from the licensed retail shop	Transport pass No. and date			
(18)	(19)	(20)	(21)	(22)	(23)			
Licence No. of the shop and name of the shop-keeper			Country Liquor supplied to retail licensees in bottles and other receptacles					
(24)			750 ml. (25)	375 ml. (26)				
Country liquor supplied to retail licensees in bottles and other receptacles								
180 ml.	Quantity in bottles	200 B. L.	B. L.	Quantity in receptacles	Total B. L. (28+31)			
(27)	(28)	(29)	(30)	(31)	(32)			
Held in Balance in bottles and in other receptacles								
750 ml.	375 ml.	180 ml.	Quantity in bottles B. L.	200 B. L.	B. L. *	Quantity in receptacles B.L.	Total (36+39)	Remarks, if any, and signature of the licensee or his authorised agent
(33)	(34)	(35)	(36)	(37)	(38)	(39)	(40)	(41)

\* Here mention the receptacles of any other capacity allowed to be filled in by the Commissioner.

**FORM C. I. W. VIII**

(See condition 5 of Licence in Form C.I.W. II)

[Monthly return of transactions of Country Liquor effected by C.I.W. II Licence of] Shri/Smt./Kumari/Messrs. .... at ..... during the month of ..... (To be submitted to the Commissioner of Prohibition and Excise, Maharashtra State, Bombay and the Superintendent of Prohibition and Excise of the District by the licensee by 7th of every month)

Serial No.	Variety of Liquor and its strength	Opening Balance on the first day of 19					
		750 ml.	375 ml.	180 ml.	Quantity Bottles	200 B.L.	B.L.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Quantity in receptacles	Total B. L. (6+4)	Name of the manufactory	Imported during the month	
			750 ml.	375 ml.
(9)	(10)	(11)	(12)	(13)

Imported during the month					
180 ml.	Quantity in Bottles B. L.	200 B. L.	*B.L.	Quantity in receptacles	Total B. L. (15+18)
(14)	(15)	(16)	(17)	(18)	(19)

\* Here mention the receptacles of any other capacity allowed to be filled in by the Commissioner.



## FORM C. I. W. VIII—Contd.

Supplied to retail sale shop licensees during the month and wastage, if any					
750 ml.	375 ml.	180 ml.	Quantity in Bottles B.L.	200 B.L.	B.L.
(20)	(21)	(22)	(23)	(24)	(25)

Held in balance at the close of the last day of the month supplied to retail licensees during the month and wastage, if any					
Quantity in receptacles	Total (23+26) B. L.	Wastage, if any, with reasons B. L.	750 ml.	375 ml.	180 ml.
(26)	(27)	(28)	(29)	(30)	(31)

Held in balance at the close of the last day of the month					
Quantity in Bottles B.L.	200 B.L.	* B. L.	Quantity in receptacles	Total B.L. (32+35)	Remarks, if any
(32)	(33)	(34)	(35)	(36)	(37)

\* Here mention the receptacles of any other capacity allowed to be filled in by the Commissioner.  
No. .... Dated .....

Submitted for favour of information to

1. The Commissioner of Prohibition and Excise, Maharashtra State, Bombay.
2. The Superintendent of Prohibition and Excise.

.....  
Signature of the licensee or his  
authorised agent.

**FORM C.I.W. IX**

(See condition 11 of the licence C.I.W. II)

I/We .....  
 hereby undertake to abide by the conditions of the licence in Form C.I.W. II that may be granted/renewed in my/our favour, and the provisions of the Bombay Prohibition Act, 1949 and the Maharashtra Country Liquor Rules, 1973, and other relevant rules, regulations and orders made thereunder from time to time.

.....  
 Signature of the Licensee  
 Applicant

Date .....

Place .....

To,

The Secretary to the Government of Maharashtra,  
 Home Department, Sachivalaya, Bombay 400 032.

**(66) G. O., H. D., No. CLR. 1173/III-A (iii), dated 5th February, 1973.  
 (M. G., Pt-IV-B, p. 397)**

In exercise of the powers conferred by sub-section (1) of section 6 of the Bombay Prohibition Act, 1949 and of all other powers enabling it in this behalf, the Government of Maharashtra hereby invests, within the limits of their respective jurisdiction, the officers of the Food and Drug Administration, Maharashtra State, mentioned in the Schedule, appended hereto, with the powers under section 122 of the said Act, so far as they relate to the inspection of the licensed premises of the holders of Licences in Forms C.L.I. C.L. II, C.L. III and C.L./F.L. III granted under the Maharashtra Country Liquor Rules, 1973 and to drawing of samples of spirit, flavouring and/of colouring substances and country liquor from the said licensed premises for the purpose of testing in the Laboratory of the Food and Drug Administration, Maharashtra State.

*Schedule*

1. Commissioner, Food and Drug Administration, Maharashtra State, Bombay.
2. Joint Commissioner, Food and Drug Administration, Maharashtra State, Nagpur.
3. All Assistant Commissioners, Food and Drug Administration.
4. Chief Inspectors, Food and Drug Administration.
5. Drugs Inspectors, appointed under section 21 of Drugs and Cosmetics Act, 1940.
6. Food Supervisors appointed as Inspectors under section 9 of Prevention of Food Adulteration Act, 1954.
7. Food Inspectors appointed under section 9 of the prevention of Food Adulteration Act, 1954.

**(67) THE MEDICAL EDUCATION AND DRUGS DEPARTMENT NOTIFICATION  
No. FDA 2590/291/MED-6, dated 11th September, 1990  
(M. G., P. IV-B-p 1699).**

In exercise of the powers conferred by rule 2 (c) of the Maharashtra Country Liquor Rules, 1973, the Government of Maharashtra hereby appoints the persons specified in the schedule hereto annexed to be Chemical Analyzer (being persons who are qualified under the said section for such appointment) for the whole of the State of Maharashtra for the purpose of the said rules.

*Schedule*

Sr. No.	Designation
1	Senior Scientific Officer, Class I, Drugs Control Laboratory, Maharashtra, Bombay.
2	Scientific Officer, Class II, Drugs Control Laboratory, Maharashtra, Bombay.

**(68) G. N., H. D., No. CLR 1173/III-A (i), dated 5th February 1973,  
(M. G., Pt. IV-B, p. 395).**

In exercise of the powers conferred by sub-section (2) of section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby invests the persons specified in column (1) of the Schedule hereto annexed, with powers under the said Act specified against them in column (3) of that Schedule within the area specified in column (2) of the said Schedule.

*Schedule*

Persons (1)	Area (2)	Powers under the Act (3)
A person holding a licence in Form C.L. II (Wholesale Licence) or his authorised Agent, under the Maharashtra Country Liquor Rules, 1973.	State of Maharashtra	Powers to issue transport passes in Form <i>C.L. XVII</i> from the premises of the person holding a licence for the sale of Country Liquor in Form C.L. II under rule 18 of the Maharashtra Country Liquor Rules, 1973.

**(69) G. N., H. D., No. CLR 1173/III-A (ii), dated 5th February 1973,  
(M. G., Pt. IV-B, p. 396).**

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts persons specified in column 1 of the Schedule hereto annexed from the said Act specified against them in column (3) of that Schedule within the area specified in column (2) of the said Schedule.

## Schedule

Persons (1)	Area (2)	Powers under the Act (3)
A person holding a licence in Form C.L. II (Wholesale Licence) or his authorised Agent, under the Maharashtra Country Liquor Rules, 1973.	State of Maharashtra	Powers to issue transport passes in Form C.L. XVII from the premises of the person holding a licence for the sale of Country Liquor in Form C.L. II under Rule 18 of the Maharashtra Country Liquor Rules, 1973.

**(70) G. N., H. D., No. CLR 1173/I/519-III-A, dated 16th May, 1974  
(M. G., Pt. IV-B, p. 758).**

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts the Superintendent, Government Distillery, Chitali, from the provisions of Rule 5 of the Maharashtra Country Liquor Rules, 1973.

**(71) G. N., H. D., No. CLR 0673/36114-III-A, dated 19th February, 1975  
(M. G., Pt. IV-B, p. 341).**

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and all other powers enabling it in that behalf, the Government of Maharashtra hereby exempts country liquor manufactured (i) from spirit distilled from bases other than molasses and (ii) by blending spirit distilled from two or more bases from all the provisions of the Maharashtra Country Liquor (Ceiling on Retail Price) Rules, 1973, and the Maharashtra Country Liquor (Ceiling on Wholesale Price) Rules, 1973, as amended from time to time.

**(72) G. N., R. & F. D., No. EAR-1073/181090-(a), N, dated 7th March, 1973  
(M. G., Pt. IV-B, p. 529)**

In exercise of the powers conferred by Section 105 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification, Revenue Department, No. 5468/39, dated the 13th March, 1948, and of Government Notification, Revenue Department, No. 3562/39 (c), dated the 25th June, 1948, and of all other Notifications issued in this behalf, the Government of Maharashtra hereby directs that an excise duty or countervailing duty, as the case may be, at the rate of rupees 5 (rupees five only) per proof litre of alcohol contents shall be imposed on country liquor (being country liquor as defined in the Maharashtra Country Liquor Rules, 1973), transported or imported for consumption to or into any place in the State of Maharashtra :

Provided that, no such duty shall be payable on country liquor imported into the Union of India and which was liable on such importation to duty under the Indian Tariff Act, 934 (32 of 1934), or the Customs Act, 1962 (52 of 1962).

*Explanation.*—The expression “proof litre of alcohol contents” means the quantity of one litre of alcohol of London Proof strength.

**(73) G. N., R. & F. D., EAR-1074/193340-N, dated 7th March, 1975****(M. G., Pt. IV-B, p. 399).**

- (1) Amended by G. N. R. & F. D., No. EAR-1077/172580/M-1, dated 23rd March, 1977 (M. G. Pt. IV-B, p. 287)
- (2) Amended by G. N., H. D. No. SLC-1077 (b) 28-PR, dated 7th June, 1978 (M. G. Pt. IV-B, p. 689)
- (3) Amended by G. N., H. D. No. SLC-1077-PRO-2, dated 16th January, 1979 (M. G. Pt. IV-B, p. 92)
- (4) Amended by G. N., H. D. No. CLR-3082/PRO-3, dated 22nd December, 1981 (M. G., 1982, Pt. IV-B, p. 17)
- (5) Amended by G. N., H. D. No. CLR-3082/PRO-3, dated 13th March, 1982 (M. G. Pt. IV-B, p. 254)
- (6) Amended by G. N., H. D. No. CLR-3082/PRO-3, dated 1st January, 1983 (M. G. Pt. IV-B, p. 69)
- (7) Amended by G. N., H. D. No. CLR-3085/1034-PRO/3, dated 1st June, 1985 (M. G. Pt. IV-B, Ext. Ord. P. 452)
- (8) Amended by G. N., H. D. No. CLR-3085/1035/PRO-3, dated 23rd June, 1985 (M. G. Pt. IV-B, Ext. Ord. P. 520)
- (9) Amended by G. N., H. D. No. BPA-1086/14 (II)/PRO-2, dated 2nd April, 1986 (M. G. Pt. IV-B. 349)
- (10) Amended by G. N., H. D. No. BPA-1086/77 (V)/PRO-2, dated 14th January, 1987 (M. G. Pt. IV-B. P. 179)
- (11) Amended by G. N., H. D. No. BPA-1086/171/PRO-3, dated 17th July, 1987 (M. G. Pt. IV-B. Ext. Ord. p. 227)
- (12) Amended by G. N., H. D. No. BPA-1090/VI/PRO-3, dated 21st May, 1990 (M. G. Pt. IV-B. p. 724)
- (13) Amended by G. N., H. D. No. BPA-1091/3014/IX/PRO-3, dated 21st June, 1992 (M. G. Pt. IV-B. P. 422)
- (14) Amended by G. N., H. D. No. BPA-1093/VII/EXC-3, dated 16th March, 1993 (M. G. Pt. IV-B. p. 622)
- (15) Amended by G. N., H. D. No. 1094/IV/EXC-3, dated 16th March, 1994 (M. G. Pt. IV-B. p. 530-31)

In exercise of the powers conferred by Section 105 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification, Revenue and Forests Department, No. EAR. 1073/183074-N, dated 6th August, 1973, the Government of Maharashtra hereby directs that an excise duty or countervailing duty, as the case may be, shall be imposed on country liquor, as defined in the Maharashtra Country Liquor Rules, 1973, specified in column 1 of the Schedule hereto Annexed at the rate specified against in column 2 thereof when such country liquor is transported from a manufactory to, or imported into, any place in the State of Maharashtra.

## Schedule

Country Liquor (1)	Rate of duty (2)
1. Country liquor manufactured purely from spirit distilled from molasses	<sup>1</sup> [Rs. 50] per proof litre of alcohol contents.
2. Country liquor manufactured (i) from spirit distilled from bases other than molasses and (ii) by blending spirit distilled from two or more bases.	<sup>1</sup> [Rs. 51] per proof litre of alcohol contents.

<sup>2</sup>[*Explanation.*—For the purpose of this notification,—

“Proof litre of alcohol content” means the quantity of one litre alcohol of Proof Spirit and “proof spirit” means a mixture of alcohol (ethanol) <sup>3</sup>[C<sub>2</sub>H<sub>5</sub>OH] and water which, at 60° fahrenheit (15.55°C) contains 57.06 per cent. of alcohol by volume. Where the mixture aforesaid contains 57.06 per cent. of alcohol by volume, it shall be considered as 100° Proof and where such mixture contains 42.795 per cent. of alcohol by volume it shall be considered as 75° Proof or 25° Under proof. The expressions ‘Under Proof’ or ‘Over Proof’ shall be construed accordingly.] (**Superseded by G. N. H.D. dated 13th September, 1996.**)

**(74) G. O., H. D. No. BPA-1083/12/PRO-2, dated 26th February, 198**  
(M. G., Pt. IV-B, Ext. Or. p. 297).

In exercise of the powers conferred by clause (a) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra from the date of publication of this order in the *Official Gazette* hereby prohibits the grant of licences in Form C.L.I. under sub-rule (2) of Rule 3 of the Maharashtra Country Liquor Rules, 1973, for the manufacture of country liquor throughout the State.

2. For the removal of doubts, it is hereby declared that nothing in this order shall affect the operation of any such licences which are in force immediately before the date of commencement of this order or the renewal thereof.

**(75) G. O., H. D., No. BAP-1098/26/EXC-3, dated 6th August, 2001.**

In pursuance of the powers conferred by clause (c) of Rule 2 of the Maharashtra Country Liquor Rules, 1973 (hereinafter referred to as “the said rules”) the Government of Maharashtra hereby appoints the Officers specified in the Schedule hereto Annexed to be the Chemical Analysers (being persons who are qualified under the said Rule for such appointment) for the whole of the State of Maharashtra, for the purpose of the said rules.

## Schedule

Serial No. (1)	Officers (2)
1	Director, Haffkine Institute, Parel, Mumbai,
2	Deputy Director, Haffkine Institute, Parel, Mumbai.
3	Assistant Director, Haffkine Institute, Parel, Mumbai.
4	Senior Scientific Officer, Class-I, Haffkine Institute, Parel, Mumbai.
5	Senior Scientific Officer, Class-II, Haffkine Institute, Parel, Mumbai.
6	Junior Scientific Officer, Haffkine Institute, Parel, Mumbai.

1. Subs. by G. N. of 16-3-1994. 2. Added by G. N. of 7-6-1978. 3. Subs. by G. N. of 6-1-1979.

**CHAPTER X  
FOREGINLIQUOR**

**(a) Manufacture**

**(76) THE MAHARASHTRA DISTILLATION OF SPIRIT AND MANUFACTURE  
OF POTABLE LIQUOR RULES, 1966.**

**G. N., H. D., No. RTS. 1164/55423-III, dated 17th May, 1966 (M. G., Pt. IV-B, p-681)**

1. Amended by G. N. H. D., No. MSP. 1066/9166-111, dated 24th February, 1967 (M. G. Pt. IV-B. p 257).
2. Amended by G. N. H. D., No. MSP. 1066/44379-111, dated 14th August, 1967 (M. G. Pt. IV-B. p 2058).
3. Amended by G. N. H. D., No. RTS. 1170/49741-111, dated 31st May, 1971 (M. G. Pt. IV-B. p 774).
4. Amended by G. N. H. D., No. BWR. 1171/16371-111, dated 18th May, 1974 (M. G. Pt. IV-B. p 776).
5. Amended by G. N. H. D., No. BWR. 0175/1/XXVIII-PR, dated 31st August, 1977 (M. G. Pt. IV-B. p 713).
6. Amended by G. N. H. D., No. SLC 1078/PRO-2 (Part VII), dated 26th September, 1978 (M. G. Pt. IV-B. p 959).
7. Amended by G. N. H. D., No. BPA. 2079/267-V-PRO-2, dated 24th March, 1979 (M. G. Pt. IV-B. p 735).
8. Amended by G. N. H. D., No. BPA. 1081/21 (II)-PRO-2, dated 6th November, 1981 (M. G. Pt. IV-B. p 1936).
9. Amended by G. N. H. D., No. BPA. 1081/21 (II)-PRO-2, dated 26th February, 1982 (M. G. Pt. IV-B. p 220).
10. Amended by G. N. H. D., No. BPA. 1085/8 (367)/(B)/PRO-2, dated 10th September, 1985 (M. G. Pt. IV-B. p 1577).
11. Amended by G. N. H. D., No. BPA. 1088/1-PRO-2, dated 16th March, 1988 (M. G. Pt. IV-B. p 259-64).
12. Amended by G. N. H. D., No. BPA. 1089/PRO-2, dated 5th January, 1990 (M. G. Pt. IV-B. p 258).
13. Amended by G. N. H. D., BPA. 1993/IV/Exc-3,-Exc-3, dated 16th March, 1993 (M. G. Pt. IV-B. p 620).
14. Amended by G. N. H. D., No. ARM. 1096/21/Part-3/Exc-3, dated 18th October, 1996 (M. G. Pt. IV-B. p 1261).
15. Amended by G. N. H. D., No. ARM. 1096/21/4/Part-3/Exc-3, dated 18th December, 1998 (M. G. Pt. IV-B. p 920-921).
16. Amended by G. N. H. D., No. ARM. 1096/21/Part-III/4/Exc-3, dated 22nd January, 1999 (M. G. Pt. IV-B. p 9).
17. Amended by G. N. H. D., BPA. 1102/CR-7/Exc-3, dated 20th August, 2002 (M. G. Pt. IV-B. p 857).
18. Amended by G. N. H. D., BPA. 1006/CR-7(1)/Exc-3, dated 14th August, 2006 (M. G. Pt. IV-B. p 129).
19. Amended by G. N. H. D., MIS. 1107/CR-40/II/Exc-3, dated 24th July, 2008 (M. G. Pt. IV-B. p 759).
20. Amended by G. N. H. D., MIS. 0610/CR-138/Exc-3, dated 7th July, 2010 (M. G. Pt. IV-B. p 13-14).
21. Amended by G. N. H. D., MIS. 1109/CR-273/Exc-3, dated 23rd August, 2010 (M. G. Pt. IV-B. p3).

In exercise of the powers conferred by clauses (b), (c), (f), (g), (hl), (k), (13) and (u) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the said section 143, namely :—

**MAHARASHTRA DISTILLATION OF SPIRIT AND MANUFACTURE  
OF POTABLE LIQUOR RULES, 1966**

**PART-I**

**PRELIMINARY**

1. (1) These Rules may be called the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966.
- (2) They extend to the whole of the State of Maharashtra.
2. In these Rules, unless the context otherwise requires,—
  - (a) “Act” means the Bombay Prohibition Act, 1949 ;
  - (b) “Chemical Analyser” means <sup>1</sup>[Director, Haffkine Institute, Bombay] or any other officer appointed by the State Government as Chemical Analyser for the purposes of these Rules ;
  - (c) “Compounding” means the manufacture of potable liquor by addition to spirit of a flavouring or colouring matter or both ;
  - (d) “Distillery Officer” means a Prohibition and Excise Officer appointed for the purpose of supervising the working of distillery ;
  - (e) “Excise supervision” means supervision over operations at a distillery or over manufacture of potable liquor in a manufactory by members of the staff of the Prohibition and Excise Department appointed in that behalf by the Commissioner or any Prohibition Officer duly empowered by the State Government or the Commissioner in that behalf ;
  - (f) “fermentative base” means molasses, mhowra flowers or any other Substance containing sugar from which a licensee is allowed to manufacture potable liquor ;
  - (g) “Form” means a form appended to these Rules ;
  - (h) “licence” means a licence granted under these Rules ;
  - (i) “licensee” means a person who holds a licence ;
  - (j) “liquor room ” means that portion of the manufactory which is set apart for the storage of potable liquor in sealed bottles and other receptacles ;
  - (k) “Manufactory” means that portion of a distillery premises which is set apart for the manufacture of potable liquor and includes a liquor room and every place therein from which such liquor is issued ;
  - (l) “Manufactory Officer” means the Prohibition and Excise Officer appointed for the purpose of supervising the operations in a manufactory ;
  - (m) “potable liquor” means brandy, whisky, rum, gin or any other liquor manufactured either by the process of distillation, or by compounding or blending spirit with essence, colouring and flavouring substances ;
  - (n) “spirit” means rectified spirit including absolute alcohol ;
  - (o) “to reduce” means to reduce the strength of spirit to a prescribed strength by addition of pure filtered water ; and the expression “reducing” shall be construed accordingly ;
  - (p) “spirit room” means that portion of a manufactory which is set apart for the storage of spirit ;
  - (q) “wash means sugary solution prepared from a fermentative base and water, in which fermentation has started or to which yeast or active wash has been added ;
  - (r) “washback” means a vessel used for the storage of wash during its fermentation ;
  - (s) “wort” means sugary solution prepared from a fermentative base and water, in which fermentation has not started.

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1. Subs. by G.N. of 31-5-1971.



## PART - II

## PROVISION RELATING TO DISTILLERY LICENCES

3. *Grant of distillery licence.*—(1) Any person desiring to construct and work a distillery for the manufacture of spirit shall make an application for a licence in that behalf to the State Government through the Commissioner. The application shall <sup>4</sup>[be accompanied by a challan evidencing payment having been made in the Government Treasury of an application fee of five hundred rupess] contain the following particulars, that is to say—

- (i) the name and address of the applicant ;
- (ii) the place where the distillery is to be constructed and worked ;
- (iii) the description and plan in quadruplicate of the proposed distillery ;

(iv) a statement, in quadruplicate, specifying the number, size, description and capacity of vessels for storing wash or spirit including receivers, and other apparatus as are proposed to be used in working the distillery ;

(v) a statment, in quadraptticate, specifying the make and capacity of the still proposed to be erected and used, in working the distillery.

(2) The application shall be accompanied by an undertaking to the effect that the applicant shall abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the licence.

(3) On receipt of an application and after making such inquiries for verification of the details stated in the application as also such other inquiries as he may deem necessary, the Commissioner shall forward the application to the State Government with his remarks. The State Government may, if it is satisfied that the applicant is likely to abide by the provisions of the Act and the rules, regulations and orders made thereunder and conditions of the licence and further that there is no objection to granting the licence applied for, grant the applicant a licence in Form 'I' on payment of <sup>1</sup>[a licence fee (inclusive of consideration) <sup>2</sup>[at the rates given in the Table below] or may after recording its reasons, refuse to grant the licence, and inform the Commissioner of the decision :

<sup>3</sup>[TABLE

Annual licensed capacity of Distillery.		Rs.
(1) Upto 45,00,000 bulk litres	..	15,000
(2) From 45,00,001 to 90,00,000 bulk litres	..	20,000
(3) From 90,00,001 to 1,35,00,000 bulk litres	..	25,000
(4) From 1,35,00,001 to 1,80,00,000 bulk litres	..	30,000
(5) From 1,80,00,001 bulk litres and above	..	40,000]

Provided that no such licence shall be refused unless the applicant has been given an opportunity to tender an explanation.

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- 1. Subs. by G.N. of 6-11-1981.
  - 2. Subs. by G.N. of 10-9-1985.
  - 3. Subs. by G.N. of 16-3-1988.
  - 4. Ins. *ibid.*

(4) Where the applicant is granted the licence applied for the Commissioner shall retain with him the originals of the description, plan and statements referred to in sub-rule (1), and forward the duplicates and triplicates thereof, with a copy of the licence, to the Distillery Officer, and the District Prohibition and Excise Officer concerned, respectively, and return the quadruplicate to the licensee.

(5) No licence shall be granted for a period of more than <sup>1</sup>[one year] at a time, and in no case shall such period extend beyond 31st March <sup>1</sup>[next] following the date of commencement of the licence.

<sup>2</sup>["3A. *Existing licence holders.*—On the commencement of the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor (Amendment) Rules, 1988, a licence granted under sub-rule (3) of rule 3 for a period of five years prior to such commencement, the period of which does not expire on the 31st March 1988, shall be deemed to have come to an end on the 31st March 1988 and it shall further be deemed to be a fresh annual licence granted with effect from the 1st April 1988 in terms of the said amendment rules :

Provided that, a holder of such licence shall—

(i) within a period of two months from such commencement be required to pay the difference, if any in licence fee, in proportion to the licence fees already paid by him under the sub-rule (3) of rule 3 as it stood prior to such commencement and the licence fees payable in terms of the said amendment rules ;

(ii) be given credit for the licence fee paid by him under the said sub-rule (3) as it stood prior to such commencement and be entitled to refund, if any, due in proportion to the unexpired period of licence and the licence fees payable under the amended provisions which shall be paid to him within a period of two months.

*Explanation*—For determining the “difference if any, in licence fee payable in terms of the said amendment rules” and ‘credit’ to be given and “refund if any due” as mentioned in clauses (i) and (ii) aabove respectively, the following method shall be adopted.—

The licence fee paid under sub-rule (3) of rule 3 as per the provisions as they stood before the commencement of the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor (Amendment) Rules, 1988, being the fee for a total period of five years, a sum calculated by multiplying the number of complete years of unexpired portion of the period of licence as on the 31st March 1988 by an amount equal to one fifth of the total amount of licence fee already so paid shall be treated as the credit of the licence holder. If this amount is less than the annual fee as prescribed in the said amendment rules, the licensee shall have to pay the difference between the amount at his credit and the amount payable under the amendment. If the amount at the credit of licensee is more than the annual fee prescribed under the amended rules, the licensee shall be entitled to a refund of the differential amount :

Provided further that where a licence holder fails to pay the difference, if any, in licence fee payable in terms of the said amendment rules within a period of two months from the commencement of the said amendment rules, his licence shall be treated as cancelled”.]

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1. Subs. by G.N. of 16-3-1988.
  2. Ins. *ibid.*

4. <sup>1</sup>[(1) *Renewal of licence*—The licence may be renewed by the State Government for a period not exceeding one year on payment of renewal fee inclusive of consideration at the same rate as prescribed for grant of a licence in the table in sub-rule (3) of rule 3.]

<sup>2</sup>[(2) An application for renewal of a licence <sup>3</sup>[accompanied by a challan evidencing payment having been made in the Government Treasury of a fee of Rs. 25] shall be made two months before the expiry of the licence, through the Distillery Officer.]

<sup>3</sup>["4A. *Existing renewals*—On the commencement of the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor (Amendment) rules, 1988, a renewal of licence granted under sub-rule (1) of the rule 4 for a period of five years prior to such commencement the period of which does not expire on the 31st March 1988 shall be deemed to have come to an end on the and it shall further be deemed to be a fresh annual renewal granted with effect from the 1st April 1988 in terms of the said amendment rules ;

Provided that, a holder of such renewed licence shall—

(i) within a period of two months from such commencement be required to pay the difference, if any, in renewal fee, in proportion to the renewal fee already paid by him under sub-rule (1) of rule 4 as it stood prior to such commencement and the renewal fees payable in terms of the said amendment rules ;

(ii) be given credit for the renewal fee paid by him under the said sub-rule (1) as it stood prior to such commencement and be entitled to refund, if any, due in proportion to the unexpired period of licence and the renewal fees payable under the amended provisions which shall be paid to him within a period of two months.

*Explanation*—For the purpose of calculating the amount of difference, credit or refund the method prescribed in the Explanation below first provision to rule 3A shall be followed :

Provided further that where a licence holder fails to pay the difference, if any, in renewal fee payable in terms of the said amendment rules within a period of two months from the commencement of the said amendment rules, his licence shall be treated as cancelled".]

<sup>4</sup>["4-B. *Addition or withdrawal of partner or partners*.—The State Government may permit addition or withdrawal of partner or partners after licence in Form I is granted.

"4-C. *Transfer of Licence*.—The State Government may permit the transfer of a licence from one name to another after licence in "Form I" is granted.

4-D. *Transfer of Licence from one site to another*.—The State Government may permit the transfer of licence from one site to another after licence in Form I is granted."]

5. *Setting up of distillery*.—(1) A distillery shall be set up in accordance with the plan approved by the Commissioner.

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1. Subs. by G.N. of 16-3-1988.  
 2. Added by G.N. of 18-5-1974.  
 3. Ins. by G.N. of 16-3-1988.  
 4. Inserted by 7-7-2010.

(2) Each wash-back, vat, vessel or receiver, shall before it is used in a distillery for storage of wash or spirit, be gauged, and the following particulars shall be indicated in paint thereon, namely :—

- (i) whether it is a wash-back, storage vat, vessel or receiver ;
- (ii) serial number thereof ;
- (iii) capacity in litres ;
- (iv) in the case of storage vats, the kind of spirit stored ;
- (v) date on which it is gauged.

(3) The various pipe-lines in the distillery shall be painted with distinctive colours, as indicated below :—

(a) Molasses, wort and wash	..	..	Green.
(b) Spirit	..	..	Red.
(c) Fusel oil	..	..	Brown.
(d) Water	..	..	White.
(e) Spent wash	..	..	Yellow.
(f) Compressed air	..	..	Silver Aluminium.
(g) Dehydrating agent	..	..	Blue.
(h) Steam	..	..	Lagged or Black, if not lagged.
(i) Sulphuric acid	..	..	Orange.
(j) Aldehyde	..	..	Purple.

(4) The licensee and the Distillery Officer shall each keep a register in Form II in which the tables of gauging for wash-back, vat, vessel and receiver at the distillery shall be entered.

6. *Storage of fermentative bases.*—The fermentative bases shall be stored in such manner that they cannot be damaged by rain or inclement weather, and that their stock can be easily ascertained.

7. *Record of fermentative bases.*—(1) The Distillery Officer shall keep the record of his survey of the wash back, stills and spirit receivers at the Distillery in a survey register in Form III, and note therein every change in the condition of such wash-backs, still and spirit receivers as provided in the form.

(2) The licensee and the Distillery Officer shall each maintain a register in Form IV, showing the progress of fermentation and distillation at the distillery.

(3) The Distillery Officer shall make check-weighments or verify the stock of the fermentative bases passed into the distillery, at least once a week, and shall make a note to this effect in the remarks column of Appendix D to Form I.

8. *Fermentation.*—(1) The wort of the desired gravity, which shall be ascertained and verified by means of a saccharometer, shall be put into wash-backs. The quantity of wort shall be ascertained, and a sample thereof taken for finding out the percentage of its sugar contents ; and thereafter, the required quantity of yeast or active wash shall be added to it.

(2) Where mhowra flowers are used as fermentative base, the wort shall be prepared by maceration or diffusion process.

(3) The licensee shall give the Distillery Officer in Form V a declaration of wash made as soon as any wash is placed in a wash-back.

9. *Distillation.*—(1) The gravity of the fermenting wash in each wash-back shall be ascertained at least twice a day, *i.e.* in the morning and evening. When a stationary gravity is reached, and shows no further decrease, a sample of the wash shall be taken for ascertaining the percentage of alcohol contents thereof. The licensee shall then remove the wash to the still for distillation and give the Distillery Officer in Form VI at least one hour's notice of his intention to remove the wash for distillation :

Provided that in case of any emergency, such as choking of valve or pipes of the wash-back under operation, the licensee may remove the wash to the still without giving an hour's notice, but he shall immediately inform in writing the Distillery Officer to that effect.

(2) After the distillation is complete, the Distillery Officer shall gauge the contents of the receiver into which spirit was received and make a note to that effect in the survey register in Form III. The whole process of distillation shall be carried on under the supervision of the Distillery Officer.

10. *Removal of spirit to storage vat or still.*—(1) The licensee shall give the Distillery Officer at least one hour's notice in Form VI of his intention to remove spirit from the receiver to the storage vat or still. The Distillery Officer shall, at the time specified in the notice, attend the operation of such removal. The fastenings of receiver shall be unlocked in the presence of the Distillery Officer. The licensee or his manager or agent shall then get the spirit in each vessel properly stirred and mixed, and get the samples of spirit drawn and their temperatures, hydrometer readings and strengths ascertained. All valves and mandors of vessel shall thereafter be relocked.

(2) Every reasonable facility shall be offered to the licensee or his manager for checkig the gauge and strengths officially taken and recorded.

11. *Storage.*—(1) All foeshot and feints which are to be redistilled or stored separately because of heavy contamination with copper shall be collected in a separate receiver, and their quantity and strength ascerained every day and recorded in the registers.

(2) No vessel used for receiving or storing spirit shall remain unlocked, when it is closed. All cocks and fastenings shall be locked with excise revenue locks having excise tickets signed by the Distillery Officer. All flanges and couplings, inter-connecting different lengths of pipes shall be wrapped with cloth by the licensee and duly sealed with lead seals by the Distillery Officer.

<sup>1</sup>[12. *Register of receipts, issues, etc, of spirit.*—All receipts and issues of spirit and losses and increase in the stock of spirit stored in vats and receivers Shall be entered in the vat account register in Form VII which shall be maintained separately for each vat or receiver by the licensee every day which it shall be the duty of the Distillery Officer to check and attest every day.]

13. *Account of stock of spirit.*—(1) An account of the total stock of spirit at the distillery shall be maintained by the licensee <sup>1</sup>[in Form VIII every day which it shall be the duty of the Distillery Officer to check and attest every day.]

(2) The licensee or his manager shall send, not later than the fifth day of each month through the Distillery Officer in Form IX an account of the spirit manufactured, and issued during the previous month to—

- (i) the Commissioner of Prohibition and Excise, Maharashtra State, Bombay ;
- (ii) the Industries Commissioner, Maharashtra State, Bombay ;
- (iii) the Superintendent <sup>2\*</sup> \* of Prohibition and Excise of the District.

1. Subs. by G.N. of 18-5-1974.

2. Deleted, *ibid.*

(3) The Distillery Officer shall, not later than the seventh of every month, submit an extract of monthly accounts of spirit stock at the distillery pertaining to the pervious month in Form X to—

(i) The Commissioner of Prohibition and Excise, Maharashtra State, Bombay;

(ii) The Industries Commissioner, Maharashtra State, Bombay ;

(iii) The Superintendent <sup>2\*</sup> \* \* of prohibition and Excise of the District. On the first working day of every month, the distillery officer shall also forward to the officers mentioned in sub-rule (3),—

(a) a statement in Form XI showing—

(i) where the distillation loss exceeds 2 per cent, in any case, full details of spirit issued for redistillation and that obtained after redistillation, and

(ii) where the losses in transactions, such as, transit, reduction, blending evaporation, racking and other exceeds 0.5 per cent, in each case, full details of such transactions, and

(b) a statement in Form XII showing where the out-turn of spirits is less than 42.5 and 36.5 proof litres per quintal of mhowra flowers and molasses, respectively, the details of fermentation and distillation processes, suger per cent, of raw materials and yields.

(4) In all these cases, the Distillery Officer shall explain the reasons for excess losses, and where necessary, obtain a statement from the licensee which shall be forwarded with his report to the Superintendent <sup>2\*</sup> \* \* of Prohibition and Excise who shall obtain sanction of the Commissioner to write off excess, if on receipt of advice from the Industries Commissioner, he finds the reasons assigned to be satisfactory.

14. *Miscellaneous operations.*—Water placed in empty spirit vats shall be disposed of in the presence of the Distillery Officer or issued for redistillation at the option of the licensee. The quantity and strength of the grog shall be ascertained in all cases and necessary entries made in the registers in Forms VII and VIII.

### PART III

#### PROVISIONS RELATING TO LICENCES FOR MANUFACTURING POTABLE LIQUOR

15. Grant of licence.—(1) Any persons <sup>8</sup>[\* \* \*]desiring to manufacture potable liquor shall make an application in Form P. L. A <sup>5</sup>[accompanied by a challan evidencing payment of an application fee of five hundred rupees] for a licence in that behalf to the State Government through the Commissioner. The application shall be accompanied by a plan in quadruplicate containing a full description of the premises and material utensils, implements or apparatus required for manufacturing such liquor. The applicant shall also submit with the application four signed copies of a statement explaining the process which he desires to adopt for manufacturing each kind of potable liquor. On receipt of an application, the Commissioner shall forward it to the State Government with his recommendations thereon.

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1. Subs. by G.N. of 26-9-1978.  
2. Deleted, G.N. of 18-5-1974.  
5. Ins. by G.N. of 16-3-1988.  
7. Subs. by G.N. of 5-1-1990.  
8. Deleted, by 20-8-2002.

(2) If the State Government is satisfied that the material utensils, premises, plant and implements or apparatus to be used in connection with the manufacture of potable liquor and arrangements for the storage and issue thereof are suitable, it may grant a licence in Form P. L. L. to the applicant on payment of <sup>2</sup>[a fee (inclusive of consideration) of <sup>8</sup>[one lack fifty thousand rupees] and on the conditions specified in rule 17 or may refuse to grant it, after giving the applicant an opportunity to be heard; and inform the Commissioner of the decision. <sup>3</sup>[Where the applicant is granted the licence applied for, the State Government shall retain with it the originals of the description, plan, and statements explaining the process forwarded by the applicant and forward the duplicates, triplicates and quadruplicates thereof duly sealed with a copy of the licence to the licensee, Distillery Officer and the District Prohibition and Excise Officer concerned, respectively.]

<sup>9</sup>["(2a) No. P.L.L. licensee shall be allowed to manufacture rum of 50<sup>0</sup> U. P. strength."]

(3) No licence shall be granted for a period exceeding <sup>6</sup>[one year] and in any case not beyond 31st March <sup>6</sup>[next following the date of] the commencement of the licence.

<sup>5</sup>[15A. *Existing licence holders*— On the commencement of the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor (Amendment) Rules, 1988, a licence granted under sub-rule (2) of rule 15 for a period of five years prior to such commencement, the period of which does not expire on the 31st March 1988 shall be deemed to have come to an end on the 31st March 1988 and it shall further be deemed to be a fresh annual licence granted with effect from the 1st April 1988, in terms of the said amendments rules :

Provided that, a holder of such licence shall, within a period of two months from such commencement, be required to pay the difference in licence fee, in proportion to the licence fee already paid by him under the sub-rule (2) of rule 15 as it stood prior to such commencement and the licence fees payable in terms of the said amendment rules.

*Explanation*—For determining the “difference in licence fee payable in terms of the said amendment rules” as mentioned in the above proviso, the following method shall be adopted.—

The licence fee paid under sub-rule (2) of rule 15 as per the provisions as they stood before the commencement of the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor (Amendment) Rules, 1988, being the fee for a total period of five years, a sum calculated by multiplying the number of complete years of unexpired portion of the period of licence as on the 31st March 1988, by an amount equal to one fifth of the total amount of licence fee already so paid shall be treated as at the credit of such licence holder. The licensee shall have to pay the difference between the amount at his credit and the amount payable under the said amended provisions :

Provided further that, where a licence holder fails to pay the difference, in the licence fee payable in terms of the said amendment rules within a period of two months from the commencement of the said amendment rules, his licence shall be treated as cancelled.”]

16. *Renewal of licence.*—(1) any licence granted under rule 15 may be renewed by the State Government for a period not exceeding <sup>6</sup>[one] year on payment of a renewal <sup>2</sup>[fee (inclusive of consideration) of fifty thousand rupees.]

2. Subs. by G.N. of 6-11-1981.

3. Subs. by G.N. of 18-5-1974.

5. Ins. by G.N. of 16-3-1988.

6. Subs. *ibid.*

8. Subs. by G.N. of 16-3-1994.

9. Subs. by G.N. of 14-8-2006.



(2) An application for renewal of licence <sup>5</sup>[accompanied by a challan evidencing payment of application fee of Rs. 25 ] shall be made two months before the expiry of the licence in Form P. L. A. through the Manufactory Officer.

<sup>5</sup>[16-1. Existing Renewals - On the commencement of the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor (Amendment) Rules, 1988, a renewal of licence granted under sub-rule (1) of rule 16 for a period of five years prior to such commencement, the period of which does not expire on the 31st March 1988, shall be deemed to have come to an end on the 31st March 1988 and it shall further be deemed to be a fresh annual renewal granted with effect from the 1st April 1988 in terms of the said amendments rules:

Provided that, a holder of such renewed licence shall, within a period of two months from such commencement, be required to pay the difference, in the renewal fee in proportion to the renewal fee already paid by him under the sub-rule (1) of rule 16 as it stood prior to such commencement and the renewal fees payable in terms of the said amendment rules.

*Explanation*— For the purpose of determining the amount of difference referred to above, the method prescribed in the Explanation below the first proviso to rule 15A shall be followed :

Provided further that, where a licence holder fails to pay the difference, in the renewal fee payable in terms of the said amendment rules within a period of two months from the commencement of the said amendment rules, his licence shall be treated as cancelled.]

<sup>6</sup>["16-2. *Addition or withdrawal of partner or partners.*—The State Government may permit addition or withdrawal of partner or partners after licence in Form PLL is granted.

16-3. *Transfer of Licence.*—The State Government may permit Transfer of Licence from one name to another after licence in Form PLL is granted.

16-4 *Transfer of Licence from one site to another.*—The State Government may permit transfer of licence from one site to another after licence in "Form PLL" is granted.".]

<sup>4</sup>[16A. *Keeping of deposit.*—Every licensee shall deposit with the State Government, either in cash or in Government securities an amount of Rs. 10,000 for the due observance of these rules and conditions of his licence.]

17. *Conditions of licence.*—(1) The licensee shall provide in the manufactory separate rooms or compartments having their grills embedded in cement for the following purposes, namely :—

- (a) storing spirit ;
- (b) manufacturing operations ;
- (c) storing duly manufactured potable liquor in vats;
- (d) bottling, operations; and
- (e) storing duly manufactured potable liquor in sealed bottles and other receptacles.

No such room or compartment shall be used for more than one of the said purposes.

(2) Every room or compartment in the manufactory shall be well ventilated and all the windows thereof shall be securely barred and wirenetted. Every such room or compartment shall bear on the outside a sign-board on which shall be legible painted in oil colour the purpose for which the room or compartment is used; and every room or compartment shall be provided with excise ticket lock or revenue lock.

(3) After the licence has been granted, no addition to, or alteration in, any room or compartment or any of the permanent fixtures of the manufactory shall be made without the previous approval in writing of the State Government.

4. Ins. by G.N. of 24-2-1967.

5. Ins. by G.N. of 16-3-1988.

6. Subs. by G.N. of 7-7-2010.



(4) All pipes from sinks or wash-basins inside the manufactory premises shall discharge into drains forming part of the general drainage system of the premises.

(5) All gas and electric connections with the manufactory premises shall be fixed in such manner as to ensure that the supply of gas or electricity can be cut off and all the regulators or switches securely locked at the end of the day's work.

(6) Unless otherwise directed by the State Government in writing, there shall be only one entrance to the manufactory and one emergency exit and one door to each of its rooms or compartments. All these doors shall be secured with excise ticket locks or revenue locks during the absence of the Manufactory Officer. The emergency exit shall be kept closed with excise ticket lock or revenue lock and shall be opened only on emergent occasions.

(7) The licensee shall cause to be legibly painted with oil colour and keep so painted, on some conspicuous part of every vat or other vessel intended to be used by him in his business and the purpose for which it is intended to be used.

(8) When more than one vat or vessel or room is used for the same purpose, all such vats or vessels or rooms shall bear distinctive serial numbers.

(9) All vats, vessels and other receptacles shall be placed and fixed in such manner as to ensure that the contents can be accurately ascertained by gauge or measure, and shall not be altered in shape, position or capacity without two day's notice in writing to the Manufactory Officer.

(10) All vats, vessels and receptacles shall be gauged jointly by the Manufactory Officer and the licensee and tables prepared by the Manufactory Officer showing the total capacity of each vessel, in litres and the capacity at each centimetre and 2mm. in depth Record of these details shall be kept in a register in Form P. L. III.

(11) No vessel which has been altered in shape, position or capacity shall again be taken into use, unless it has been regauged by the Manufactory Officer and new tables therefor are prepared by him, if necessary.

(12) All transactions pertaining to the receipt, transport, storage of spirit and manufacture bottling and issues of potable liquor shall be under excise supervision. The Commissioner may appoint such staff at the manufactory for excise supervision as is considered necessary and the cost of such staff be paid to the State Government by the licensee <sup>1</sup>[annually] in advance.

(13) The manufactory shall not be kept open except during the factory hours normal factory working days. The Excise Supervisory staff posted at the manufactory shall not be entitled for a public holiday, if it is not a factory holiday nor that staff will be eligible for overtime allowance for the work done on such public holidays as it is not a factory holiday. On any emergent occasion, the licensee may, with the previous written permission of the Commissioner keep the manufactory open on any factory holiday. In such cases, the licensee shall pay to the State Government overtime charges at the rates prescribed by the Commissioner from time to time.

(14) The licensee shall provide and maintain in the manufactory sufficient and accurate scale, weights and measures and other necessary appliances to enable the officer-in-charge of the manufactory or such other officer as may inspect the manufactory to take

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1. Subs. by G.N. of 15-8-1974.

account of, or check by weight, gauge or measure, all materials, spirit and potable liquor manufactured in the manufactory and provide sufficient lights, ladders and other conveniences to enable the Prohibition and Excise staff to perform their duties.

(15) The licensee shall also provide in the manufactory proper gauge rods and a standard Saccharometer, a thermometer and hydremotor.

(16) Unless otherwise permitted by the Commissioner, the licensee shall obtain his requirements of spirit from his own distillery under a pass issued by Distillery Officer.

(17) The spirit required for the manufacture of potable liquor shall be obtained on an indent in Form P.L.I. countersigned by the Manufactory Officer.

(18) The consignments of spirit shall be verified in volume and strength and the receipt of such supply shall be entered in the register in Form P. L. IV.

(19) After the spirit has been received, it shall be stored in one or more vessels in the spirit room.

(20) Spirit shall be issued from the spirit room to the manufacturing room on a requisition from the licensee which shall be made in Form P. L. II in such quantities as are required for the manufacture of a batch of potable liquor. All spirit so issued shall, in the presence of the Manufactory Officer, be added without dealy to the other materials for the preparation of potable liquor specified in the application.

(21) Only pure filtered water shall be used in the manufacture of potable liquor.

(22) Each variety of potable liquor manufactured shall be registered, and shall bear a distinctive number which shall be known as its registered bath number in the register in Form P. L. V. The register also shows the receipt and disposal of all spirit issued to the "manufacturing room from the spirit room and the quantity of all finished potable liquor manufactured therefrom. As soon as a batch of potable liquor is manufactured, it shall be removed either to the room for storing it in vats or to the bottling room. It shall then be carefully measured into vats in the store room or in vessels in the bottling room provided for the purpose and accounted for in the store room or in vessels in the bottling room provided for the purpose and accounted for in the store-room in vats shall be removed to the bottling room whenever required and shall be accounted for in the register in Form P. L.VII. Unless otherwise permitted by the Commissioner, the potable liquor removed to the bottling room shall be bottled in bottles of the capacities of 180 millilitres, 375 millilitres and 750 millilitres. As soon as a batch of potable liquor is bottled, it shall be removed to the liquor room. and accounted for in the register in Form P.L. VIII.

(23) No potable liquor shall be bottled by the licensee except in the presence of the Manufactory Officer or some other officer deputed for the purpose.

<sup>1</sup>["(24) (a) All bottles and packages containing Potable Liquor to be sold in the State of Maharashtra shall bear a label showing the name of the manufacturer, the name of the Potable Liquor, the place of the manufacture, the alcoholic percentage, the batch number of manufacture of Potable Liquor, the month and year of Manufacture, the statement "FOR SALE IN MAHARASHTRA STATE ONLY" <sup>4</sup>[statutory warning consumption of liquor is injurious to health] and the maximum retail price <sup>2,3</sup>[inclusive of all taxes and duties.] <sup>2,3</sup>\* \* \*]

1. Ins. by 18-10-1996.

2. Inserted vide 8-12-1998

3. Sub by 24-7-2008

4. Inserted by G.N. dt. 23-8-2010

<sup>1</sup>[“*Explanation.*—Sales tax on potable liquor excluding country liquor sold through FL-II Vendor’s licence issued under Rule 25 of the Bombay Foreign Liquor Rules, 1953 levied *vide* Government Notification, Finance Department, No. STA-1097-CR-1/Taxation-2, dated 8th December 1998 is also recoverable over and above Maximum Retail Price on such potable liquor manufactured prior to the 9th December 1998 and sold on or after the 9th December 1998”.]

(b) All bottles and packages containing Potable Liquor to be sold out of the State of Maharashtra shall bear a label showing the name of the manufacture, the name of the Potable Liquor, the place of the manufacture, the alcoholic percentage, the batch number, the month and year of manufacture and the statement “NOT FOR SALE IN THE STATE OF MAHARASHTRA ” <sup>3</sup>[and the statutory warning consumption of liquor is injurious to health.

(25) The guaranteed fluid contents of each bottle or receptacle shall be clearly indicated in bold letters on the label.

(26) All labels required to be used shall be submitted to the Commissioner for his approval before use.

(27) The strength of any variety of potable liquor shall not exceed or shall not be less than the strength sanctioned in the licence

<sup>2</sup>[(27a) The strength of the rum manufactured by the licensee shall be 25° U. P. strength.”]

(28) The containers to be used for the purpose of bottling potable liquor shall be new and shall be properly cleaned and washed.

(29) Immediately after the containers are filled up, they shall be corked, capped and labelled and removed to the liquor room.

(30) The capsule shall be metallic, and shall be firmly fixed in position by capsuling machine or any other suitable appliance.

The capsule shall bear the name of the manufacture <sup>1</sup>\* \* \*

(31) An account of the transactions in the bottling room shall be maintained in Form P.L. VII.

(32) The licensee shall store all the potable liquor manufactured and bottled in the manufactory in the liquor room and nowhere else.

(33) The licensee shall conduct his business either personally or by an agent authorised in writing by him in that behalf.

(34) The licensee shall keep the licensed premises and all the goods therein open for inspection and examination at all reasonable times by the Commissioner or the Collector or the Superintendent of Prohibition and Excise <sup>1</sup>\* \* \* or any other officer empowered under section 122 of the Act. The licensee shall render all assistance in such inspection and examination.

1. Ins. by 22-1-1999.

2. Subs. by 14-8-2006.

3. Subs. by 23-8-2010.

(35) The licensee shall, when so required by the Commissioner, Collector, Superintendent of Prohibition and Excise, <sup>1</sup>\* \* \* or by any officer empowered by the Commissioner in this behalf, give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish any information regarding the management of the said premises. He shall answer all questions put to him to the best of his knowledge and belief.

(36) The licensee shall maintain a visit book paged and stamped by the Superintendent <sup>1</sup>\* \* \* of Prohibition and Excise in which the visiting officers may record any remarks when inspecting the licensed premises. The licensee shall, on the termination of the period of the license, deliver up the visit-book, the accounts and the licence to the Superintendent <sup>1</sup>\* \* \* of Prohibition and Excise of the district.

(37) The licensee shall preserve invoices, cash memoranda, permits and other documents relating to the consignments received and dealt with by him for a period of one year after the year to which they relate.

(38) The licensee shall not discontinue the manufacture of potable liquor unless he has given two calendar months' notice to <sup>1</sup>\* \* \* the Commissioner, of his intention to do so.

(39) The licensee shall keep the total produce of one batch separate from the produce of any other batch, unless an account of the first-mentioned produce is taken by the Manufactory Officer.

(40) The licensee shall not mix the produce of one batch with that of another except in his manufacturing room. No such mixing shall be carried out unless previous notice is given by him in writing to the Manufactory Officer. He shall specify the quantity and strength of the spirit or potable liquor before mixing and after mixing.

(41) All spirit in the manufacturing room shall be kept untouched until the Manufactory Officer has attended and taken account of such spirit and the materials to be used.

(42) All the manufacturing and bottling operations shall be conducted under hygienic conditions.

(43) The licensee shall abide by all rules, regulations and orders made from time to time under the Act.

(44) All colouring and flavouring substances to be used by the licensee shall be kept on the licensed premises under lock and key, both of the licensee and the Manufactory Officer. A sample from each kind of such substances shall be sent through the Manufactory Officer by the licensee immediately on receipt to the Chemical Analyser and no such substances shall be used by the licensee, unless the Chemical Analyser has approved the same as suitable for manufacture of potable liquor. If the Chemical Analyser advises, that the excessive addition of any of the substances sent to him for examination will make the liquor injurious, the licensee shall use such substance in the proportion indicated by the Chemical Analyser. In the event of any such substance remaining unused for twelve months from the date of receipt, fresh sample shall be submitted for examination in the same manner.

<sup>1</sup>[Provided that, the licensee shall not send the sample from each kind of such colouring and flavouring substances for analysis if such substances are obtained from person (including companies and firms) manufacturing such substances and such

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1. Subs. by G.N. of 18-5-1974.

persons are approved by the Commissioner and the person manufacturing such substances certifies that the substances supplied to the licensee conform to the standards prescribed by or under the Prevention of Food Adulteration Act, 1954, and the rules framed thereunder, and that such substances have not remained unused for twelve months from the date of their receipt by the manufactory.]

Correct accounts of all colouring and flavouring substances in the manufactory shall be maintained by the licensee in Form P. L. XII. The accounts shall remain in the custody of the Manufactory Officer who shall check them at the end of each day's work.

(45) The licensee shall maintain accounts in proper forms and registers as required by these rules. The accounts shall be written every day which it shall be the duty of the Manufactory Officer to check and attest every day.

(46) The licensee shall deliver to the Manufactory Officer not later than the 5th of each month, a return of transactions of business in respect of the preceding month in duplicate in Form P.L. XIII. The Manufactory Officer shall send one copy with his remarks to the District Prohibition and Excise Officer.

18. *Analysis of potable liquor.*—(1) On completion of the manufacture of potable liquor, the Manufactory Officer shall permit the licensee to take free sample<sup>1</sup> [not exceeding the quantity that may be permitted by the Commissioner] for analysis in the licensee's laboratory and declaration of the true strength of alcohol.

(2) Any quantity left over after analysis shall be immediately brought back to the manufactory, and mixed with the main bulk of the batch before it is removed to the bottling room.

(3) An account of the quantity used by the licensee for analysis shall be maintained in Form P.L. IX.

(4) The alcoholic strength of any potable liquor as declared by the licensee shall be entered by the licensee in the register in Form P.L. V.

(5) Immediately after the declaration by the licensee of the alcoholic strength of a potable liquor, and before such liquor is removed to the bottling room, the licensee shall make proper entries in the register in Form P.L. V.

(6) The Manufactory Officer shall check the entries, and if they are found to be in order, he shall initial the relevant entries in the register in Form P.L. V.

19. *No removal except under transport pass.*—(1) No potable liquor manufactured at a manufactory shall be removed therefrom except under a transport pass in Form P.L. XI issued by the Manufactory Officer.

(2) No transport pass shall be issued, unless the excise duty and transport fee, if any, payable on the quantity of potable liquor intended for removal are paid, and a *chalan* for the payment is produced before the Manufactory Officer. All such *chalans* shall be filed by the Manufactory Officer.<sup>2</sup> [In case where the potable liquor is to be transported under bond, the licensee shall execute a bond in Form P.L. XIV before the District Prohibition and Excise Officer, for payment of excise duty and fees payable on the quantity of potable liquor to be transported :

Provided that, the execution of bond may be dispensed with by the District Prohibition and Excise Officer in case of any transporter who has deposited in Government Treasury a sum which in the opinion of that officer is sufficient to cover the amount of duty and fees payable by him.]

1. Subs. by G.N. of 31-5-1971.

2. Added by G.N. of 18-5-1974.

20. *Removal of potable liquor.*—(1) A licensee desiring to remove potable liquor from a manufactory shall make an application in Form P.L. X, to the Manufactory Officer along with a *chalan* showing the payment of excise duty and transport fee, if any, into a Government Treasury in respect of the liquor proposed to be so removed.

<sup>1</sup>[(2) On receipt of an application under sub-rule (1), the Manufactory Officer shall, after ascertaining that the particulars furnished in the application are correct, and if he sees no objection, issue a transport pass in quadruplicate in Form P.L. XI. One copy (counterfoil) of such pass shall be retained at the manufactory on the record of the Manufactory Officer, the duplicate shall be sent to the District Prohibition and Excise Officer, in whose jurisdiction the place of destination is situated, the triplicate shall be given to the licensee to accompany the consignment and the quadruplicate shall be given to the transporter for production at the railway station, if necessary, for effecting release of the consignment, and thereafter for production before the officer at the place of destination.]

<sup>2</sup>[(3) Where the consignment of potable liquor is transported under bond, the transporter shall, on the consignment reaching its destination obtain the certificate in Form “Certificate-I” annexed to Part IV of the pass, duly filled in, signed and sealed by the Officer at the licensed premises at destination and produce it before the Manufactory Officer from where the potable liquor is transported, but in no case shall he fail to produce such certificate before the latter officer within two months from the date of the bond in Form P.L. XIV.

(4) On receipt of the certificate from the transporter, the Manufactory Officer shall see whether any less quantity of potable liquor was delivered by him than that was allowed to be transported under the transport pass and report accordingly to the District Prohibition and Excise Officer of his jurisdiction. The District Prohibition and Excise Officer, on receipt of the report of the Manufactory Officer, shall take steps to recover the excise duty and fees on the short delivered quantity of potable liquor. When the excise dues on the less delivered quantity of potable liquor are recovered or where the quantity is delivered correctly, the bond executed in Form P.L. XIV shall be released.]

21. *Collection of duty.*—The Manufactory Officer shall be responsible for the corrected collection of duty and fees, if any, at the prescribed rate before any potable liquor is allowed to be removed from the manufactory except in the case of exports or removal under bond.

22. *Supervision.*—(1) The Manufactory Officer shall exercise such supervision as is required to ensure that spirit issued for a certain batch is added to the materials which go to make that batch and that no portion of such spirit is diverted for other purpose.

(2) The Manufactory Officer shall daily check and attest the accounts maintained by the licensee.

(3) The Prohibition and Excise Officer specially empowered in this behalf by the Commissioner shall inspect the manufactory and shall submit the notes of their inspection to the Officer specified by the Commissioner. They shall also be responsible for the correct maintenance of account and collection of duty by the Manufactory Officer.

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1. Subs., *ibid.*

2. Ins. *ibid.*



23. *Authority of persons authorised by Licensee.*—(1) The agents, clerks and other persons who have been duly authorised in this behalf by the licensee and approved by the Manufactory Officer may enter into the manufactory and carry out their work in connection with the manufacture during the working hours of the manufactory.

(2) Any persons duly authorised in that behalf by the licensee may sign all applications and indents for the issue of spirit or potable liquor.

<sup>1</sup>[24. *Instruction to be issued on supplementary matters.*—The Commissioner of Prohibition and Excise, Maharashtra State, Bombay, may issue written instructions providing for any supplementary matters arising out of these rules.

25. *Delegation of powers.*—The State Government may by an order in writing delegate all or any of its powers under the provisions of these rules to the Commissioner.]

#### FORM I

[See rules 3 (3) and 7(3)]

*Licence for constructing and working a distillery for the manufacture of spirit.*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom XXV of 1949) (hereinafter referred to as “the said Act”) and the rules, regulations and orders made thereunder to . . . . . of . . . . . (hereinafter called “the licensee”). <sup>2</sup>[on payment of a fee (inclusive of consideration) of Rs. . . . . . authorising him to construct and work a distillery in building known as . . . . . situated . . . . . in the District of . . . . . (hereinafter referred to as “the distillery”) and to manufacture thereat spirit from molasses\*/mhowra flowers\* †subject to the following conditions, namely :—

1. This licence shall remain in force for a period of . . . . . years(s) commencing on . . . . . and ending on . . . . .(both days inclusive.)

2. (1) The licensee shall carry out all the operations connected with the manufacture, storage and issue of spirit at the distillery under excise supervision.

(2) In addition to the fee mentioned above, the licensee shall pay <sup>3</sup>[quarterly] in advance such charges as the Government of Maharashtra (hereinafter referred to as “Government”) may, from time to time, fix in this behalf towards the costs on account of salary, dearness allowance, compensatory allowance and other charges, namely contingent expenditure, if any, and the leave and pension charges of such Prohibition and Exise staff as the Commissioner of Prohibition and Excise (hereinafter referred to as “Commissioner”) may think it necessary to employ for the purpose of supervising the operations of manufacture, storage and issues of spirit by the licensee.

<sup>3</sup>(3) The distillery shall not be kept open except during the factory hours on normal factory working days. The excise supervisory staff posted at the distillery shall not be entitled for a public holiday if it is not a factory holiday, nor will that staff be eligible for any overtime allowance for the work done on such public holiday if it is not a factory holiday. On any emergent occasion, the licensee may, with the preivous written permission of the Commissioner, keep the distillery open on any factory holiday. In such cases, the licensee shall pay to the State Government over-time charges at the rates prescribed by the Commissioner from time to time.]

1. Added by G. N. of 18.5.1974.

2. Subs. by G.N. of 6.11.1981.

3. Subs by G.N. of 18-5-1974.

\* Delete whichever is inapplicable.

† Here specify and other article from which licensee is allowed to manufacture spirit.

3. The licensee shall to the satisfaction of the Commissioner provide suitable quarters for the residential accommodation of the Prohibition and Excise staff employed under condition 2 in the close vicinity of the Distillery. If the licensee is not able to provide residential accommodation to the members of such staff, the Commissioner shall be entitled to take on hire or otherwise secure suitable accommodation for the said staff the rent to be charged to the member shall be the economic rent or 10 per cent. of the basic pay of the member concerned, whichever is less. If the economic rent of the quarters is more than 10 per cent. of the basic pay of the member, the licensee shall pay the excess over 10 per cent. provided that in no case the licensee will be liable to pay more than the difference between 10 per cent. and 35 per cent. of the basic pay of the member. If the economic rent is more than 35 per cent. of the basic pay of the member, then the member shall pay 10 per cent. and the licensee shall pay 25 per cent. and the member shall pay the excess over 35 per cent. If the licensee is not willing to pay it.

4. The licensee shall fix a sign-board of the minimum size of 1.25 metres in length and 0.5 metre in width bearing the name of the distillery and of the warehouse in large block letters at the entrance of the distillery and each warehouse.

5. The licensee shall provide the distillery with a main gate through which employees shall enter and leave the distillery :

Provided, that if the licensee opens a second gate for the employees to enter and leave, the licensee shall pay the cost of the additional staff required to guard the additional gate.

6. The licensee shall not start manufacturing operations at the distillery until the Prohibition and Excise staff referred to in condition 2 is posted at the distillery.

7. (1) The licensee shall maintain at the distillery a register containing the names of the manager and of other employees and labourers working thereat.

(2) The licensee shall on demand by the Distillery Officer, show him the register maintained under clause (1).

8. (1) The licensee shall provide each labourer holding a permanent employment a square badge bearing a consecutive number and the name of the distillery ; and each labourer holding a temporary employment, a round badge, similarly numbered.

(2) The badges granted to the labourers shall, while they are within the distillery, be either in their own possession or in that of a representative of the licensee.

(3) The licensee shall issue instructions to the labourers to show their badges to the Prohibition and Excise guards on duty at the gate while entering and leaving the distillery.

(4) No person whose name is not on the register of employees and who has not been provided with a badge shall be admitted into the distillery.

9. (1) The licensee shall provide in the distillery such measures and utensils, stills, receivers, saccharo-meters, weighing scales, weights, guage rods, testing instruments and other apparatus as may be required by the Commissioner in that behalf.

(2) The licensee shall number the utensils, stills and receivers in the distillery consecutively and shall mark on them their respective capacities legibly in oil paint in English and in Marathi.

(3) The licensee shall arrange the stills, pipes and utensils in such manner as may be approved by the Commissioner or by any Prohibition Officer authorised by him in this behalf.



(4) The licensee shall have all his vats and tanks in the distillery painted.

(5) Each vat shall be gauged so as to show its depth at every centimetre and 2 millimetres and shall be provided with a gauge rod and a discharge cock having an internal diameter of two and a half centimetres or of any other size approved by the Commissioner.

(6) The licensee shall supply all necessary fittings or articles required at the distillery at his own expense.

(10) (1) The licensee shall provide and keep burning at the distillery from nightfall till dawn such lights as may be required by the Commissioner.

(2) The licensee shall maintain in good order at the distillery a portable electric safety lamp.

(3) The licensee shall not allow unprotected lights to be used in vats or stills. It is found necessary to use artificial light in the vicinity of alcohol vapour or under dangerous conditions, the licensee shall use only an electric safety lamp of a design approved by the Commissioner in this behalf.

(4) When an electric lamp issued in the distillery or a spirit warehouse it shall not be switched on or off in the presence of spirit vapour or other inflammable gases. Switches shall always be kept outside the spirit store room.

11. (1) The licensee shall provide a separate room in the distillery for the storage of spirit (hereinafter called "the store-room") in which nothing except spirit vats and their accessories shall be stored and into which no naked light shall be brought.

(2) The licensee shall not store spirit in casks or drums used for transport but shall put it into a storage vat(s) or tank(s) of not less than two months production of spirit at the distillery.

12. Each door of the distillery and store-room shall bear an excise revenue lock the keys of which shall remain with the Distillery Officer.

13. The licensee shall carry out within a reasonable period and subject to the availability of the necessary materials, such additions and alternations in the distillery premises and plant as are deemed essential by the Commissioner.

14. (1) The licensee shall not erect or use additional plant or building or alter the situation of any plant or the capacity of any still or utensils without first obtaining the permission in writing of the Commissioner.

(2) if the licensee alters any gauged utensils shall not use such altered utensils unless they are re-gauged.

(3) The licensee may carry out any urgent repairs to any plant, still or utensils after giving written intimation of the nature of the repairs to the Distillery Officer.

15. The licensee shall not manufacture spirit at any place other than the distillery; the distillery and the store-room shall be open at all times for inspection of the Commissioner or any Prohibition Officer empowered by him in this behalf.

16. (1) The licensee shall not mix with spirit any ingredient injurious to health or in any way objectionable in character.

(2) The licensee shall permit samples upto half a litre of any spirit or any other liquid article of half a kilo of any solid article used for manufacturing spirit in his distillery to be taken, for analysis free of cost by the Distillery Officer or by the Commissioner or any Prohibition Officer authorised by him in this behalf; and shall, if so required, pack such samples at his own expense.

(3) If on analysis of the sample, any defects are found in the spirit, the licensee shall take such steps as the commissioner may consider necessary to cure the defects.

(4) The licensee shall, on application, be entitled to a copy of the report of the analysis of such samples.

17. (1) The licensee shall not manufacture spirit in such manner as is in the opinion of the Distillery Officer likely to cause injury to life or property or to cause any nuisance on or about the distillery, and he shall obey all orders given by the Distillery Officer in this behalf.

(2) The licensee shall keep all drains leading from the distillery, clean and in good condition and shall cause all refuse to be promptly removed there from.

18. The licensee shall give to the Distillery Officer at least one hour's notice of his intention (a) to remove any wash to the still, or (b) to remove any spirit from a receiver to a vat or still;

Provided that, in case of any emergency such as choking of valves or pipes of the wash back under operation, the licensee may remove the wash to the still without giving an hour's notice, but he shall immediately inform in writing the Distillery Officer of such removal.

19. (1) The licensee may supply spirit manufactured by him to any industrial concern or person or institution holding licence or permit for the possession and use or sale of the spirit as the case may be, and which or who is permitted by the Collector to obtain its or his requirements of spirit from the distillery of the licensee.

(2) The licensee may, with the previous permission of the Commissioner, use the spirit manufactured by him in the bonded laboratory or manufactory owned by him for the manufacture of spirituous medicinal or toilet preparations or chemicals or potable liquor, as the case may be.

(3) The licensee shall, with the permission of the Commissioner denature all the spirit not required for supply to any industrial concern or person or institution or for use in the bonded laboratory of the licensee, before it is disposed of. The denaturation of spirit issued from the distillery shall be governed by the rules, regulations and orders made in that behalf.

(4) No spirit shall be issued from the distillery except for the purpose mentioned in clause (1) of this condition and except under the cover of the transport pass issued by the Prohibition and Excise Officer empowered in this behalf.

(5) No issue of spirit under bond (i.e. without payment of duty) or on payment of duty shall be made, unless their details are shown respectively in registers in Appendices A and B to this licence which shall be maintained by the licensee and the Distillery Officer and without cover of transport pass.

(6) Where issues of spirit are made by weighment, the particulars of weighment shall be entered in a register in Appendix C to this licence which shall be maintained by the licensee and the Distillery Officer.

(7) The supply of spirit made from the distillery for purposes shown in clauses (1), (2) and (3) of the issues of spirit under bond referred to in clause, (5) shall be governed by (1) the Bombay Rectified Spirit Rules, 1951, (2) the Bombay Rectified Spirit (Transport in Bond) Rules, 1951 and (3) the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, as the case may be.

20. The licensee shall issue spirit from the distillery by the units of recognised commercial measures of litres and millilitres, duly verified and stamped under the provisions of the Bombay Weights and Measures (Enforcement) Rules, 1958.

21. If the Commissioner considers that any losses of spirit in excess of the limits permitted by him are not satisfactorily explained by the licensee, the licensee shall pay excise duty on such losses at such rate as may, for the time being, be in force :

Provided that, no such duty shall be payable on the quantity of spirit lost which the Commissioner may, from time to time, allow to be written off.

22. (1) Except with the written permission of the Commissioner, the licensee shall not use in the manufacture of spirit any article other than molasses/mhowra flowers.

(2) The licensee shall keep in Appendix D a daily account of the molasses or mhowra flowers or of both or any other article received by him and permitted to be used as base for the manufacture of spirit, and submit a monthly extract thereof to the Distillery Officer by the third of the month next following.

(3) The licensee shall also keep such accounts and registers of the operation at the distillery and furnish such returns as may be prescribed by the State Government in this behalf.

(4) The accounts shall be produced for inspection whenever required by the Commissioner or any Prohibition Officer empowered by him in this behalf.

23. The licensee shall send to the Commissioner not later than the third day of each month an account of the spirit for the previous month in such form as may be prescribed by the State Government from time to time. The licensee shall also furnish information regarding the exercise of the privilege granted by this licence in such form as may, from time to time, be prescribed by the State Government.

24. The licensee shall maintain Daily Run Reports in accordance with the *proforma* set out in Parts A to D in Section II of a Appendix E to this licence, or in any other suitable or convenient form, in order to check the efficiency data maintained in Part E under Section II aforesaid from the date the report is so maintained, and prepare efficiency data in accordance with Part E or in such other manner as may, from time to time, be prescribed. He shall submit, every month, by the 7th instant of the month following the month to which it relates, a copy of the efficiency data to the Industries Commissioner, Maharashtra State, or any officer nominated by him in this behalf. The licensee shall furnish every information regarding his distillery and maintain such records as the Industries Commissioner, Maharashtra State, or any officer nominated by him may consider necessary for the technical control over the working of the distilleries.

25. The licensee shall follow the instructions given in the Schedule appended to this licence with a view to obviating the occurrence of accidents at the distillery and its attached warehouses.

26. The licensee shall obey all rules, regulations and orders in relations to the subject matter of this licence which may be made, from time to time, by the State Government or the Commissioner.

27. The licensee shall not permit any person to enter the distillery except on a pass granted by him. A copy of such pass shall be sent by the licensee immediately to the Distillery Officer.

28. The licensee shall not, without the permission in writing of the Commissioner have directly or indirectly any share or interest in the vend of county spirit or any other intoxicant nor shall he employ any person who holds such share or interest.

29. Except with the permission of the Commissioner, the licensee shall not sell, transfer or sub-let the right of manufacture granted to him by this licence nor shall he in connection with the exercise of the said right enter into any agreement or arrangement which in the opinion of the Commissioner is in the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of sub-lease, the decision of Commissioner on such question shall be final and binding on the licensee.

30. No person shall be recognised as the partner of the licensee for the purpose of this licence unless the partnership has been declared to the State Government before the licence is granted and the name of the partner or partners has or have been entered jointly in the licence or if the partnership is entered into after the granting of the licence, unless the State Government agrees on the application made to it, to alter the licence and to add the name or names of the partner or partners in the licence.

31. The licensee, his successors or assignee shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the State Government whether or not to permit the assignee of the licence in case of sale or transfer, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

32. This licence may be suspended or cancelled by the Commissioner in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

Granted this                      day of                      19

Place :

Seal Secretary to Government

#### ***SCHEDULE***

##### *Instructions*

(a) No spirit shall be stored in any spirit vat or other spirit receptacle for at least four days before such vat or receptacle is to be entered by any person.

(b) Subsequent to the removal of the last spirit from the vat or other receptacle and immediately prior to the carrying out of action under clauses (c) to (j) of this sub-rule, the vat or other receptacle should be filled full with water and should remain in that condition for at least twenty-four hours.

(c) As a requirement precedent to entry of any vat or any other like receptacle by any person, the mandoor and the discharge cock shall first be opened, and having been opened, shall continue to remain open for four days immediately preceding entry of the vat or of any such receptacle by any person; and during the first two days of those four days, there shall remain locked continually in position, a grill as provided for under clause (a) of sub-rule (2) and during that time no one shall enter the vat or other receptacle for any purpose whatsoever, and the vat or other receptacle shall, in fact be allowed to ventilate itself thoroughly during that time.

(d) On each of the two days subsequent to the abovesaid first two days, *i.e.*, on each of the last two days of the abovesaid total of four days immediately preceding entry of the vat or any receptacle by any person, water shall be discharged on the sides of the vat either by means of bucket or a hose, care being taken to see that the sides, top to bottom, are washed in process.

(e) During compliance with the provisions of clause (d), if there has to be any partial entry of a vat through the man-hole, by the insertion through the man-hole of (for example) the head and shoulders of the man carrying on the cleaning process or by the man in question descending a rung or two of a ladder in order to see that the washing process of the top and sides is done properly, such entry shall be the bare minimum necessary; and more over during such compliance there shall be constantly on the top of the vat with the man carrying out the cleaning process a companion; and lastly to the man carrying out the cleaning process in accordance with clause (d), there shall be securely attached, for all the time that he is engaged on that work, a "safety line" or rope which will in fact be one of the same safety lines or ropes that are prescribed to be kept in the distillery or warehouse continuously ready to hand under clause (b) of sub-rule (2).

(f) At a distillery before any person enters a vat a lighted safety electric lamp shall be suspended in the vat.

(g) On the occasion on which a vat is entered after it has contained spirit, only one person shall enter the vat in the first instance and no other shall follow, until after an interval of at least five minutes.

(h) No person shall enter a vat unless another is stationed at the top of the vat at the mandoor and the first person who enters a vat is securely attached to a rope one end of which shall be held by the person stationed at the top of the vat until it is ascertained that there is no danger to the person in the vat when the rope may be removed.

(i) All vats and other spirit vessels of an internal height of 1.75 metres or over shall be provided with a manhole at least 0.75 metre in diameter or, if rectangular, at least  $0.75 \times 0.60$  metres and vats and other like vessels or less internal height than 1.75 metres shall have manholes which will conveniently permit of ingress and egress. Manhole covers should project at least 4.5 cm. beyond the sides of the hole and should have fixed to their undersides a rim which shall fit against the sides of the hold and keep the cover in position.

(j) Before any person enters a vat or other spirit receptacle of 1.75 metres internal height or over a ladder which can be conveniently ascended and descended should be placed in the vat.

(2) The licensee shall also take the following additional safeguards, namely :—

(a) A sufficient number of wooden grills shall be provided at the distillery or warehouse for being placed over the manholes of the empty vats, whenever they are required to be kept open for the purpose of clause (c) of sub-rule (1). The dimensions of the grills should be larger than those of the manholes, and the grills should be provided with locking arrangements on one side and two opposite sides, so that the grills may not be displaced from their proper places. Each grill shall be sufficiently strong to sustain the weight of any person who may happen to step on it while crossing to the top of another vat. When sufficiently strong wooden grills cannot be had, grills made of iron may be obtained. When in use the grills shall be fastened to the vat by means of locks on one side or both sides. The locks applied to the grills shall bear the labels showing the date and time of locking the grills.

(b) Every distillery or warehouse shall keep handy two or three pieces of strong cotton or Manilla rope of sufficient length for use as required by clauses (c) and (h) of sub-rule (1).

(c) The operations of cleaning vats shall be carried out under the supervision of the Distillery Officer. The operations may be carried on in the presence of the distillery Officer under the supervision of a responsible person in the employ of the licensee.

(d) A memorandum as hereinafter set forth containing the directions as to what should be done before and after entering a vat, shall be translated into Marathi and a copy thereof shown to members of the establishments working at the distillery and their signatures or thumb impressions taken in token of having read and understood it. A copy of the directions aforesaid together with the memorandum shall also be hung up in a conspicuous place in the distillery.

**Memorandum of Directions**

I. Do not enter any vat or tank unless—

(a) It has been emptied of spirit at least four days before the day on which any person is asked to enter it; and the man-door and discharge cock have continuously remained opened during that period.

(b) During the last two of the said four days immediately preceding the day on which a person is to be asked to enter it, water is discharged on the sides of the vat or tank by means of a bucket or a hose and the sides from top to bottom have been washed in the process.

(c) It has been filled full with water and has remained in the condition for at least twenty-four hours.

II. Before entering the vat or tank see that—

(a) a ladder which can conveniently be used for getting in or getting out is placed in the vat, which has a height more than the normal height of a man, and if it is a small vat, a stool of convenient size is placed just below the man-door ;

(b) a rope is securely attached to the body of the person entering the vat;

(c) another person is stationed on the top of the vat at the man-door who shall hold the other end of the rope after entry until the person has been in the vat for about five minutes and informs such another person that there is no danger to him while inside the vat.

III. After entering the vat or tank—

(a) When a person is satisfied that there is no danger to him as aforesaid, the person who has so entered the vat or tank may remove the rope, but the person stationed at the man-door shall remain there, until the person who has entered has finished the work ; and

(b) do not allow anyone else to come inside the vat or tank until the person who has first entered the vat or tank has been there for at least five minutes.

IV. When a person cleanses the top and sides of a vat or tank with water as provided in clause (b) of direction I see that another person remains present on the top of the vat or tank and that he has hold of a rope that should be secured to.

V. While passing over the top of a vat or tank, see that the person does not step on the man-hole, which is covered with the man-door or a grill in order to avoid injury due to door or grill giving way.

Dated this

day of

19

## APPENDIX 'A'

[See condition <sup>1</sup>[19(5)] of the Distillery Licence in Form I]*Register of issues under bond (duty-free) and to Government liquor warehouses*

Number and date of permit	Amount authorised to be removed	Strength authorised	Destination	Date which racked	Number of cask
(1)	(2)	(3)	(4)	(5)	(6)

Weight of empty package	Weight of full package	Weight of spirit	Temperature	Indication	Strength
(7)	(8)	(9)	(10)	(11)	(12)

Weight of spirit per litre	Litres	Proof litres	Vat from which drawn	Date and hour when spirit removed	Remarks
(13)	(14)	(15)	(16)	(17)	(18)

1. Subs. by G.N. of 18.5.1974.

## APPENDIX 'B'

[ See condition <sup>1</sup>[19(5)] of the Distillery Licence in Form I ]*Register of duty-paid spirits issued to shops*

Date of presentation of permit at distillery or warehouse (1)	Serial No. (2)	Permits		Name of Taluka or State (5)	Name of shop (6)
		No. (3)	Date (4)		

Route to be taken (7)	No. on each cask (8)	Registered capacity of each cask (9)	Spirit actually contained in each cask (10)	Temperature (11)	Indication (12)
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Strength (13)	Proof litres (14)	Vat from which drawn (15)	Date and hour when the spirit was issued (16)	Initials of issuing officer (17)	Remarks (18)
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1. Subs. by G.N. of 18-5-1974.



**APPENDIX 'C'**  
 [See condition 19(6) of the Distillery Licence in Form I]  
*Register of spirit issued from ware house of . . . . . distillery.*

1	Name and date of permit	2	Amount authorised to be removed	3	Strength authorised	4	Designation	5	Date when racked	6	Number of cask	7	Weight of empty package	8	Weight of full package	9	Weight of spirit	10	Temperature	11	Indication	12	Strength	13	Weight of spirit per litre	14	Bulk litres	15	Proof litres	16	Vat from which drawn	17	Date and hour when spirit removed	18	Remarks
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**APPENDIX 'D'**[See rule 7(3) and condition <sup>1</sup>[22(2)] of the Distillery Licence in Form I]

Name of fermentive base . . . . . Stock account of fermentation bases Molasses/  
Mohwra flowers

Date	Opening balance	Received	Total	Used	Closing balance	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

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1. Subs. by G.N. of 18-5-1974.

## APPENDIX 'E'

[See condition <sup>1</sup>(24) of Distillery Licence in Form I)

**Section 1—Definitions-Clarifications**

1. *Molasses*.—For the purpose of this Appendix molasses is considered as the mother liquor left after removal of sugar crystals and usable as raw material for the manufacture of alcohol.

2. *Total reducing sugars*.—This represents the total reducing substances in molasses obtained by titration with Fehling's solution after hydrolysis and expressed as total invert sugar.

3. *Unfermentable sugars*.—Unfermentable sugars represent the quantity of reducing sugars contained in molasses after it has been completely fermented by yeast under specified conditions, again expressed as invert sugar.

4. *Fermentable sugars*.—Fermentable sugars shall be the difference between the total reducing sugars of molasses and the unfermentable sugars.

5. *Brix*.—This is density expressed on brix densimetric scale and taken to represent the percentage of dissolved solid matter.

6. *Alcohol and spirits*.—For purposes of comparison, 100 per cent Ethyl Alcohol corresponding to the formula  $C_2H_6O$  has been adopted as the standard for the product obtained. Spirits are the products of distillation containing alcohol.

7. *Strength of spirits*.—This represents the alcohol content of the spirit expressed in terms of degrees London proof or percentage of alcohol by volume or by weight. For the purposes of this Appendix, percentage of alcohol by volume has been adopted (Standard tables of densities of alcohol water mixtures are available for direct comparison and for arriving at strength of spirits).

8. *Degrees Gravity*.—This expresses the density in terms of the first three decimal figures of specific gravity when used for products of specific gravity greater than one.

9. *Wort*.—This consists of a solution of molasses prepared for alcoholic fermentation or for yeast propagation (The degree of gravity of a wort is related to the Brix of molasses used and the degree of dilution and enables back calculation of the quantity of molasses employed).

10. *Pitch or Bub*.—This represents the charge of yeast suspension prepared for inoculating the main fermentation vats. No direct reference has been made to the pitch in the pro forma report as it may not be necessary. (The sugars or molasses used in the preparations of the pitch will be expressed through the quantity of wort taken).

11. *Wash*.—This represents the solution of molasses or wort during or after alcoholic fermentation.

12. *Sludge*.—This is the residue of yeast and other materials which accumulates in the bottom of fermentation tanks alongwith such portion of wash as goes with it and is not taken for distillation.

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1. Subs. by G.N. of 18.5.1974.

13. *Sediment*.—This represents the residue obtained after clarification or pre-treatment of molasses.

14. *Spent liquors*.—This is the residual liquid or liquids discharged after distillation of alcohol.

*Section II-Proforma*

..... Distillery

Run Report No. .... for .....

**Part 'A'**

Wort Preparation Record	Date from hours to hours
1. Quantity of molasses drawn	Metric Tons/Quintals (Average in the case of variations).
2. Brix of molasses drawn	
3. (a) Wort made	
(i) Yeast propagators	Litres at      BX
(ii) Bub	Litres at      BX
(iii) Fermenters	Litres at      BX
-----	
	Total Litres at average      *BX
(b) Equivalent molasses	1 Metrie Tons/Quintals.
4. (a) Sediment discharged after clarification. Litres.	
(b) Equivalent molasses	Metric Tons/Quintals.
5. Ammonium sulphate	Litres/Kilograms.
6. Sulphuric acid	Litres/Kilograms.
7. Other materials added, if any	Litres/Kilograms.

**Part 'B'**

Fermentation House Record, Record the date relating to each tank here	Date from Hrs. to Hrs. Record the total or average in this column (as applicable)	Remark
8. Nos. of the wash tanks set up		
9. Quantity filled in litres	Total	
10. Average gravity of set up, corrected for bub used.	Average*	
11. Final gravity of wash corrected to 81.5 <sup>0</sup> F.	Average*	
12. Quantity of molasses used metric tons/ Quintals	Total	
13. Duration of fermentation		
14. Maximum temperature recorded		
15. When distilled		
16. Quantity of wash sent to still	Total	
17. Quantity of sludge discharges (by volume)	Total	
18. Alcohol % by volume in wash	Average*	

**PART 'C'**

Still House Record	Date from Hrs. to Hrs.
19. Total wash distilled litres	Same as (16) above.
20. Details of stoppages	
21. Production	D. S. R .S. Other Spirit Total
(a) Litres .....	
Strength	
litres of 100 per cent	
alcohol .....	
(b) Production of fusel oil	Litres
22. (a) Rate of production of <b>D. S. / R. S.</b>	Litres/ 1lr.
(b) Rate of production of total alcohol	Litres/1lr.
23. (a) Steam drawn for R. S. Section	Litres / Kilograms.
(b) Steam drawn for dehydration Section	Litres / Kilograms.
	Litres / Kilograms.
	Total for the period.
24. Coal consumed	
25. Dehydrating agent consumed	Litres / Kilograms.

## PART 'D'

Laboratory Record	Date from Hrs. to Hrs.
26. Total reducing sugars per cent molasses	
27. Fermentable sugars per cent molasses.	
28. P. H. of molasses	
29. F. S. in sediment after pretreatment litres/kilograms.	
30. Fermentable sugars in wash (average)*	
31. Alcohol per cent in wash as 100 per cent. (average)*	
32. Alcohol per cent. in spent liquor (average* value reduced to the volume of wash distilled).	
33. Quantity of Products -	D. S. R.S. Other spirits as prescribed by the State Government.
(a) Strength	
(b) Acidity	
(c) Residue on evaporation	
(d) Aldehyde	
(e) Fusel Oil	
34. Ash contents per cent Molasses (sulphate ash).	

## PART 'E'

Efficiency Data	Date of period
	How arrived at -
(a) molasses drawn	Metric Tons/Quintals (1).
(b) Fermentable sugars drawn	Metric Tons/Quintals (a) × (27).
(c) Fermentable sugars in wort prepared	Metric Tons/Quintals 3(b) × (27).
(d) Total wash prepared (Litres)	Total of (9).
(e) Fermentation recovery	(d) × (31) litres
(f) Total wash distilled (litres)	1 (9).
(g) Total product obtained (Litres)	as 100% alcohol vide 21 (a).
(h) Theoretical yield	(b) × 5.30 litres of 100% alcohol.

(i) Loss of F. S. in pre-treatment	$\frac{(b) - (c) \times 100 (\%)}{(b)}$
(j) Pre-treatment efficiency	$\frac{(c) \times 100 (\%)}{(b)}$
(k) Fermentation efficiency	$\frac{(e) \times 100 (\%)}{(c) \times 82.3}$
(l) Loss of F. S. in wash	$\frac{(d) \times (30) \times 100 (\%)}{(c) \times 82.3}$
(m) Other fermentation losses	$\frac{100 - (1) - (k) (\%)}{(d)}$
(n) Sludge losses	$\frac{\text{Total of (17)} \times 100 (\%)}{(d)}$
(o) Distillation House efficiency	$\frac{(g) \times 100 (\%)}{(31)}$
(p) Loss in spent liquors	$\frac{(32) \times 100 (\%)}{(31)}$
(q) Overall efficiency	$\frac{(g) \text{ Litres}}{(a) \text{ Quintals Molasses}}$
(r) Overall efficiency	$\frac{(g) \times 100 (\%)}{(h)}$
(s) % of Dehydrated Alcohol to total	(from 21) (a).
(t) Steam consumed Kg./Litres Kg.	$\frac{\text{Kg. 24}}{(g)}$
(u) Coal consumed Kg./Litres	$\frac{\text{Kg. 24}}{(g)}$
(v) Dehydrant consumed	$\frac{25}{21 (a) (D.A.)}$

*Determination of averages*—The term “average” used in the proforma means the statistical average worked out in terms of the quantities of different tanks or lots and values for each tank or lot. As an example, the four tanks containing say 10,560 litres of 7.2% alcohol, 10,640 litres of 6.9% alcohol, 10,280 litres of 7.1% alcohol and 10,830 litres of 6.85% alcohol would result in an average of  $(10,560 \times 7.2) \text{ plus } (10,280 \times 6.9) \text{ plus } (10,280 \times 7.1) \text{ plus } 10,830 \times 6.85$

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42,310

Similarly, in the case of wort, the statistical average of different dilutions at varying brix made during that period is worked out.

**FORM II**  
[See rule 5(4)]

*Register of dimensions and capacities of washbacks vats, vessels or receivers*

**Part I**

Description of vessel (1)	No. of vessel (2)	1st Gauging			1st Regauging			
		Page (3)	Date (4)	Initials (5)	Page (6)	Date (7)	Initials (8)	
2nd Regauging		3rd Regauging			4th Regauging			
Page (9)	Date (10)	Initials (11)	Page (12)	Date (13)	Initials (14)	Page (15)	Date (16)	Initials (17)

**Part II**      TABLE OF DIMENSIONS OF NO.      GAUGEDBY

Depth	Dimensions				Area of a centimetre		Contents
	1	2	3	4	Mean	Litres	Litres

**TABLE OF NO.**

**PART III**

Tenths										
0	1.	2.	3.	4.	5.	6.	7.	8.	9.	Dip,
Litre	Litre	Litre	Litre	Litre	Litre	Litre	Litre	Litre	Litre	Centi- meters



**FORM III**

[See rule 7 (1) and 9 (2)]

*Survey Register*

Date and hour of survey or of receiver of declaration or notice	Declaration of wash make		Notice to remove wash or spirits			Nos. of washbacks tested for gravity
	Date and hour when prepared	Nos. of wash backs	Date and hour of removal	From	To	
1	2	3	4	5	6	7

Conditions of spirits receivers							
Conditions of Stills Nos. 1 to		No. 1			No. 2		
Charged or at work	Empty or silent	Dip.	Temperature	Indication	Dip.	Temperature	Indication
8	9	10	11	12	13	14	15

Conditions of spirit receivers— <i>contd.</i>					
No. 3			No. 4		
Dip.	Temperature	Indication	Dip.	Temperature	Indication
16	17	18	19	20	21

FORM III—*contd.*

Conditions of spirit receivers— <i>contd.</i>					
No. 5			No. 6		
Dip.	Temperature	Indication	Dip.	Temperature	Indication
22	23	24	25	26	27

Nos. of labels used		Observation	Officer's initials
From	To		
28	29	30	31

## FORMIV

[See rule 7 (2)]

*Fermentation and distillation Register*

## DISTILLERY

Date when set up or when spirit sent to still for distillation	No. of wash-back or receiver or vat	Materials used		Water litres or strength of single distilled spirit	Spent wash litres or proof litres of single distilled spirit
		Description	Weight Kilogram or litres or single distilled spirit		
1	2	3	4	5	6
Total wash produced	Saccharometer readings corrected for temperature				
	Initial	On day	On day	On day	When sent to still
7	8	9	10	11	12
No. of degree attenuation	Presumed produce based on attenuation	Date and hour when sent to still	Still No.	Nos. of wash backs sent to still	Total material used in preparation of wash distilled
13	14	15	16	17	18

FORM IV—*contd.*

Total presumed produce based on attenuation	Sprit out turned			
	Recover No.	Litres	Strength and temperature	Proof litres
19	20	21	22	23

Litres proof spirit per kilogram	Percentage by which actual product is greater or less than the presumed produce	Loss on redistillation		Gain on redistillation		Percentage of loss or gain on redistillation
24	25	26	27	28		

Date removed to warehouse or for redistillation	Vat No. or Still No. to which removal	Vat Book		Stock Book		Remarks
		page	page	page	page	
29	30	31	32	33		

**FORM V**

[See rule 8 (3)]

*Distiller's declaration of wash made*

I hereby declare that the undermentioned wash has been prepared this day in the  
 ..... Distillery .....

Number of wash- back	Material used		Water Litres	Spent wash Litres	Total wash prepared Litre	Original specific gravity	Remarks
	Description	Quantity					
1	2	3	4	5	6	7	8

Dated this                      day of                      19 .

Chemist and Supervisor,  
Process Section.

**FORM VI**

[See rule 9 (1) and 10 (1)]

*Notice to remove wash or spirits*

I hereby give notice that I propose to remove wash/spirit as follows :

Date and hour of removal	Name and number of vessel from which to be removed	Name and number of still or vat to be removed to	Remarks
1	2	3	4

(At least one hour's notice to be given in each case.)

Dated this                      day of                      19 .

Distillery Manager.

**FORM VII**

[See rules 12 and 14]

*Vat Account Register*

Vat No. .... Total Depth ..... Contents .....

Date	Vat Dip	Litres	Temperature	Indication	Strength	Proof Litres
1	2	3	4	5	6	7

Quantity received or sent from receiver		No. of receiver or vat	Water added Litres	Decrease in vat or in pumping from receiver	Found in vats cask or other vessels (Cols. 24 to 28)
Proof	Litres			Proof Litres	Proof Litres
8	9	10	11	12	13

Deficiencies Proof Litres				Deficiency allowed	Excess deficiency
Blending and reducing	Evaporation	Racking	Other	Proof Litres	Proof Litres
14	15	16	17	18	19

FORM VII—*contd.*

Increase			Issues		
Proof Litres			Proof Litres		
Racking	Other	Date when racked	Litres	Transferred to another vat	For redistillation
20	21	22	23	24	25

Proof Litres					
Sent under bond	Issued for duty	Issued duty-free	Register and page	Remarks	Officer's initials
26	27	28	29	30	31







**FORM IX**

[See rule 13(2)]

*Account of spirit for the month of . . . . . 19 at . . . . . distillery*

Serial No.	Nature of transactions	Spirit proof litres
1	Quantity on hand at the commencement of the month	..
2	Quantity manufactured during the month	..
3	Quantity supplied to the Central and State Governments during the month.	
4	Quantity disposed of in any other way during the month	..
5	Quantity remaining on hand at the close of operations on the last day of the month.	

Dated :

Signature of the Licensee  
or the Manager.

**FORM X**

[See rule 13 (3)]

*Spirit stock account for the month of . . . . . at . . . . . distillery*

On hand and received						
Received						
Opening balance (1)	Quantity received		Increase from			
	From receiver or distillery (2)	Transferred other vats (3)	Racking (4)	Transit (5)	Other (6)	Total (7)
P.L.	P.L.	P.L.	P.L.	P.L.	P.L.	P.L.
Delivered						
Issues			Deficiencies allowed			
Transferred to other vats (8)	Issued for redistillation (9)	Issues to under work (10)	Issues to shops on duty (11)	Issued duty free (12)	Blending or reducing (13)	Evaporation (14)
P.L.	P.L.	P.L.	P.L.	P.L.	P.L.	P.L.



## FORM XI

[See rule 13 (3)]

Name of distillery .....

Month ..... 19 ..

*Statement showing excess losses in (1) redistillation, (2) transit, (3) reduction, (4) blending, (5) evaporation, (6) racking and (7) others, when the loss at No. (1) exceeds 2 per cent, and the losses at Nos. (2) to (7) exceed 0.5 per cent. in each case.*

Vat No. (1)	Date (2)	Quantity taken up for (3)		
		(1) Redistillation	.. ..	Proof litres
		(2) Transfer	.. ..	..
		(3) Reduction	.. ..	..
		(4) Blending	.. ..	..
		(5) Evaporation	.. ..	..
		(6) Racking	.. ..	..
		(7) Any other operation	.. ..	..

Quantity remaining after the transactions mentioned in coloumn (3) are over (4)	Loss allowed Proof litres (5)	Excess Proof litres (6)	Percentage Proof litres (7)	Reasons for the excess loss (8)
--	-------------------------------------	-------------------------------	-----------------------------------	------------------------------------

(1) .....	Proof litres
(2) .....	..
(3) .....	..
(4) .....	..
(5) .....	..
(6) .....	..
(7) .....	..

No.

dated

19

Submitted to the Industries Commissioner, Maharashtra State, Bombay/  
Commissioner of Prohibition and Excise, Maharashtra State, Bombay/Superintendent of  
Prohibition and Excise/District Inspector of Prohibition and Excise.

Distillery Officer .....

**FORM XII**

[See rule 13 (3)]

Name of distillery .....

Month ..... 19 ..

*Statement showing the information regarding distillation of spirit when the outturn of spirit is less than 42.5 and 36.5 proof litres per quintal of mhowra flowers and molasses respectively*

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Serial No. (1)	Date (2)	Quantity of molasses/ mhowra flowers taken up for distillation quintals (3)	Sugar percentage molasses/mhowra flowers (4)
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Details of fermentation and distillation process (5)	Quantity of spirit that ought to have been produced Litres (6)	Quantity actually produced Litres (7)	Difference col. (6) minus (7) (8)	Reasons for less production (9)
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**FORM P.L. A**

[See rules 15(1) and 16(2)]

*Application for licence to manufacture potable liquor*

(Delete the portion not applicable.)

To,

The Secretary to Government,  
Home Department,  
Mantralaya, Bombay.

Through the Commissioner of Prohibition and Excise, Maharashtra State,  
Bombay-1.

Sir,

I/We ..... of .....

. (here address) request that  $\frac{\text{I/We may be granted}}{\text{the accompanying}}$  licence to manufacture potable liquor  $\frac{\text{during}}{\text{may be renewed for}}$  the  $\frac{\text{year}}{\text{period}}$  ending on the 31st March 19 ..

2. I/We hereby declare particulars (in the table overleaf) of the manufactory and the premises where I/We intend to carry on business for the manufacture of such potable liquor.

3. I/We hold licence No. .... for constructing and working a distillery for the manufacture of spirit valid upto .....

<sup>1</sup>[or I/We hold licence No. .... for the possession and use of rectified Spirit valid up to ..... ]

4. I/We agree to abide by the terms and conditions of the licence which may be granted/renewed, and the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder.

5.           2\*           \*           \*           \*           \*           \*           \*

6. I/We have enclosed in quadruplicate the site and elevation plants of the manufactory building(s), and also similar plan for the quarters of the Prohibition and Excise staff, together with relevant records.

7. I/We enclose four signed copies of the process which I/We desire to adopt for the manufacture of each variety of potable liquor.

OR

I/We will adopt the process for the manufacture of each variety of potable liquor which have already been approved by Government under its No. .... dated .....

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1. Added by G.N. of 31-8-1977.

2. Deleted by G.N. of 18-4-1967.

8. I/We hereby declare that no excise licence previously held by me/us has been revoked or suspended or has failed to be renewed owing to a breach of the Act, rules, regulations, notifications or orders governing the grant of such licence.

9. I/We declare that to the best of my/our knowledge and belief the information furnished herein is true and complete.

Place .....

Date .....

Signature(s) of the applicant(s).

#### TABLE

- <sup>1</sup>[1. Name or names and the address or addresses of the person or persons applying, if the applicant is a firm, the name and address of every partner of the firm; and if a company, the registered name and address thereof, the names of the Directors, Managers and Managing Agents, and if there is a Managing Director, the name of such Director.]
- <sup>2</sup>[1-A. The amount of capital proposed to be invested in the venture and how is it proposed to be financed.]
2. The name of the place and the site on which the building or buildings housing the manufactory is/are situated or to be constructed; the following particulars, with distinguishing letter or number or letter and number of each, to be furnished :
- (i) brief description (with boundaries) of the premises ;
  - (ii) description of each main division or sub-division of the manufactory ;
  - (iii) Spirit Room(s) ;
  - (iv) Manufacturing room(s) ;
  - (v) Room(s) for storage of manufactured potable liquor vats ;
  - (vi) Bottling room(s) ;
  - (vii) Liquor room(s) .

1. Subs. by G. N. of 18-5-1974.

2. Added *ibid.*



3. Approximate date from/which the applicant desires to commence the manufactory.
4. The number and full description of the vats, stills and other permanent apparatus and machinery which the applicant wishes to set up work, or already set up (giving distinguishing letter or number or letter and number of each.)
5. List of variety of potable liquor which the applicant proposes to manufacture, and/or those manufactured during the preceding year, in the manufactory showing the percentage or proportion of spirit in terms of London Proof litres contained in each such potable liquor manufactured :

Variety of potable liquor	Quantity manufactured during the preceding year	Quantity to be manufactured in each year	Spirit		Strength of the variety	
			Used in the manufactured of quantity in column (2)	To be used in the manufactured of the quantity in column (3)	Shown in column (2)	Shown in column (3)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Place .....

Date .....

Signature(s) of the applicant(s).

**FORM P.L. L.**

[See rule 15(2)]

*Licence for the manufacture of potable liquor*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as "the said Act"), the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966 and other rules, regulations and orders made under the Act to ..... (hereinafter referred to as "the licensee") on payment of a<sup>1</sup> [licence fee (inclusive of consideration of one lakh fifty thousand rupees) (Rs. 1,50,000)] authorising him to manufacture and sell the marginally-noted varieties of potable liquor with the strength shown against each at his manufactory situated at ..... (hereinafter referred to as "the manufactory") during the period commencing on the        day of ..... 19        and ending on the 31st day of March 19       , on the following conditions, namely :--

Variety of potable foreign Liquor (1)	Strength	
	Not exceeding (2)	Not less than (3)
(1) Whisky .. .. .	..	..
(2) Brandy .. .. .	..	..
(3) Rum .. .. .	..	..
(4) Gin .. .. .	..	..
(5) .. .. .	..	..
(6) .. .. .	..	..
(7) .. .. .	..	..

1. The licensee shall not manufacture and sell potable liquor except at the manufactory and under the supervision of a Prohibition and Excise Officer appointed to be incharge of the manufactory (hereinafter referred to as the "Manufactory Officer").

2. The licensee shall provide suitable office accommodation, with sanitary arrangement, for the use of the Excise staff within the premises of the manufactory.

3. The licensee shall to the satisfaction of the Commissioner provide suitable quarters for the residential accommodation of the Prohibition and Excise staff employed under condition 1 in the close vicinity of the manufactory. If the licensee is not able to provide residential accommodation to the members of such staff, the Commissioner shall be entitled to take on hire or otherwise secure suitable accommodation for the said staff. The rent to be charged to a member of the staff shall be the economic rent of 10 per cent. Of the basic pay of the member concerned, whichever is less. If the economic rent of the quarters is more than 10 per cent of the basic pay of the member, the licensee shall pay the excess over 10 per cent., provided that in no case the licensee shall be liable to pay more than the difference between 10 per cent. and 35 per cent. of the basic pay of the member. If the economic rent is more than 35 per cent of the basic pay of the member, then the member shall pay 10 per cent and the licensee shall pay 35 per cent, and the member shall pay the excess over 35 per cent., if the licensee is not willing to pay it.

4. The licensee shall use the same materials and ingredients and shall adopt the same process of manufacturing potable liquor as are approved by the State Government.

1. Subs. by G. N. of 6-11-1981.

5. The licensee shall not dilute or adulterate potable liquor, or store or permit to be stored any potable liquor which he knows to be diluted or adulterated.

6. The licensee shall permit two samples to be taken by the Manufactory Officer for analysis from each batch of potable liquor the alcoholic strength of which has been declared by him after analysis in his laboratory. On receipt of the two samples, the Manufactory Officer shall proceed to take steps as hereinafter provided :

(a) One set of samples shall be sent at once to the Chemical Analyser and a note to that effect shall be made in the register in Form P. L., V. The report of the Chemical Analyser, when received, shall be shown to the licensee.

(b) The duplicate samples of the liquor which is intended exclusively for replacement of the original sample or repetition of its analysis, when necessary, shall be kept under excise ticket or revenue lock, and shall, on receipt of the Chemical Analyser's report that it is satisfactory, be brought back to the manufacturing room immediately for being mixed with subsequent batch of the same variety of potable liquor.

(c) All such samples sent shall be scaled by the Manufactory Officer and the licensee.

(d) The duplicate sample shall not be brought back to the manufacturing room in any case where the alcoholic strength of the potable liquor from which the sample was taken, is declared by the Chemical Analyser to be beyond the margin of  $3^0$ .

7. The licensee shall permit samples of spirit, portable liquor or materials used in the manufacture of potable liquor to be taken at any time by the Manufactory Officer or any other superior officer for sending them to the Chemical Analyser for analyses and check.

8. All samples required for analyses under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966 or under this licence shall be supplied free of cost by the licensee and all expenses in connection with the packing and despatch of samples to places of analyses shall be borne by the licensee.

9. The licensee shall ensure that no smoking and no use of naked lights or fires are allowed within the premises of the manufactory.

10. The licensee shall display the licence in a conspicuous place in the manufactory.

11. In addition to the registers and account books prescribed under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, the licensee shall also keep such registers and account books as the Commissioner may direct from time to time.

12. No entry in any of the books kept by the licensee under this licence shall be erased or overwritten. Should it be necessary to correct any entry, a line should be drawn through the incorrect entry in such a manner as to leave it distinctly visible and the amended entry should be inserted above it. Every correction shall be initialled and dated by the person making it at the time it is made.

13. The names of all persons to be employed either as managers or servants shall be submitted for approval to the Manufactory Officer by the licensee. No persons other than those approved by the Manufactory Officer shall be permitted to work as managers or to make entries in the account books.

14. The licensee shall not carry on the business of manufacture and sale of potable liquor except either personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* signed by himself, and countersigned by the Manufactory Officer, provided that any such *nokarnama* signed by the licensee shall be valid until countersignature is refused.

If for any reason the Commissioner shall order the withdrawal of any *nokarnama* issued by the licensee the *nokarnama* shall be forthwith withdrawn. For every *nokarnama* issued by him, the licensee shall pay such fee as may from time to time be prescribed for this privilege. No *nokarnama* shall be issued to any person under 21 years of age, and no such *nokarnama* if issued shall be valid. The licensee shall be responsible for breach of the rules or any of the conditions of this licence committed by any of his servants.

15. Except with the written permission of the State Government, the licensee shall not sell, transfer or sub-let the right of manufacture conferred upon him by this licence nor shall he in connection with the exercise of the said right enter into any agreement or arrangement which is in the nature of a sub-lease. If any questions arises whether any agreement or arrangement is in the nature of a sub-lease the decision of the state Government on such question shall be final and binding on the licensee.

16. No person shall be recognised as a partner of the licensee for the purpose of this licence, unless the partnership has been declared to the State Government before the licence is granted and the names of the partners have been entered jointly in the licence; or if the partnership is entered into after the granting of the licence unless the State Government agrees, on application made to it, to alter the licence and to add the name or names of the partner or partners in the licence.

17. The licensee shall not sell potable liquor manufactured by him to any person other than a holder of a Trade and Import licence :

Provided that the licensee may also sell potable liquor for export to any place outside the State of Maharashtra under a valid export pass.

18. The licensee, his successors or assigns shall have no claim whatsoever to the continuance or renewal of this licence, after the expiry of the period for which it is granted. It shall be entirely within the discretion of the State Government whether or not to permit the assignee of the licensee in case of sale or transfer or his successors in case of death to have the benefit of the licence for the unexpired portion of the term for which it is granted.

19. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

Granted this ..... day of ..... 19 .....,

Place : Mumbai.

Government

Seal

Secretary to Government.

**FORM P.L. I**

[See rule 17 (17)]

**ORIGINAL**

(To be sent to the Distillery Officer)

*Indent for spirit for manufacture of potable liquor*

Name of manufactory :

Indent No.                      of 20

To,

The Distillery Officer,

Sir,

Please issue    litres of spirit for the manufacture of potable liquor in my/our manufactory.

I/We shall pay duty at the tariff rate on all wastages in excess of the prescribed allowance.

Signature of licensee or  
his authorised agent.

Licence No.

Countersignature of the  
Manufactory Officer.

**FORM P.L. I**

[See rule 17 (17)]

**DUPLICATE**

(For Manufactory Officer's record)

*Indent for spirit for manufacture of potable liquor*

Name of Manufactory :

Indent No.                      of 20

To,

The Distillery Officer,

Sir,

Please issue ..... litres of spirit for the manufacture of potable liquor in my/our manufactory.

I/We shall pay duty at the tariff rate on all wastages in excess of the prescribed allowance.

Signature of licensee or  
his authorised agent.

Licence No.

Countersignature of the  
Manufactory Officer.

**FORM P.L. I**

[See rule 17 (17)]

**COUNTERFOIL**

(For licensee's record)

*Indent for spirit for manufacture of potable liquor*

Name of Manufactory :

Indent No.                      of 20

To,

The Distillery Officer,

Sir,

Please issue ..... litres of spirit for the manufacture of potable liquor in my/our manufactory.

I/We shall pay duty at the tariff rate on all wastages in excess of the prescribed allowance.

Signature of licensee or  
his authorised agent.

Licence No.

Countersignature of the  
Manufactory Officer.

**FORM P.L. II**

[See rule 17 (20)]

**COUNTERFOIL**

(To be kept on licensee's record)

*Requisition for issue of spirit from the spirit room for the manufacture of potable liquor*

Requisition No. .... of 20

To,  
The Manufactory Officer,

Sir,

Please issue ..... litres of spirit for the manufacture of the following  
potable liquor :

Month and date	Spirit required		Alcoholic proof content	Variety of potable liquor to be manufactured	Quantity of each variety of potable liquor to be manufactured	Remark
	Quantity in litres	Strength				
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			Litres		Litres	

Dated :

Signature of licensee or his  
authorised agent.



**FORM P.L. II**

[See rule 17 (20)]

**FOIL**

(To be kept on manufactory officer's record)

*Requisition for issue of spirit from the spirit room for the manufacture of potable liquor*

Requisition No. .... of 20

To,  
The Manufactory Officer,Sir,  
Please issue ..... litres of spirit for the manufacture of the following  
potable liquor :

Month and date	Spirit required		Alcoholic proof content	Variety of potable liquor to be manufactured	Quantity of each variety of potable liquor to be manufactured	Remark
	Quantity in litres	Strength				
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			Litres		Litres	

Dated :  
Quantity issued .....Signature of licensee or his  
authorised agent.

Manufactory Officer.

**FORM P.L. III**

[See rule 17 (10)]

*Register of vats, vessels or receptacles for potable liquor*

Manufactory of \_\_\_\_\_

Consecutive numbers	Description of vats, vessels or receptacles	Gauged contents	When taken into use	When taken out of use	Where installed	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**FORM P.L. IV**

[See rule 17 (18)]

*Register of transactions in the spirit room of the potable liquor*

Manufactory of \_\_\_\_\_

Month and date	In hand		
	Quantity in litres	Strength	Proof litres
(1)	(2)	(3)	(4)

## Received

Whence	Indent number	Transport Pass No.	Quantity in litres	Strength	Proof litres
(5)	(6)	(7)	(8)	(9)	(10)

FORM P.L. IV—*contd.*

Total in hand and received			Quantity issued		
Quantity in litres (11)	Strength (12)	Proof litres (13)	Application number (14)	Quantity in litres (15)	Strength (16)
<hr/>					
<hr/>					
Quantity issued		Signature of		Remarks	
Proof litres (17)	Wastage Proof litres (18)	Licensee (19)	Manufactory Officer (20)	Page No. of the P.L.V. Register where quantity received is entered should be mentioned here against each entry of quantity issued (See columns 14 to 18) (21)	

**FORM P.L. V**

[See rule 17 (22) and 18 (4)]

*Register of operations in the manufacturing room of the potable liquor*

Manufactory of \_\_\_\_\_

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Quantity of spirit received from spirit store				
Month and date	Litres	Strength	Proof litres	Page No. of register in form P.L., IV
(1)	(2)	(3)	(4)	(5)

---



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Quantity of spirit used			Potable liquor manufactured			
Litres	Strength	Proof litres	Batch No.	Variety of liquor	Quantity in litres	Strength
(6)	(7)	(8)	(9)	(10)	(11)	(12)

---

## FORM P.L. V—Contd.

Quantity of potable liquor transferred				Quantity of potable liquor in balance			
Batch No.	Variety of liquor	To room for storage in vats, litres	To bottling room Litres	Batch No.	Variety of liquor	Quantity in litres	Strength
(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

Signature of-		Remarks
Licensee	Manufactory Officer	
(21)	(22)	(23)
		The page No. of the P.L., VI and P.L., VII Registers to be mentioned in this column against each entry of quantity transferred to storage vat and bottling room (See columns 13 to 16)

**FORM P.L. VI**

[See rule 17 (22)]

*Register of transactions in the room for storage of the potable liquor in vats*

Manufactory of \_\_\_\_\_

---

Quantity of potable liquor received from the manufacturing room

---

Month and date	Batch No.	Variety of liquor	Quantity in litres	Strength	Proof litres	Page No. of P.L., V register
(1)	(2)	(3)	(4)	(5)	(6)	(7)

---



---

Quantity of potable liquor transferred to bottling room

---

Batch No.	Variety of liquor	Quantity in litres	Strength	Proof litres
(8)	(9)	(10)	(11)	(12)

---

**FORM P.L. VI—Contd.**


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Quantity of potable liquor in balance

---

Batch No. (13)	Variety of liquor (14)	Quantity in litres (15)	Strength (16)	Proof litres (17)
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Signature of		Remarks
Licensee  (18)	Manufactory Officer  (19)	The page No. of the P.L., VII Register to be mentioned in this column against each entry of quantity referred to in columns 8 to 12  (20)

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Batch No.	Variety of liquor	Quantity of potable liquor bottled						
		Quantity in litres	750 ml. (24)	375 ml. (25)	180 ml. (26)	Number of bottles filled in * (27)	* (28)	* (29)
(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)

Batch No.	Variety of liquor	Quantity of potable liquor bottled					
		750 ml. (32)	375 ml. (33)	180 ml. (34)	Number of bottles * (35)	* (36)	* (37)
(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)



**FORM P.L. VIII**

[See rule 17 (22)]

*Register of transaction in the liquor room of the potable liquor*

Manufactory of \_\_\_\_\_

Quantity of potable liquor in balance							
Number of bottles							
Month and date	Batch No.	750 ml.	375 ml.	180 ml.	-	-	*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Quantity of potable liquor received from bottling room						
Number of bottles						
Batch No.	750 ml.	375 ml.	180 ml.	*	*	*
(9)	(10)	(11)	(12)	(13)	(14)	(15)

## FORM P. L. VIII—contd.

Quantity of potable liquor issued from liquor room					
Page No. of register in Form P. L. VII (16)	Number of bottles				
	Batch No. (17)	750 ml. (18)	375 ml. (19)	180 ml. (20)	(21)

Quantity of potable liquor issued from liquor room					
*	*	Transport Pass No.	Name of the party to whom issued	Chalan No. and date	Amount of duty paid
(22)	(23)	(24)	(25)	(26)	(27)

Quantity of potable liquor in balance						Signature of		
Number of bottles						Licensee	Manufactory Officer	Remarks
750 ml. (28)	375 ml. (29)	180 ml. (30)	*	*	*			
(31)	(32)	(33)	(34)	(35)	(36)			

\*Here mention the bottles or vessels of any other capacity allowed by the Commissioner to be filled in.



**FORM P.L., X**

[See rule 20 (1)]

**ORIGINAL  
DUPLICATE  
TRIPLICATE**

Application No. \_\_\_\_\_ of 20

*Application for clearance of potable liquor* <sup>1</sup>[on payment of duty or under bond]

Manufactory of .....

No. and date of entry in the register in Form P.L., VIII of Manufactory	Batch No.	Variety of liquor	Litres	Description of potable liquor					
				No. of bottles					
				750 ml.	375 ml.	180 ml.	*	*	*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Description of potable liquor		Marks and number of containers	Amount of duty paid			Purpose for which cleared	Remark
Strength	Proof litres		Rate of duty	Amount of duty paid	Chalan No. and date		
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

1. Subs. by G.N. of 18-5-1974.

\* Here mention bottles or vessels of any other capacity allowed by the Commissioner to be filled in.

**FORM P.L., X—contd.**

I declare that the above particulars are true and correctly stated. I apply for leave to clear the above potable liquor for the purpose stated in column 17 above.

Place :

Date :

(Signature of the licensee or his  
authorised agent)

To,

The Manufactory Officer,

.....

\_\_\_\_\_  
(Please see reverse)

Reverse

Certified that the particulars given in the Application No. \_\_\_\_\_ of 19 \_\_\_\_\_, on the reverse of this have been verified and found correct. The consignment(s) as detailed in the application have been permitted to be cleared from the Manufactory and allowed to be exported/transported to ..... under Export Pass No. \_\_\_\_\_

Transport Pass No. .... dated .....

Issued by .....

Manufactory Officer.

**FORM P.L. XI**

[See rules 19(1) and 20(2)]

*Pass for the transport of portable liquor as detailed on the reverse*

(Counterfoil)

(To be retained by the manufactory Officer)

- (1) Serial No.
  - (2) Name and address of the transporter.
  - (3) Place to which the liquor is to be transported.
  - (4) Place from which the liquor is to be transported.
  - (5) Route (*i.e.* by road or rail) by which the liquor is to be conveyed. (State here the places *via* which the consignment will be sent).
- The consignment shall not be broken in transit. This pass shall remain in force upto and including 19 .

Seal

Manufactory Officer

Place :

Date (Please *see* reverse)

**FORM P.L. XI**

[See rules 19(1) and 20(2)]

*Pass for the transport of portable liquor as detailed on the reverse*

(Duplicate)

(To be forwarded to the Prohibition and Excise Officer at the place of destination)

- (1) Serial No.
  - (2) Name and address of the transporter.
  - (3) Place to which the liquor is to be transported.
  - (4) Place from which the liquor is to be transported.
  - (5) Route (*i.e.* by road or rail) by which the liquor is to be conveyed. (State here the places *via* which the consignment will be sent).
- The consignment shall not be broken in transit. This pass shall remain in force upto and including 19 .

Seal

Manufactory Officer

Place :

Date (Please *see* reverse)

**FORM P.L. XI**

[See rules 19(1) and 20(2)]

*Pass for the transport of portable liquor as detailed on the reverse*

(Triplicate)

(To be handed over to the licensee to accompany the consignment)

- (1) Serial No.
  - (2) Name and address of the transporter.
  - (3) Place to which the liquor is to be transported.
  - (4) Place from which the liquor is to be transported.
  - (5) Route (*i.e.* by road or rail) by which the liquor is to be conveyed. (State here the places *via* which the consignment will be sent).
- The consignment shall not be broken in transit. This pass shall remain in force upto and including 19 .

Seal

Manufactory Officer

Place :

Date (Please *see* reverse)



## [Form P.L. XI]

[See rules 19(1) and 20 (2)]

*Pass for the transport of potable liquor as detailed on the reverse*

*(Quadruplicate)*

(To be handed over to the transporter)

- (1) Serial No.
- (2) Name and address of the transporter.
- (3) Place to which the liquor is to be transported.
- (4) Place from which the liquor is to be transported.
- (5) Route (*i.e.* by road or rail) by which the liquor is to be conveyed. (State here the places *via* which the consignment will be sent).

The consignment shall not be broken in transit. This pass shall remain in force upto and including 19 .

Seal

Place :

Date :

Manufactory Officer

(Please *see* reverse)

(Reverse)

Details of the liquor allowed to be transported from .....  
 (here state the name of the Manufactory)

Variety of liquor	Number	Quantity contained in each (bottle)	Bottles		Proof litres	Remarks
			Total litres	Strength		
1	2	3	4	5	6	7

Manufactory Officer.

Place :

Date :

(Reverse)

Details of the liquor allowed to be transported from .....  
 (here state the name of the Manufactory)

Variety of liquor	Number	Quantity contained in each (bottle)	Bottles		Proof litres	Remarks
			Total litres	Strength		
1	2	3	4	5	6	7

Manufactory Officer.

Place :

Date :

**CERTIFICATE I**

[See rule 20 (3)]

No.

Dated

Certified that Shri/Smt./Kum./Messrs. ....  
of ..... who has/have been granted transport pass  
No. .... dated ..... by .....  
has/have ..... delivered the potable liquor as shown below  
on ..... to ..... of ..... in the district of .....

Variety of liquor	Number	Quantity contained in each (bottle)	Total litres	Strength	Proof litres	Remarks
1	2	3	4	5	6	7

and that the seals on the packages and receptacles containing the above potable liquor were in tact at the time of delivery of the consignment at its destination.

Signature and designation of the  
Officer at the destination place.

**FORM P.L., XII**

[See rule 17 (44)]

*Register showing the accounts of colouring and flavouring substances used in the manufacture of potable liquor in the Manufactory of.....*

Serial No.	Date	Name of substance		Opening Balance	
		Colouring	Flavouring	Quantity of Colouring substance	Quantity of Flavouring substance
(1)	(2)	(3)	(4)	(5)	(6)

Quantity received		Total quantity of		Quantity issued for use in the manufacture of potable liquor		
Colouring substance	Flavouring substance	Colouring substance	Flavouring substance	Vareity of liquor	Colouring substance	Flavouring substance
(7)	(8)	(9)	(10)	(11)	(12)	(13)

Quantity in balance		Signature of--			Remarks
Colouring substance	Flavouring substance	Manufactory officer	Licensee or his authorised agent		
(14)	(15)	(16)	(17)	(18)	

**FORM P.L., XIII**

[See rule 17 (46)]

Return of transactions at the manufactory of .....  
 during the month of ..... 19 ..

(To be submitted by the licensee by the 5th of every month)

-----			
Spirit			
	Litres	Proof litres	Remarks
	(1)	(2)	(3)
-----			
1. Opening Balance	..	..	
2. Receipt from Distillery	..	..	
3. Total Stock (S. No. 1 and 2)	..	..	
4. Wastage, if any, in transit	..	..	
5. Issues for manufacture of potable liquor		..	
6. Balance in stock at the end of month		..	
7. Wastage in manufacture, with brief reasons in remarks column.			
-----			
8. No. of batches--			
(a) manufactured	..	..	
(b) in unfinished condition at the end of the month.			

9. Particulars of potable liquor manufactured--

Variety of liquor	Batch No.	Quantity of potable liquor in balance						
		Litres	Number of bottles					
			750 ml.	375 ml.	180 ml.	*	*	*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Litres	Manufactured during the month					
	Number of bottles					
	750 ml.	375 ml.	180 ml.	*	*	*
(10)	(11)	(12)	(13)	(14)	(15)	(16)

Litres	Total stock					
	Number of bottles					
	750 ml.	375 ml.	180 ml.	*	*	*
(17)	(18)	(19)	(20)	(21)	(22)	(23)

-----							
Issued during the month							
-----							
Litres	Number of bottles						Duty paid during the month
	750 ml.	375 ml.	180 ml.	*	*	*	
(24)	(25)	(26)	(27)	(28)	(29)	(30)	(31)
-----							
							Rs. nP.

-----							
Quantity issued under bond							
-----							
Litres	Number of bottles						
	750 ml.	375 ml.	180 ml.	*	*	*	
(32)	(33)	(34)	(35)	(36)	(37)	(38)	
-----							

-----							
Total quantity issued under bond							
-----							
Litres	Number of bottles						
	750 ml.	375 ml.	180 ml.	*	*	*	
(39)	(40)	(41)	(42)	(43)	(44)	(45)	
-----							

Quantity issued under bond							
Litres (46)	Number of bottles						Remarks (53)
	750 ml. (47)	375 ml. (48)	180 ml. (49)	* (50)	* (51)	* (52)	

\* Here mention the bottles or vessels of any other capacity allowed by the Director to be filled in.

I/We declare that the particulars in this statement have been correctly stated.

(Signature of the licensee or  
his authorised agent)

Countersigned and forwarded to the Superintendent/District Inspector of  
Prohibition and Excise .....

Manufactory Officer.



## [FORM P.L. XIV

[See rule 19 (2)]

*Form of bond to be executed by the transporter before pass is granted to him to transport potable liquor in bond from any manufactory*

Whereas I/We ..... residing at ..... in the ..... Taluka of the ..... District ..... have made an application on ..... to ..... for a pass authorising me/us to transport in bond potable liquor as specified in the said application from the manufactory ..... in the district of ..... to ..... in the district of ..... I/we bind myself/ourselves that I/we shall cause the quantity of potable liquor mentioned in the pass to be duly and safely transported from the manufactory of ..... and conveyed it by the most direct route from ..... to ..... aforesaid in conformity with the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder and shall cause the said potable liquor to be delivered into the custody of ..... at ..... in the District of ..... and shall procure and produce to the Manufactory Officer within two months from the date of this bond a certificate signed by the Excise Officer, ..... aforesaid, showing what quantity of the said potable liquor specified in the pass has been so delivered at the place aforesaid.

And that if the whole quantity shall not have been delivered to the ..... at ..... aforesaid, I/we, my/our heirs, executors, administrators and representatives shall on demand by the District Prohibition and Excise Officer pay or cause to be paid within seven days from the date of demand to the said Officer, duty, transport fee and special fee mentioned in the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954 at the rates in force on such portion of the foreign liquor specified in the pass as shall not be so delivered ; and that in the event of my/our failure to pay the amount of the said duty and fees within the said period of seven days, I/we shall pay interest on the said amount at the rate of 12 per cent, per annum from the date of demand to the date of payment.

And in case of my/our making default in the payment the said duty, fees, interest and other charges, if any, I/we bind my self/ourselves to forfeit to the Government of Maharashtra, the sum of Rupees .....

Place :

Dated this ..... day of ..... 19 .....

In the presence of--

- 1.
- 2.

Signature of the licensee or transporter.

Before me,  
District Prohibition and  
Excise Officer.]

{77} Prescribing a form licence in which a director at Prohibition and Excise was authorised to grant a licence for working a distillery and manufactory of spirit.  
(Has become absolute omitted)

{78} THE MAHARASHTRA MANUFACTURE OF BEER AND WINE  
RULES, 1966

G. N., H.D., No. RTS-1164/58612-III, dated 26th February 1966  
(M.G. Pt. IV-B, p. 233)

1. Amended by G.N., H.D., No. BWR. 1066/21344-III, dated 10th November 1966 (M. G., Pt. IV-B, P. 2044).
2. Amended by G.N., H.D., No. MSP. 1066/9166-III, dated 24th February 1967 (M. G., Pt. IV-B, P. 256).
3. Amended by G.N., H.D., No. BWR. 1171/937-III, dated 18th May 1974 (M. G., Pt. IV-B, P. 753).
4. Amended by G.N., H.D., No. BPA. 2079/267-VI-PRO-2, dated 24th March 1979 (M. G., Pt. IV-B, P. 736).
5. Amended by G.N., H.D., No. BWR. 0276/1426-PRO-1, dated 14th June 1979 (M. G., Pt. IV-B, P. 1339).
6. Amended by G.N., H.D., No. BPA. 1081/21-(V), PRO-2, dated 6th November 1981 (M. G., Pt. IV-B, P. 1939).
7. Amended by G.N., H.D., No. BPA. 1081/PRO-2, dated 8th February 1982 (M. G., Pt. IV-B, P. 161).
8. Amended by G.N., H.D., No. BPA. 1081/PRO-2, dated 7th December 1982 (M. G., 1983, Pt. IV-B, p. 4).
9. Amended by G.N., H.D., No. BPA. 1088/ II-PRO-2 dated 16th March 1988 (M. G., Pt. IV-B, P. 264-87)
10. Amended by G.N., H.D., No. ARM.. 1096/ 21/4/EXC-3 dated 18th October 1996 (M. G., Pt. IV-B, P. 1262)
11. Amended by G.N., H.D., No. ARM. 1096/ 21/Part-3/2/EXC-3 dated 8th December 1998 (M. G., Pt. IV-B, P. )
12. Amended by G.N., H.D., No. ARM. 1096/ 21/Part-III/2/EXC-3 dated 22nd January 1999 (M. G., Pt. IV-B, P. 5)
13. Amended by G.N., H.D., No. BWR. 1105/ CR-6/Exc. 3 dated 30th June 2005 (M.G.Pt IV-B, P. 654)
14. Amended by G.N., H.D., No. MIS. 1107/C.R. 40/II/EXC-3 dated 24th July 2008 (M. G., Pt. IV-B, P. 755)
15. Amended by G.N., H.D., No. BWR. 1106/CR-16/MICROBREWRY/EXC-3 dated 10th August 2009 (M. G., Pt. IV-B, P. 8-10)
16. Amended by G.N., H.D., No. MIS. 1109/CR.273/EXC-3 dated 23rd August 2010 (M. G., Pt. IV-B, P. 9)

In exercise of the powers conferred by clauses (b), (c), (f), (g), (hl), (k), (12), (13) and (u) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the said section 143, namely :—

1. *Short title.*—These Rules may be called the Maharashtra Manufacture of Beer and Wine Rules, 1966.
2. *Definitions.*—In these Rules, unless the context otherwise requires,—
  - (i) “Act” means the Bombay Prohibition Act, 1949;
  - (ii) “Beer” means any liquor prepared from malt or grain with or without the addition of sugar and with hops and includes ale, porter and stout;
  - (iii) “bottling” means transfer of manufactured beer or wine into bottles, casks or kegs for final removal from a brewery or, as the case may be, a manufactory and includes rebutting and refilling;

- (iv) "bottling room" means that portion of a brewery or manufactory which is set apart for carrying out bottling operations;
- (v) "brewery" means a building or place where beer is manufactured and includes every place therein where beer is stored and whence it is issued;
- (vi) "Brewery Officer" means the Prohibition and Excise Officer appointed for the purpose of supervising the operations in a brewery;
- (vii) "Chemical Analyser" means the<sup>1</sup>[Director, Haffkine Institute, Bombay] or any other officer appointed by the State Government as Chemical Analyser for the purpose of these rules;
- (viii) "cooler" means any vessel into which worts are passed to be cooled, and includes a refrigerator;
- (ix) "Copper" means any vessel in which either worts or water is boiled or heated in the course of brewing;
- (x) "fermenting vessel" means any vessel in which worts or raisins or fruits are fermented;
- (xi) "finished store room" means that portion of a brewery or manufactory which is set apart for the storage of finished beer or wine in sealed bottles or other receptacles;
- (xii) "Form" means a form appended to these Rules;
- (xiii) "gravity" means the proportion which the weight of a liquid bears to that of an equal bulk of distilled water, the gravity of distilled water at 60°F, being taken to be 1000<sup>0</sup>;
- (xiv) "hopback" means any vessel into which worts are run after boiling in order to remove the spent hops;
- (xv) "licence" means a licence granted under these rules;
- (xvi) "licensed premises" means a brewery or manufactory in respect of which a licence is granted under these rules;
- (xvii) "licensee" means a person who holds a licence;
- (xviii) "manufacturing room" means that portion of a brewery or manufactory in which the actual manufacturer of beer or wine takes place;
- (xix) "manufactory" means a building or place where wine is manufactured and includes every place therein where wine is stored and whence it is issued;
- (xx) "manufactory Officer" means the Prohibition and Excise Officer appointed for the purpose of supervising the operation in a manufactory;
- (xxi) "mashtun" means and vessel in which a malt or grain is exhausted in the course of brewing;
- (xxii) "Racking" or "settling back" means any vessel into which worts are passed from a fermenting vessel and racked either at once or after a time into store vats or casks;
- (xxiii) "spirit" includes rectified spirit, absolute alcohol and other distilled spirit not less than 42 per cent. of proof strength;
- (xxiv) "Sprit room" means that portion of a manufactory which is set apart for the storage of spirit;
- (xxv) "storage room" means that portion of a brewery or manufactory which is set apart for storing finished beer or wine in vats before bottling;
- (xxvi) "underback" means any vessel into which worts are run either from the mashtun or hopback;
- (xxvii) "wine" means the fermented juice of grapes or other fruits with or without the addition of sugar or jaggery, the fermentation being produced by the yeast naturally present on the skin of fruit or added externally and having alcoholic strength not exceeding 42 per cent. of proof spirit;
- (xxviii) "wort" means liquor obtained by the exhaustion of malt or grain in the process of brewing..

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1. Subs. by G.N. of 18-5-1974.

3. *Grant of brewery or manufactory licence.*—(1) Any person desiring to construct and work a brewery for the manufacture of beer or a manufactory for the manufacture of wine shall make an application in Form BRA. <sup>1</sup>[accompanied by a challan evidencing payment of a fee of five hundred rupees for such application] for a licence in that behalf to the State Government through the Director. Where a person desires to construct and work a brewery and also a manufactory, he shall make two separate applications in the behalf. The application shall be accompanied by a plan in quadruplicate containing a full description of the premises and material, utensils, plant and implements or apparatus required for manufacturing beer, or, as the case may be, wine. The applicant shall also submit with the application four signed copies of a statement explaining the process which he desires to adopt for manufacturing beer or wine. One receipt of an application the Director shall forward it to the State Government with his recommendation thereon.

(2) If the State Government is satisfied that the premises, material, utensils, plant and implements or apparatus to be used in connection with the manufacture of beer or wine and arrangements for the storage and issues thereof are suitable, it may grant a licence in Form BRL to the applicant on payment of <sup>2</sup>[a fee (inclusive of consideration) of <sup>3</sup>[forty thousand rupees] for the manufacture of beer and on payment of a fee (inclusive of consideration) of <sup>3</sup>[four thousand rupees] for the manufacture of wine] or may refuse to grant it, after giving the applicant an opportunity to be heard; and inform the Director of the decision. In no case, a common licence shall be granted for constructing and working a brewery and a manufactory. On a licence being granted, the State Government shall retain with it the original of the plan and of the statement explaining the process forward by the applicant and after duly stamping the duplicated, triplicates and quadruplicated thereof with the seal of the State Government,—

(i) Forward the duplicates to the brewery office, where the licence is granted for constructing and working a brewery and to the manufactory officer, where the licence is granted for constructing and working a manufactory;

(ii) forward the triplicates to the District Prohibition and Excise Officer; and

(iii) return the quadruplicated together with the licence to the applicant.

<sup>6</sup>["Provided that, for a microbrewery manufacturing upto two lakh litres of beer per year a licence in FORM BRL shall be granted.".]

(3) No licence shall be granted for a period exceeding <sup>4</sup>[one year] and in no case shall such period extend beyond 31st March <sup>5</sup>[next] following the date of commencement of the licence.

<sup>5</sup>["3A. *Existing licence-holders*—on the commencement of the Maharashtra Manufacture of Beer and Wine (Amendment) Rules, 1988, a licence granted under sub-rule (2) of rule 32 for a period of five years prior to such commencement, the period of which does not expire on the 31st March, 1988, shall be deemed to have come to an end on the 31st March 1988 and it shall further be deemed to be a fresh annual licence granted which effect from the 1st April 1988, in terms of the said amendment rules :

Provided that a holder of such licence shall—

(i) within a period of two months from such commencement be required to pay the difference, if any in licence fee, in proportion to the licence fees already paid by him under the sub-rule (2) of rule 3 as it stood prior to such commencement and the renewal fees payable in terms of the said amendment rules;

1. Ins. by G.N. of 16-3-1988.

2. Subs. by G.N. of 16-11-1981.

3. Subs. by G.N. of 16-3-1988.

4. Subs. by G.N. of 16-3-1988.

5. Ins. by G.N. of 16-3-1988.

6. Inserted by 10-8-2009.

(ii) be given credit for the licence fee paid by him under the said sub-rule (2) as it stood prior to such commencement and be entitled to refund, if any, due in proportion to the unexpired period of the licence and the renewal fees payable under the amended provisions, which shall be paid to him within a period of two months.

*Explanation.*—For determining “difference, if any, in licence fee payable in terms of the said amendment rules”, “credit” to be given and “refund if any due” mentioned in clauses (i) and (ii) above respectively, the following method shall be adopted :—

The licence fee paid under sub-rule (2) of rule 3 as it stood before the commencement of the Maharashtra Manufacture of Beer and Wine (Amendment) Rules 1988, being the fee for a total period of five years, a sum calculated by multiplying the number of completed years of unexpired portion of the period of licence as on the 31st March 1988 by an amount equal to one fifth of the total amount of licence fee already so paid shall be treated as at the credit of such licence-holder. If this amount is less than the annual fee as prescribed in the said amendment rules, the licensee shall have to pay the difference between the amount at his credit and the amount payable under the said amended provisions. If the amount at the credit of licensee is more than the annual fee prescribed under the said amendment rules, the licensee shall be entitled to a refund of the differential amount :

Provided further that, where a licence-holder fails to pay the difference, if any, in the licence fee payable in terms of the said amendment rules within a period of two months from the commencement of the said amendment rules, his licence shall be treated as cancelled.]

4. *Renewal of licence.*—(1) Any licence granted under rule 3 may be renewed by the State Government for a period not exceeding <sup>1</sup>[one year] on recovery of a renewal <sup>2</sup>[fee (inclusive of consideration) of <sup>1</sup>[forty thousand rupees] if the renewal is for the licence for the manufacture of beer and <sup>1</sup>[four thousand rupees] if the renewal is for the licence for the manufacture of wine].

(2) An application for renewal of a licence shall be made two months before the expiry of the licence in Form BRA. Where the application is for the renewal of a licence to construct and work a brewery it shall be made through the Brewery Officer, and where the application is for the renewal of a licence <sup>3</sup>[accompanied by a challan evidencing payment of a fee of Rs. 25] to construct and work a manufactory, it shall be made through the manufactory officer.

<sup>3</sup>[“4A. *Existing renewals.*—On the commencement of the Maharashtra manufacture of Beer and Wine (Amendment) Rules, 1988, a renewal of a licence, granted under sub-rule of (1) of rule 4 for a period of five years prior to such commencement, the period of which does not expire on the 31 March 1988, shall be deemed to have come to an end on the 31st March 1988 and it shall further be deemed to be a fresh annual renewal granted with effect from the 1st April 1988 in terms of the said amendment rules :

Provided that a holder of such renewed licence shall,—

(i) within a period of two months from such commencement be required to pay the difference, if any, in the renewal fee, in proportion to the renewal fee already paid by him under the sub-rule (1) of rule 4 as it stood prior to such commencement and the renewal fees payable in terms of the said amendment rules ;

(ii) be given credit for the renewal fee paid by him under the said sub-rule (1) as it stood prior to such commencement and be entitled to refund, if any, due in proportion

1. Subs. by G.N. of 16-3-1988.

2. Subs. by G.N. of 6-11-1981.

3. Ins.. by G.N. of 16-3-1988.

to the unexpired period of licence and the renewal fees payable under the amended provisions, which shall be paid to him within a period to two months.

*Explanation.*—For the purpose of determining the amount of “difference”, “credit” or “refund” referred to in clauses (i) and (ii) above, the method prescribed in the explanation below first proviso to rule 3A shall be followed.]

5. *Keeping of deposit.*—Every licensee shall deposit with the State Government<sup>1</sup>[either in cash or in Government Securities] and amount of Rs. 10,000 for the due observance of these rules and conditions of his licence.

6. *Arrangement of brewery of manufactory.*—(1) The premises of brewery and of manufactory shall be separate.

(2) The licensee shall provide in the brewery or, as the case may be manufactory, separate room or compartments having their grills embedded in cement for each of the following purposes, namely :—

- (a) Fermentation process;
- (b) manufacturing operation;
- (c) storage of spirit in the case of a manufactory;
- (d) storage of finished beer or wine in vats;
- (e) bottling operations;

(f) Storage of finished beer or wine in sealed bottles and other receptacles. No such room or compartment shall be used for more that one of the said purposes.

(3) Every room or compartment in the brewery or manufactory shall be well ventilated and all the windows thereof shall be securely barred and wire-netted. Every such room or compartment shall bear on the outside a sign-board on which shall be legibly painted in oil colour the purpose for which the room or compartment is used; and every room or compartment shall be provided with excise ticket or revenue lock.

(4) After the licence has been granted, no addition, to or alteration in, any room or compartment or any of the permanent fixtures of the brewery or manufactory shall be made without the previous approval in writing of the State Government.

(5) All pipes form sinks of wash-basins inside a brewery or manufactory shall discharge into drains forming part of the general drainage system of the premises.

(6) All gas and electric connections within the brewery or manufactory shall be fixed in such manner as to ensure the supply of gas or electricity can be cut off and all the regulators or switches securely locked at the end of the day's work.

(7) Unless otherwise directed by the State Government in writing, there shall be only one entrance to the brewery or manufactory and one emergency exit and one door to each of its room or compartment. All these doors shall be secured with excise ticket locks or revenue locks during the absence of the brewery officer or, as the case may be manufactory officer. The emergency exit shall be kept closed with excise ticket lock or revenue lock and shall be opened only on emergent occasions.

(8) The licensee shall cause to be legibly painted, with oil colour and keep so painted, on some conspicuous part of every vat, mashtun, underback, copper, heating tank, cooler, fermenting vessels and setting back intended to be used by him in his business, the purpose for which it is intended.

(9) When more than one vat, vessel, room or place is used for the same purpose, all such vats, vessels, rooms or places shall bear distinetive serial numbers.

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1. Added by G.N. 24-2-1967.



(10) All vats, vessels and other receptacles shall be placed and fixed in such manner as to ensure that the contents can be accurately ascertained by gauge or measure and shall not be altered in shape, position or capacity unless two days' notice in writing is given to the Brewery Officer or, as the case may be, Manufactory Officer.

(11) All vats, vessels and receptacles shall be gauged jointly by the Brewery Officer or, as the case may be, the Manufactory Officer, and the licensee and tables prepared by the Brewery Officer or the Manufactory Officer showing the total capacity of each vessel, in litres or kilograms, as the case may be and the capacity at each centimetre and 2 milimetre in depth. A record of these details shall be kept in a register in Form BR-I.

(12) No vessel which has been altered in shape position or capacity shall again be taken into use, unless it has been regauged by the Brewery Officer, or, as the case may be, the Manufactory Officer and new tables therefore are prepared by him, if necessary.

(13) The licensee shall provide and maintain in the brewery or, as the case may be, manufactory sufficient and accurate scales, weights and measures and other necessary appliances to enable the Brewery Officer or, as the case may be, the Manufactory Officer or such other officer as may inspect the brewery or manufactory to take account of, or check by weight, gauge or measure, all materials and beer or wine manufactured in the brewery of manufactory and provide sufficient lights, ladders and other convenience to enable the Prohibition and Excise staff to perform their duties.

(14) The licensee shall also provide in the brewery or, as the case may be, manufactory, proper gauge rods, a standard saccharometer, a thermometer and a hydrometer.

7. *Manufacture of beer.*—(1) Beer shall be brewed from such materials as are, in the opinion of the Brewery Officer, of good quality. Not less than <sup>1</sup>[ 20 per cent] by weight of the materials (exclusive of hops) used in brewing, shall consist of malt. No saccharine or cognate articles like sucramine sugarol and compounds of saccharine, sucramine and sugarol or substances which are chemical or artificial products and which furnish the chemical tests of saccharine or hop substitutes shall be used in the manufacture of beer or shall be added to beer at any stage. Wort shall not be brewed of a higher gravity than 1073 at 60<sup>o</sup> F. Nothing shall be added to the beer after it has been racked and removed to the bottling room.

(2) The licensee shall keep the total produce of a brewing separate from the produce of any other brewing for a period of twenty-four hours unless an account of the first-mentioned produce is taken sooner by the Brewery Officer.

(3) The licensee shall not mix the produce of one brewing with that another except in his store vats or casks. No such mixing shall be carried out unless previous notice is given by him in writing to the Brewery Officer. He shall specify the quantity and gravity of the work before mixing and after mixing.

(4) All grains in a mashtun shall be kept untouched for a period of one hour after the time specified for the worts to be drawn off and until the Brewery Officer has attended and taken account of such grains.

(5) All worts shall be removed successively and in the usual order of brewing to the under-back, coopers, coolers and fermenting vessels and shall not be removed from the last named vessels until and account has been taken by the Brewery Officer or until twenty-four hours have elapsed after the time when the worts were collected in this vessels.

(6) After the worts commence running into a fermenting vessel, the whole produce of the brewing shall be collected within eighteen hours.

(7) Only pure filtered water shall be used for the manufacture of beer.

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1. Subs. by 30-6-2005.

8. *Manufacture of wine.*—(1) The wine shall be manufactured according to the formula and the process if manufacture submitted by the licensee and approved by the State Government.

(2) The spirit required for fortifying wine shall be obtained on an indent in Form BRIND countersigned by the Manufactory Officer from persons authorised to sell or supply such spirit.

(3) The consignment of spirit shall be verified in volume and strength and the receipt of such supply shall be entered in the register in Form BRST.

(4) After the spirit has been received, it shall be stored in one or more vessels or bottles in the spirit room.

(5) Spirit shall be issued from the spirit room to the wine manufacturing room on a requisition form the licensee which shall be made in Form BRQ in such quantities as are required for the fortification of a batch of wine. All spirit so issued shall, in the presence of the Manufactory Officer be added without delay to the batch of wine specified in the application.

9. *Analysis of beer and wine.*—(1) On completion of the manufacture of beer or wine, the Brewery Officer or, as the case may be, the Manufactory Officer shall permit the licensee to take free sample <sup>1</sup>[not exceeding such quantity as the commissioner may by order in writing permit for the purpose] for analysis in the licensee's laboratory and declaration of the true strength of alcohol.

(2) Any quantity left over after analysis shall be immediately brought back to the brewery or, as the case may be, manufactory and mixed with the main bulk of the batch before it is removed to the storage room or the bottling room.

(3) An account of the quantity used by the licensee for analysis shall be maintained in a register in Form BR-II.

(4) The alcoholic strength of beer or wine as declared by the licensee shall be entered by the licensee in a register in Form BR-III.

(5) Immediately after the declaration by the licensee of the alcoholic strength of finished beer or wine and before such beer or wine is removed to the storage room or bottling room the licensee shall make proper entries in the register in Form BR-III.

(6) The Brewery Officer or, as the case may be, the Manufactory Officer shall check the entries, and if they are found in order, he shall initial the relevant entries in the register in Form BR-III.

10. *Accounts of transactions.*—(1) The licensee shall keep accounts of transactions taking place in every fermentation room in a register in Form BR-IV.

(2) Each variety of beer or wine manufacture shall be registered and shall bear a distinctive number in the register in Form BR-III. Such register shall also show the quantity of beer or wine manufactured. In the case of wine, the register shall, in addition, show the receipt and disposal of all spirit issued to the manufacturing room from the spirit room.

(3) As soon as a batch of beer or wine is manufactured, it shall be removed either to the storage room or to the bottling room. It shall then be carefully measured into vats in the storage room and accounted for in a register in Form BR-V or shall be so measured in vessels in the bottling room and accounted for in a register in Form BR-VI. The finished beer or wine stored in the storage room shall be removed to the bottling room whenever required and shall be accounted for in the register in Form BR-VI. As soon as a batch of finished beer or wine is bottled, it shall be removed in bottles to the finished store room and accounted for in a register in Form BR-VII.

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1. Subs. by G.N. of 18-5-1974.



<sup>9</sup>[" Provided that, for BRL licensee, manufacturing beer upto two lakh litres per year for sale in unbottled and unpackaged form and holding licence in Form E under the Special Permits and Licence Rules, 1952, as soon as a batch of beer is manufactured, shall remove the said beer to the storage room and the quantity of beer thus transferred shall be measured by a flow metre installed between the fermentation tanks and the storage tanks and shall be further validated by calibrated gauges attached to the tanks. The said flow metre shall be under excise lock and the process of transfer of the beer from the fermentation tanks to the storage tanks shall be done under the supervision of the brewery inspector. The quantity of beer thus transferred and measured shall be recorded in form BR-V. The excise duty shall be charged on the quantity thus recorded in Form BR-V. The finished products in the storage tanks shall be removed for 'on-site' consumption as and when required."]

11. *Bottling and packing.*—(1) No beer or wine shall be bottled by the licensee except in the presence of the Brewery Officer or, as the case may be the Manufactory Officer or some other officer deputed for the purpose.

<sup>1</sup>[\*\*\*]<sup>3</sup>[" (2) (a) All bottles and packages containing Beer or Wine to be sold in the State of Maharashtra shall bear a label showing the name of the manufacturer, the name of the Beer or Wine, the place of manufacture, the alcoholic percentage, the batch number of manufacture of Beer or Wine, the month and year of Manufacture, the statement "FOR SALE IN MAHARASHTRA STATE ONLY"<sup>7</sup>[statutory warning consumption of liquor is injurious to health] and maximum retail price <sup>4,6</sup>[(inclusive of all taxes and duties).]

<sup>5</sup>["*Explanation.*—Sales tax on beer or wine sold through FL-II Vendor's licence issued under rule 25 of the Bombay Foreign Liquor Rules, 1953, levied under Government Notification, Finance Department, No. STA-1097/CR-1/Taxation-2, dated the 8th December, 1998 is also recoverable over and above Maximum Retail Price on such beer and wine manufactured prior to the 9th December, 1998 and sold on or after the 9th December, 1998."]

[(b) All bottles and packages containing Beer or Wine to be sold out of the State of Maharashtra shall bear a label showing the name of manufacturer, the name of Maharashtra shall bear a label showing the name of manufacturer, the name of the Beer or Wine, the place of manufacturer, the alcoholic percentage, batch number of manufacture of Beer or Wine, the month and year of Manufacture and statement "NOT FOR SALE IN THE STATE OF MAHARASHTRA"<sup>8</sup>[and the statutory warning consumption of liquor is injurious to health.]

(3) The guaranteed fluid contents of each bottles, cask or keg shall be clearly indicated in bold letters on the label.

(4) All labels required to be used shall be submitted to the Commissioner for his approval. No lable shall be used unless it is approved by the Commissioner.

(5) The bottles to be used for the purpose of bottling beer or wine shall be new and properly <sup>2</sup>[hygiencally cleansed and washed by an automatic bottle washing Machine.]

1. Deleted by G.N. of 8-2-1982.

3. Ins. by 18-10-1996.

5. Ins. by 22-1-1999.

7. Ins. by G.N. 23-8-2010.

9. Ins. by G.N. 10-8-2009.

2. Subs. by G.N. of 18-5-1974.

4. Subs. by of 8-12-1998.

6. Subs. by of 24-7-2008.

8. Insertion by G.N. dt. 23-8-2010.

<sup>1</sup>[(6) Immediately after the bottles are filled up, they shall be crown corked and labelled and removed to the finished store room. The casks or kegs shall also be properly closed with bungs, sealed, labelled, and then removed to the finished store room.

(7) The crown corks shall be metallic and shall be firmly fixed in position by a corking machine or any other suitable appliance. The crown cork shall bear the name of the manufacture.]

(8) An account of the transactions in the bottling room shall be maintained in Form BR-VI

<sup>3</sup>["Provided that, the BRL licensee manufacturing beer upto two lakh litres per year in a microbrewery, shall be allowed to sell the beer manufactured in an unbottled and unpackaged form in the premises for which Licence in Form E is granted under the Special Permits and Licences Rules, 1952. Sub-rules (1), (2), (3), (4), (5) and (6) of Rule 11 of the principal Rules shall not be applicable for such a BRL licensee manufacturing upto two lakhs litres of beer per year in microbrewery for sale in unbottled and unpackaged form on the premises having licence in Form E under the Special Permission and Licence Rules, 1952 or licensee granted under sub-rule (1-B) of Rule 45 of the Bombay Foreign Liquor Rules, 1953."]

12. *Storage.*—The licensee shall store all beer and wine manufactured and bottled in the brewery or manufactory in the finished store room and nowhere else.

13. *Removal of beer or wine.*—(1) A licensee desiring to remove beer or wine from the brewery or, as the case may be, manufactory, shall make an application in Form BR-VIII to the Brewery Officer or, as the case may be the Manufactory Officer, along with *chalan* showing the payment of excise duty and transport fee, if any, into a Government Treasury in respect of the beer or wine proposed to be so removed.

<sup>3</sup>[" Provided that, where the BRL licensee, manufacturing upto two lakh litres of beer per year in microbrewery for sale in unbottled and unpackaged form on the premises licensed under Special Permits and Licence Rules, 1952, in Form E but in different rooms, for on-site consumption, desires to remove the beer to the storage tanks, shall make an application in Form BR-VIII, the brewery officer alongwith the *challan* showing payment of excise duty and transport fee, if any, into a Government Treasury in respect of the beer proposed to be so removed. On receipt of the application under sub-rule (1) in Form BR-VIII, the Brewery Officer shall after ascertaining that the particulars furnished are correct and there appears to be no objection to allow the beer to be removed from the fermentation tanks to the storage tanks he shall allow the said licensee to remove the beer from the fermentation tanks to the storage tanks, as per the guidelines provided under the proviso to the rule 10 of the principal rules and the said sub-rules (2), (3) and (4) of this rule shall not be applicable."]

<sup>2</sup>[(2) (i) On receipt of an application under sub-rule (1), the Brewery Officer, or as the case may be, the Manufactory Officer shall, after ascertaining that the particulars furnished in the application are correct, if he sees no objection, issue a transport pass in quadruplicate in Form BR-IX. One copy (counterfoil) of such pass shall be retained at the Brewery or, as the case may be manufactory on the record of the Brewery or Manufactory Officer, the duplicate shall be sent to the District Prohibition and Excise Officer in whose jurisdiction the place of destination is situated, the triplicate shall be given to the licensee to accompany the consignment and the quadruplicate shall be

1. Subs. by G.N. of 18-5-1974.

2. Subs. by G.N. of 18-5-1974.

3. Ins. by of 10-8-2009.

given to the transporter for production at the railway station, if necessary, for effecting release of the consignment and thereafter, for production before the officer at the place of destination.

(ii) Where the consignment of beer or wine is transported under bond, the transporter shall, on the consignment reaching its destination, obtain the Certificate in Form "Certificate-1" annexed to Part IV of the pass, duly filled in signed and sealed by the Officer at the licensed premises at destination, and produce it before the Brewery or, as the case may be, Manufactory Officer from where the beer or wine is transported, but in no case shall he fail to produce such certificate before the latter officer within two months from the date of the bond in Form BR-XII.

(iii) On receipt of the certificate from the transporter, the Brewery or the Manufactory Officer, as the case may be shall see whether and less quantity of beer or wine was delivered by him than that was allowed to be transported under the transport pass and report accordingly to the District Prohibition and Excise Officer of jurisdiction. The District Prohibition and Excise Officer, as the case may be, shall take Brewery or the Manufactory Officer, as the case may be, shall take steps to recover the excise duty and fees on the short delivered quantity of beer or wine. When excise dues on the less delivered quantity or where the quantity is delivered correctly, the bond executed in Form XII shall be realised.]

(3) No beer or wine manufactured at the brewery or manufactory shall be removed therefrom except under a transport pass in Form BR-IX issued by the Brewery Officer, or, as the case may be, the Manufactory Officer.

(4) No such transport pass shall be issued unless excise duty and transport fee, if any, payable on the quantity of beer or wine intended for removal are paid, and a *chalan* for the payment is produced before the Brewery Officer or, as the case may be the Manufactory Officer. All such *chalans* shall be filled serially by the Brewery Officer or, as the case may be, the Manufactory Officer. <sup>1</sup>[In case, where beer or wine is to be transported under bond, the licensee shall execute a bond in Form BR-XII before the District Prohibition and Excise Officer, for payment of excise duty and fees payable on the quantity of beer or wine to be transported, provided that, the execution of the bond may be dispensed with by the District Prohibition and Excise Office in case of any transporter, who has deposited in a Government Treasury a sum which is, in the opinion of the District Prohibition and Excise Officer, sufficient to cover the amount of duty and fees payable by him.]

14. *Collection of duty.*—The Brewery Officer or, as the case may be, the Manufactory Officer, shall be responsible for the correct collection of duty and fees if any, at the prescribed rate before any beer or wine is allowed to be removed from the brewery or manufactory except in the case of exports or removal under bond.

15. *Supervision.*—(1) The Brewery Officer or, as the case may be, the Manufactory Officer shall exercise such supervision as is require to ensure that the materials which go to make beer or wine are used according to the approved formula and process and that no portion of spirit is diverted for other purposes.

(2) The Prohibition and Excise Officer specially empowered in this behalf, by the Commissioner shall inspect the brewery and manufactory and shall submit the notes of his inspection to the Officer specified by the Commissioner. He shall also be responsible for the correct maintenance of accounts and collection of duty by the Brewery Officer and Manufactory Officer.

16. *Authority of persons authorised by licensee.*—(1) The agents, clerks and other persons, who have been duly authorised in this behalf by the licensee, and approved by the Brewery Officer or the Manufactory Officer may enter into and carry out their work in connection with the manufacture during the working hours of the brewery or manufactory.

(2) Any person duly authorised in this behalf by the licensee may sign all applications and indents for the issue of finished preparations.

17. *Regulation of Business of licensee.*—(1) All transactions pertaining to the manufacture, bottling and issues of beer or wine shall be under excise supervision. The Commissioner may appoint such staff at the brewery or manufactory for excise supervision as is considered necessary and the cost of such staff shall be paid to the State Government by the licensee <sup>1</sup>[quarterly in advance].

(2) The brewery or manufactory shall not be kept open except during the factory hours on normal factory working days. The Excise Supervisory Staff posted at the brewery or manufactory shall not be entitled for a public holiday, if it is not a factory holiday nor that staff will be eligible for overtime allowance for the work done on such public holiday as it is not a factory holiday. On any emergent occasion, the licensee may, with the previous written permission of the Commissioner, keep the brewery or manufactory open on any factory holiday. In such cases, the licensee shall pay to the State Government overtime charges at the rates, prescribed by the Director from time to time.

(3) The licensee shall conduct his business either personally or by an agent authorised in writing by him in that behalf.

(4) The licensee shall keep the licensed premises and all the goods therein open for inspection and examination at all reasonable times by the Commissioner, Collector, District Prohibition and Excise Officer, Brewery Officer, Manufactory Officer or any other officer empowered under section 122 of the Act. The licensee shall render all assistance in such inspection and examination.

(5) The licensee shall, when so required by the Commissioner, Collector, District Prohibition and Excise Officer or by any officer empowered by the Commissioner in this behalf, give an explanation in writing regarding any irregularities detected at his licensed premises and shall furnish any information regarding the management of the said premises. He shall answer all questions put to him to the best of his knowledge and belief.

(6) The licensee shall maintain a visit-book pagged and stamped by the District Prohibition and Excise Officer in which the visiting officers may record any remarks when inspecting the licensed premises. The licensee shall, on the termination of the period of the licence, deliver up the visit-book, the accounts and the licence to the District Prohibition and Excise Officer.

(7) The licensee shall preserve invoices, cash memoranda, permits and other documents relating to the consignments received and dealt with by him for a period of one year after the year to which they relate.

(8) The licensee shall not discontinue the manufacture of beer or wine unless he has given two calendar months notice to the Commissioner of his intention to do so.

18. *General conditions to be fulfilled by licensee.*—(1) All the manufacturing and bottling operations shall be conducted under hygienic conditions.

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1. Subs. by G.N. of 18-5-1974.

(2) all colouring and flavouring substances to be used by the licensee shall be kept on the licensed premises under lock and key, both of the licensee and the Brewery Officer or, as the case may be, the Manufactory Officer. A sample from each kind of such substance shall be sent by the licensee immediately on receipt to the Chemical Analyser and no such substance shall be used by the licensee unless the Chemical Analyser has approved the same as suitable for manufacture of beer or wine. If the Chemical Analyser advises that excessive addition of any of the substances sent to him for examination will render the beer or wine injurious, the licensee shall use such substance in the proportion indicated by the Chemical Analyser. In the event of any such substance remaining unused for twelve months from the date of receipt, fresh sample shall be submitted for examination in the same manner.

<sup>1</sup>[Provided that, the licensee shall not send the sample from each kind of such colouring and flavouring substances for analysis if such substances are obtained from persons (including companies and firms) manufacturing such substances and such persons are approved by the Commissioner and the person manufacturing them certifies that the substances supplied to the licensee conform to the standards prescribe by or under the Prevention of Food Adulteration Act, 1954 and the rules framed thereunder, and that such substances have not remained unused for twelve months from the date of their receipt by the licensee.]

Correct accounts of all colouring and flavouring substances and materials used in the brewery of manufactory shall be maintained by the licensee in Form BR-X. The accounts shall remain in the custody of the Brewery Officer or, as the case may be, the Manufactory Officer who shall check them at the end of each day's work.

(3) The licensee shall maintain accounts in proper forms and register as required by these rules. The accounts shall be written every day which it shall be the duty of the Brewery Officer or, as the case may be, the Manufactory Officer to check and attest every day.

(4) The license shall deliver to the Brewery Officer or, as the case may be, the Manufactory Officer not later than the 5th of each month, a retain of transactions of business in respect of the preceding month in duplicate in Form BR-XI. The Brewery Officer or the Manufactory Officer shall sent one copy with his remarks to the District Prohibition and Excise Officer.

(5) The licensee shall abide by the provisions of the Act, and all rules, regulations and orders made thereunder and the conditions of the licence.

<sup>1</sup>[19. The Commissioner may issue written instruction providing for any supplementary matters arising out of these rules.

20. The State Government may by an order in writing delegate all or any of its powers under the provisions of these rules to the Commissioner.]

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1. Subs. by G.N. of 18-5-1974.

**FORM BRA**

[See rule 3 and 4]

*Application for licence to construct and work a brewery to manufacture beer or  
manufactory to manufacture wine*

(Delete the letters and words not applicable)

To,

The Secretary to Government,  
Home Department, Sachivalaya, Bombay,  
Through the Commissioner of Prohibition and Excise,  
Maharashtra State, Mumbai.

Sir,

I/We ..... of ..... (here address)  
request the I/we may be granted licence to construct and work brewery to manufacture  
the accompanying

beer/manufactory to manufacture wine/may be renewed for the period ending the 31st  
March 19 ..

2. I/We hereby declare particulars (in the table overleaf of the brewery/  
manufactory and the permises where I/we carry on business of the  
intend to carry

manufacture of beer  
wine

3. I/We agree to abide by the terms and conditions of the licence which may be  
granted/renewed, and the provisions of the Bombay Prohibition Act, 1949, the  
Maharashtra Manufacture of Beer and Wine Rules, 1966 and other rules, regulations and  
orders made under the said Act.

4. I/We have enclosed in quadruplicate the site and elevation plans of the brewery/  
manufactory building(s), and also similar plans for the quarters of the Prohibition and  
Excise Staff, together with relevant records.

5. \* \* \* \*

6. I/We enclose four signed copies of the process which I/we desire to adopt for the  
manufacture of beer/wine.

*OR*

I/We will adopt the process for the manufacture of beer/wine which has already been  
approved by the Government under its No. .... dated .....

7. I/We hereby declare that no excise licence previously held by me/us has been  
cancelled or suspended or has failed to be renewed owing to a breach of the Act and/or  
rules governing the grant of such licence.

8. I/We declare that to the best of my/our knowledge and belief the information  
furnished herein is true and complete.

Place :

Date :

Signature(s) of the applicant(s).

## TABLE

1. Name or names and the address or addresses of the person or persons applying, if the applicant is a firm, the name and address of every partner of the firm; and if a company, the registered name and address thereof, the names of the Directors, Managers and Managing Agents, and if there is a Managing Director, the name of such Director.
  
2. The amount of capital proposed to be invested in the venture <sup>1</sup>[and how is it proposed to finance it.]
  
3. The name of the place and the site on which the building or buildings housing the brewery/manufactory is/are situated or to be constructed, the following particulars, with distinguishing letter and number of each, to be furnished—
  - (i) brief description (with boundaries) of the premises ;
  - (ii) description of each main division or sub-division of the brewery/manufactory;
  - (iii) fermentation room(s);
  - (iv) spirit room(s)
  - (v) manufacturing room(s);
  - (vi) room(s) for storage of finished preparation in vats;
  - (vii) bottling room(s);
  - (viii) room(s) for storage of finished beer/wine in sealed bottles and other receptacles.

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1. Added by G. N. of 18-5-1974.

TABLE—*contd.*

4. Approximate date from which the applicant desires to commence the brewery/manufactory.
  
5. The number and full description of the vats, and other permanent apparatus and machinery which the applicant wishes to set up or work, or already set up (giving distinguishing letter and number of each).
  
6. List of varieties of beer/wine which the applicant proposes to manufacture, and/or those manufactured during the preceeding year.

Variety of Beer/wine	Quantity manufactured During the preceding year	Quantity to be manufactured during the year
1	2	3

Place :

Date :

Signature(s) of the applicant(s).

**FORM BRL**

[See rule 3(2)]

*Licence for the manufacture of beer/wine*

Licence is hereby granted, under and subject to the provisions of Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as “the said Act”), the Maharashtra Manufacture of Beer and Wine Rules, 1966 and other rules, regulations and orders made under the said Act, to ..... (hereinafter referred to as “the licensee”) <sup>1</sup>(on payment of a licence fee (inclusive of consideration <sup>2</sup>[of fourty thousand rupees (Rs. 40,000)] authorising him to manufacture beer/on payment of a licence fee (inclusive of consideration) <sup>2</sup>[of four thousand rupes (Rs. 4,000)] authorising him to manufacture wine and to sell the same at his brewery/manufactory]

1. Subs. by G. N. of 6-11-1981.

2. Subs. by G. N. of 16-3-1988.



situated at .....  
 (hereinafter referred to as the "brewery/manufactory") during the period from the  
 ..... day of ..... 19 to the 31st day of March 19 ,  
 on the following conditions, namely :—

1. The licensee shall not manufacture and sell beer/wine except at the brewery/  
 manufactory and under the supervision of the Brewery Officer/Manufactory Officer.

2. The licensee shall provide suitable office accommodation, with sanitary  
 arrangements, for the use of the excise staff within the premises of the  
 brewery/manufactory.

3. The licensee shall to the satisfaction of the Commissioner provide suitable  
 quarters for the residential accommodation of the Prohibition and Excise staff employed  
 under condition 1 in the close vicinity of the brewery/manufactory. If the licensee is  
 not able to provide residential accommodation to the members of such staff, the Commis-  
 sioner shall be entitled to take on hire or otherwise secure suitable accommodation for  
 the said staff. The rent to be charged to a member of the staff shall be the economic rent  
 or 10 per cent of the basic pay of the member concerned, whichever is less. If the  
 economic rent of the quarters is more than 10 per cent, of the basic pay of the member,  
 the licensee shall pay the excess over 10 per cent, provided that in no case the licensee will  
 be liable to pay more than the difference between 10 per cent and 35 per cent, of the basic  
 pay of the member. If the economic rent is more than 35 per cent, of the basic pay of the  
 member, then the member shall pay 10 per cent, and the licensee shall pay 25 per cent and  
 the member shall pay the excess over 25 per cent, if the licensee is not willing to pay it.

4. The licensee shall use the same materials and ingredients and shall adopt the  
 same process of manufacturing beer/wine as are approved by the State Government.

5. The licensee shall not dilute or adulterate beer/wine or store or permit to be stored  
 any beer/wine which he knows to be diluted or adulterated.

6. The licensee shall permit two samples to be taken by the Brewery Officer, or as the  
 case may be, the Manufactory Officer, for analysis from each batch of beer/wine the  
 alcoholic strength of which has been declared by him after analysis in his laboratory. On  
 receipt of the two samples, the Brewery Officer or, as the case may be, the Manufactory  
 Officer shall proceed to take steps as hereinafter provide—

(a) One set of samples shall be sent at once to the Chemical Analyser, and a note  
 to that effect shall be made in the register in Form BR-III. The report of the Chemical  
 Analyser, when received, shall be shown to the licensee.

(b) The duplicate sample of beer/wine which is intended exclusively for replace-  
 ment of the original sample or repetition of its analysis, when necessary, shall be kept  
 under excise, ticket or revenue lock, and shall on receipt of the Chemical Analyser's  
 report that it is satisfactory, be brought back to the manufacturing room immediately  
 for being mixed with subsequent batch of the same type of beer/wine.

(c) All such samples sent shall be sealed by the Brewery Officer or, as the case  
 may be, the Manufactory Officer and the licensee.

(d) The duplicate sample shall not be brought back to the manufacturing room in  
 any case where the alcoholic strength of beer/wine from which the sample was taken  
 is declared by the Chemical Analyser to be beyond the margin of 0.50 of the strength  
 declared by the licensee.

(e) When the Chemical Analyser reports that the strength of beer/wine varies  
 beyond the margin of 0.50 of the strength declared by the licensee, the beer/wine shall  
 be dealt with according to the orders of the Commissioner. All samples required for  
 analysis under the Maharashtra Manufacture of Beer and Wine Rules, 1966 or under

this licence shall be supplied free of cost by the licensee and all expenses in connection with the packing and despatch of samples to places of analysis shall be borne by the licensee.

7. The licensee shall ensure that no smoking and no use of naked lights or fires are allowed within the premises of the brewery/manufactory.

8. The licensee shall display the licensee in a conspicuous place in the brewery/manufactory.

9. In addition to the registers and account books prescribed under the Maharashtra Manufacture of Beer and Wine Rules, 1966, the licensee shall also keep such registers and account books as the Commissioner may direct from time to time.

10. No entry in any of the books kept by the licensee under this licence shall be erased or overwritten, should it be necessary to correct any entry, a line should be drawn through the incorrect entry in such a manner as to leave it distinctly visible and the amended entry should be inserted above it. Every correction shall be initialled and dated by the person making it at the time it is made.

11. The names of all person to be employed either as brewers, managers of servants shall be submitted for approval to the Brewery/manufactory officer by the licensee. No persons other than those approved by the Brewery/Manufactory Officer shall be permitted to work as brewers or managers or to make entries in the account books.

12. The licensee shall not carry on the business of manufacture and sale of beer/wine except either personally or by an agent of servant duly authorised by him in this behalf by a written *nokarnama* signed by himself and countersigned by the Brewery/Manufactory Officer, provided that any such *nokarnama* signed by the licensee shall be valid until countersignature is refused.

If for any reason the Commissioner shall order the withdrawal of any *nokarnama* issued by the licensee the *nokarnama* issued shall be forthwith withdrawn. For every *nokarnama* issued by him, the licensee shall pay such fee as may from time to time be prescribed for this privilege. No *nokarnama* shall be issued to any person who is a minor and no such *nokarnama* if issued shall be valid. The licensee shall be responsible for breach of the rules or any of the conditions of this licence committed by any of his servants.

13. Except with the written permission of the State Government, the licensee shall not sell, transfer or sub-let the right of manufacture conferred upon him by this licence nor shall he in connection with the exercise of the said right enter into any agreement or arrangement which is in the nature of a sub-lease the decision of the State Government on such question shall be final and binding on the licensee.

14. No person shall be recognised as a partner of the licensee for the purpose of this licence, unless partnership has been declared to the State Government before the licence is granted and the names of the partners have been entered jointly in the licence, or if the partnership is entered into after the granting of the licence, unless the State Government agrees, on application made to it, to alter the licence and to add the name or names of the partner or partners in the licence.

<sup>1</sup>[14A. In cases where a licence is granted in favour of a Private or Public Limited Company, it shall be binding on such a company to communicate in detail to the licensing authority any changes in the Directors of the Company such as their names and addresses within fifteen days from the date of such a change.]

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1. Ins. G. N. of 14-6-1979.

15. The licensee shall not sell beer/wine manufactured by him to any person other than a holder of a trade and import licence :

Provided that, the licensee may also sell beer/wine for export to any place outside the State of Maharashtra under a valid export pass.

<sup>1</sup>["Provided further that, the BRL Licensee manufacturing beer upto two lakhs litres per year from microbrewery, who has the licence in Form 'E' under the Special Permits and Licences Rules, 1952 or in Form FL III Licence granted under sub-rule (1-B) of rule 45 of the Bombay Foreign Liquor Rules, 1952, may sell under unbottled and unpackaged.".]

16. The licensee shall ensure that the process of brewing/fermentation adopted by him or the treatment of brewing/fermentation effluent shall not produce foul smell or cause nuisance to the neighbourhood. He shall also not permit the treated effluent to pass into rivers or *nullahs* if that would result in the destruction of fish or such other useful creatures in water.

17. The licensee, his successors or assignees shall have no claim whatsoever to the continuance or renewal of this licence, after the expiry of the period for which it is granted. It shall be entirely within the discretion of the State Government whether or not to permit the assignee of the licensee in case of sale or transfer or his successors in case of death to have the benefit of the licence for the unexpired portion of the term for which it is granted.

18. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

Granted this ..... day of ..... 19 ..

Seal

Place : Mumbai.

Secretary of Government.

**FORM BR—I**

[See rule 6 (11)]

Register of vats, vessels and receptacles in  $\frac{\text{Brewery}}{\text{Manufactory}}$  of .....

Consecutive numbers	Description of vats, Vessels of receptacles	Gauged contents	When taken into use	When taken out of use	Where installed	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)

1. Insertion by 10-8-2009.

**FORM BRIND**

[See rule 8 (2)]

**Original**

*(To be sent to the supplier)*

*Indent for spirit for the fortification of wine*

Name of Manufactory :

Indent No.                      of 19       .

To,

Messrs. ....  
.....  
.....

Gentlemen,

Please issue                      litres of \*rectified spirit/\* absolute alcohol/\* brandy for the fortification of wine, in my/our manufactory.

Signature of licensee or  
his authorised agent.  
Licence No.

Countersignature of  
Manufactory Officer.

-----  
**FORM BRIND**

[See rule 8 (2)]

**Duplicate**

*(for Manufactory Officer's record)*

*Indent for spirit for the fortification of wine*

Name of Manufactory :

Indent No.                      of 19       .

To,

Messrs .....  
.....  
.....

Gentlemen,

Please issue                      litres of \*rectified spirit/\* absolute alcohol/\* brandy for the fortification of wine, in my/our manufactory.

Signature of licensee or  
his authorised agent.  
Licence No.

Countersignature of  
Manufactory Officer.

---

\*Retain which is required.

**FORM BRIND**

[See rule 8 (2)]

**Counterfoil**

(For licensee's record)

*Indent for spirit for the fortification of wine*

Name of Manufactory :

Indent No.                      of 19     .

To,

Messrs .....  
.....  
.....

Gentlemen,

Please issue                      litres of \*rectified spirit/\* absolute alcohol/\* brandy for  
the fortification of wine, in my/our manufactory.

Signature of licensee or  
his authorised agent.

Licence No.

Countersignature of  
Manufactory Officer.

---

\*Retain which is required.



**FORM BR-Q**

[See rule 8 (5)]

**COUNTERFOIL**

*(To be kept on licensee's record)*

*Requisition for issue of spirit from the spirit room for the fortification of wine.*

Requisition No. .... of 19 ..

To,

The Manufactory Officer, .....

Sir,

Please issue ..... litres of \*rectified spirit/\*absolute alcohol/\*brandy for the fortification of wine.

----- Spirit required -----						
Month and date	Quantity in litres	Strength	Alcoholic Proof content	Variety of wine to be fortified	Quantity of each Variety of wine to be fortified (6)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
				Litres		
					Litres	

-----  
\*Retain which is required.

Dated :

Signature of licensee or his  
authorised agent.

**FORM BR-Q**

[See rule 8 (5)]

**FOIL**

*(To be kept on Manufactory Officer's record)*

*Requisition for issue of spirit from the spirit room for the fortification of wine.*

Requisition No. .... of 19 .

To,

The Manufactory Officer, .....

Sir,

Please issue ..... litres of \*rectified spirit/\*absolute alcohol/\*brandy for the fortification of wine.

-----						
Spirit required						
Month and date	Quantity in litres	Strength	Alcoholic Proof content	Variety of wine to be fortified	Quantity of each Variety of wine to be fortified	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			Litres			
				Litres		

-----  
\*Retain which is required.

Date :

Signature of licensee or his authorised agent.

Quantity issued on .....

Manufactory Officer.



**FORM BR-II**

[See rule 9 (3)]

*Account of quantity of beer/wine used for analysis.*

Name of the Brewery .....

Manufactory

Date of drawing samples	Variety of Beer/Wine	Batch No.	Quantity issued		Quantity used for analysis	
			Litres	Mililitres	Litres	Mililitres
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Quantity brought back to the brewery / manufactory and mixed with the main bulk		Initials of the Brewery Officer/Manufactory Officer	Remarks
Litres	Mililitres		
(8)	(9)	(10)	(11)

**FORM BR-II**

[See rule 9 (4), (5), (6) and 10(2)]

Register of operations in the manufacturing room of the brewery / manufactory  
of .....

Month and date (1)	Quantity of fermented material received from the fermentation room		*Quantity of spirit received from the spirit room and used		
	Bulk in litres (2)	Strength (3)	Rectified spirit with strength (4)	Absolute alcohol with strength (5)	Brandy with strength (6)

Beer / wine manufactured				Quantity of Beer / Wine transferred			
Batch No. (7)	Variety of Beer/Wine (8)	Quantity in litres (9)	Strength (10)	Batch No. (11)	Variety of Beer/Wine (12)	To storage room in vats litres (13)	To bottling room litres (14)

Quantity of Beer / wine in balance					Signature of --	
Batch No. (15)	Variety of Beer/Wine (16)	Quantity in litres (17)	Strength (18)	Licensee (19)	Brewery Officer/ Manufactory Officer (20)	Remarks (21)

\*This column is to be filled in by the wine manufacturing licensee.

**FORM BR-IV**

[See rule 10(1)]

Register of transactions in the fermentation room (s) of the Brewery / manufactory  
of .....

Month and date	Vat or Vessel No. in which charged	Quantity charged	Date on which charged, i.e., date of commencement of fermentation	Date of completion of
(1)	(2)	(3)	(4)	(5)

Bulk charged in litres	Quantity transferred manufacturing room	Signature of		Remarks
		Licensee	Brewery Officer/ Manufactory Officer	
(6)	(7)	(8)	(9)	(10)

**FORM BR-II**

[See rule 10(3)]

Register of transactions in the storage room in the Brewery / Manufactory of .....

Month and date	Opening Balance			Quantity of beer/wine		
	Batch No.	Variety of Beer/Wine	Strength	Quantity in litres	Batch No.	Variety of Beer/Wine
(1)	(2)	(3)	(4)	(5)	(6)	(7)

received from the manufacturing room			Quantity of beer/wine transferred to bottling room			
Strength	Quantity in litres	Page No. of Register in Form Br-II	Batch No.	Variety of Beer/Wine	Strength	Quantity in litres
(8)	(9)	(10)	(11)	(12)	(13)	(14)

Closing balance				Signature of-		Remarks
Batch No.	Variety of Beer/Wine	Strength	Quantity in litres	Licensee	Manufactory Officer/ Brewery Officer	
(15)	(16)	(17)	(18)	(19)	(20)	(21)

**FORM BR-VI**

[See rule 10(3) and 11(8)]

*Register of operations in the bottling room of the Brewery / Manufactory of .....*

Month and Date	Opening Balance			
	Batch No.	Variety of Beer/Wine	Strength	Quantity in litres
(1)	(2)	(3)	(4)	(5)

Quantity of Beer/Wine received from the manufacturing room and storage room

Batch No.	Variety of Beer/Wine	Quantity in litres	Strength	Page No. of Register in Form BR-III
(6)	(7)	(8)	(9)	(10)

Quantity of Beer/Wine bottled

Batch No.	Variety of Beer/Wine	Quantity in litres	No. of bottles/casks/kegs	Contents in each kind of bottles/casks/kegs L./ml
(11)	(12)	(13)	(14)	(15)

Quantity of Beer/Wine transferred to the finished store room

Batch No.	Variety of Beer/Wine	No. of bottles/casks/kegs	Contents in each kind of bottle/casks/kegs L./ml
(16)	(17)	(18)	(19)

Closing balance

Batch No.	Variety of Beer/Wine	Quantity			Signature of-		Remark
		In bulk litres	No. of bottles/casks/kegs	Contents in each kind of bottle/casks/kegs/ L./ml.	Licensee	Brewery Officer/ Manufactory Officer	
(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)

**FORM BR-VII**

[See rule 10(3)]

Register of transactions in the store room of the Brewery / Manufactory of .....  
Variety of Beer/Wine.

Month and date	Opening Balance of Beer/Wine			Quantity of Beer/Wine	
	Batch No.	Number of bottles/casks/kegs L./ml.	Contents in each kind of bottles/casks/kegs/L./ml.	Batch No.	Number of bottles/casks/kegs
(1)	(2)	(3)	(4)	(5)	(6)

Received from the bottling room		Quantity of beer/wine issued from finished store			Transport/Export Pass No.	Name of the party to whom issued
Contents in each kind of bottles/casks/kegs L./ml.	Page No. of register in Form Br-IV	Batch No.	Number of bottles/casks/Kags	Contents in each kind of bottles/casks/ Kegs L./ml.		
(7)	(8)	(9)	(10)	(11)	(12)	(13)

Chalan No. and date	Amount of duty paid	Amount of transport fee paid	Closing Balance			Signature of-		Remarks
			Batch No.	Number of bottles/casks/kegs	Content in each kind of bottles/casks/kegs L./ml.	Licensee	Brewery Officer/Manufactory Officer	
(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)

## FORM BR-VIII

[See rule 13(1)]

Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ .

Application for clearance of Beer/Wine on payment of duty and transport fee from  
the Brewery/Manufactory of.....

No. and Date of entry in the register in Form BR-VII (1)	Description of Beer/Wine					
	Batch No. (2)	Variety of Beer/Wine (3)	Bulk in litres (4)	No. of each kind of bottle/ cask/kegs (5)	Contents in each kind of bottle/cask/ kegs L./ml. (6)	Strength (7)

Marks and Number of containers (8)	Amount of transport fee and duty paid			Rate of transport fee (12)	Amount of transport fee paid (13)	Purpose for which cleared (14)	Remark (15)
	Rate of duty (9)	Amount of duty paid (10)	Challan No. and Date (11)				

I declare that the above particulars are true and correctly stated. I apply for leave to clear the above beer/wine for the purpose stated in column (14) above.

The beer/wine will be transported to ..... (here mention the place where the consignment will be transported) by ..... (here mention the route *i.e.*, rail or road).

Place :

Date : (Signature of the licensee or his authorised agent)

To,

The Brewery Officer/Manufactory Officer.

**FORM BR-IX**

[See rules 13(2), (3)]

**Pass for transport of beer/wine as detailed on the reverse**

(Counterfoil)

(To be retained by the Brewery/  
Manufactory Officer)

- (1) Serial No.
- (2) Name and Address of the Transporter.
- (3) Place to which the beer/wine is to be transported.
- (4) Place from which the beer/wine is to be transported.
- (5) Route (*i.e.* by road or rail) by which the beer/wine is to be conveyed. (State here the places by which the consignment will be sent).

The consignment shall not be broken in transit. This pass shall remain in force upto and including ..... 20 .

Brewery/Manufactory Officer.

Seal

Place :

Date :

**FORM BR-IX**

[See rules 13(2), (3)]

**Pass for transport of beer/wine as detailed on the reverse**

(Duplicate)

(To be forwarded to the Prohibition and  
Excise Officer at the place of destination)

- (1) Serial No.
- (2) Name and Address of the Transporter.
- (3) Place to which the beer/wine is to be transported.
- (4) Place from which the beer/wine is to be transported.
- (5) Route (*i.e.* by road or rail) by which the beer/wine is to be conveyed. (State here the places by which the consignment will be sent).

The consignment shall not be broken in transit. This pass shall remain in force upto and including ..... 20 .

Brewery/Manufactory Officer.

Seal

Place :

Date :

**FORM BR-IX**

[See rules 13(2), (3)]

**Pass for transport of beer/wine as detailed on the reverse**

(Triplicate)

(To be handed over to the licensee to  
accompany the consignment)

- (1) Serial No.
- (2) Name and Address of the Transporter.
- (3) Place to which the beer/wine is to be transported.
- (4) Place from which the beer/wine is to be transported.
- (5) Route (*i.e.* by road or rail) by which the beer/wine is to be conveyed. (State here the places by which the consignment will be sent).

The consignment shall not be broken in transit. This pass shall remain in force upto and including ..... 20 .

Brewery/Manufactory Officer.

Seal

Place :

Date :



<b>(Reverse)</b>		<b>(Reverse)</b>		<b>(Reverse)</b>	
Details of the beer/wine allowed to be transported from ..... (here state the name of the brewery/manufactory).		Details of the beer/wine allowed to be transported from ..... (here state the name of the brewery/manufactory).		Details of the beer/wine allowed to be transported from ..... (here state the name of the brewery/manufactory).	
Bottles/Casks/Kegs		Bottles/Casks/Kegs		Bottles/Casks/Kegs	
Name of beer/wine	Number	Qty. contained in each	Total bulk litres	Strength	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Brewery/Manufactory Officer.

Place :  
Date :

Brewery/Manufactory Officer.

Place :  
Date :

Brewery/Manufactory Officer.

Place :  
Date :

**[FORM BR-IX**  
[See rule 13(2), (3)]

*Pass for transport of Beer/Wine as detailed on the reverse (Quadruplicate).*  
(To be handed over to the licensee for production at the place of destination)

- (1) Serial No. ....
- (2) Name and Address of the Transporter.
- (3) Place to which beer / wine is to be transport.
- (4) Route (*i. e.* by road or rail by which the beer / wine is to be conveyed (state here the place by which the consignment will be sent.)

The consignment shall not be broken in transit. This pass shall remain in force up to and including ..... 20 .

Seal

Place :

Date :

Brewery / Manufactory Officer.

(Please see the reverse)

**REVERSE**

*Details of the Beer / Wine allowed to be transported from*  
(here state the name of the Brewery / Manufactory)

Bottle / Casks / Kegs.

Name of Beer/Wine	Number	Quantity contained in each (ml.)	Total bulk litres	Strength	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Place :

Date :

Brewery / Manufactory Officer.

1. Added by G. N. of 18-5-1974.

**CERTIFICATE**  
[See rule 13(2), (ii)]

No. ....

Dated .....

Certified that Shri/Smt./Kum./Messrs. ....  
of ..... who has/have been granted transport pass  
No. .... dated ..... by ..... has/have delivered  
the beer / wine as shown below on .....  
to ..... of ..... in the District  
of .....

Variety of beer / wine	Number	Quantity contained in each (ml.)	Total litres	Strength	Proof litres	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

and that the seals on the packages and receptacles containing the above beer / wine were intact at the time of delivery of the consignment at its destination.

Signature and Designation of the  
Officer at the destination place.]

**FORM BR-X**

[See rule 18(2)]

*Register showing the accounts of colouring and flavouring substances  
used in the manufacture of beer/wine in the manufactory  
brewery of.....*

Serial	Date	Name of Substance		Opening Balance Quantity of--	
		Colouring	Flavouring	Colouring substance	Flavouring substance
(1)	(2)	(3)	(4)	(5)	(6)

Quantity received		Total Quantity of		Quantity issued for use in the manufacture of beer / wine		
Colouring substance	Flavouring substance	Colouring substance	Flavouring substance	Variety of beer / wine	Colouring substance	Flavouring substance
(7)	(8)	(9)	(10)	(11)	(12)	(13)

Closing Balance-- Quantity of--		Signature of--			Remarks
Colouring substance	Flavouring substance	Manufactory/ Brewery Officer	Licensee or his authorised agent		
(14)	(15)	(16)	(17)	(18)	

**FORM BR-XI**

[See rule 18(4)]

*Return of transactions at the Brewery/Manufactory of..... at  
..... during the month of ..... 19 .*

(To be submitted by the licensee by the 5th of every month)

1. No. of batches--
  - (a) manufactured
  - (b) in unfinished condition at the end of the month
2. Particulars of the Beer / Wine manufactured.

Variety of beer / wine	Batch No.	Opening balance		Manufactured	
		Bulk litres	Number of each kind of bottles/casks/ kegs	Contents of each kind of bottles/casks/ kegs/L/ml.	Bulk litres
(1)	(2)	(3)	(4)	(5)	(6)

during the month		Total stock		Clearance during the month		
Number of each kind of bottles/casks/ kegs	Contents of each kind of bottles/casks/ kegs/L/ml.	Bulk litres	Number of each kind of bottles/casks/ kegs	Contents of each kind of bottles/casks/ kegs/L/ml.	Number of each kind of bottles/casks/ kegs	Contents in each kind of bottles/casks/ kegs/L/ml.
(7)	(8)	(9)	(10)	(11)	(12)	(13)

Duty paid during the month (14)	Transport fee paid during the month (15)	Quantity issued under bond		
		Bulk litres (16)	Number of each kind of bottles/casks/kegs (17)	Contents in each kind of bottles/casks/kegs L./ml. (18)

Total Quantity issued during the month			Closing balance at the end of the month			Remarks (25)
Bulk liters (19)	Number of each kind of bottles/casks kegs (20)	Contents in each kind of bottles/casks kegs L/ml. (21)	Bulk liters (22)	Number of each kind of bottles/casks kegs (23)	Contents in each kind of bottles/casks kegs L/ml. (24)	

I/We declare that the particulars in this statement have been correctly stated.  
 Countersigned and forwarded to the Superintendent / District Prohibition and Excise Officer .....

Brewery / Manufactory Officer.

(Signature of the licensee or his authorised agent)

## [FORM BR-XII

[See rule 3(2) (ii)]

*Form of bond to be executed by the transporter before pass is granted to him to transport Beer / Wine in bound from any Brewery / Manufactory.*

Whereas, I/We ..... residing at .....  
 ..... in the .....  
 taluka of the ..... district ..... have made an  
 application on and ..... to ..... for a pass  
 authorising me/us to transport in bond beer/wine as specified in that application from the  
 brewery/ manufactory ..... in the district of .....  
 I/We ..... bind myself/ourselves that I/we shall cause the quantity of beer/  
 wine mentioned in the pass to be duly and safely transported from the brewery/manufactory  
 of ..... and conveyed it by the most direct route from ..... to  
 ..... aforesaid in conformity with the provisions of the Bombay Prohibi-  
 tion Act, 1949 and the rules, regulations and orders made thereunder, and shall cause the  
 said beer/wine to be delivered into the custody of ..... at .....  
 in the district of ..... and shall procure and produce to the Brewery/  
 Manufactory Officer within two months from the date of this bond a certificate signed by  
 the Excise Officer aforesaid showing what quantity of the said beer/wine specified in the  
 pass has been delivered at the ..... aforesaid.

And that if the whole quantity shall not have been delivered to the .....  
 ..... at ..... aforesaid, I/We, my/our heirs,  
 executors, administrators and representatives shall on demand by the District Prohibi-  
 tion and Excise Officer pay or cause to be paid within seven days from the date of  
 demand to the said officer, duty, transport fee and special fee mentioned in the Bombay  
 Foreign Liquor and Rectified Spirit (Transport) Fees, Rules, 1954 at the rates in force on  
 such portion of beer/wine specified in the pass as shall not be so delivered; and that in  
 the event of my/our failure to pay the amount of the said duty and fees within the said  
 period of seven days, I/we, shall pay interest on the said amount at the rate of 12 per cent  
 per annum from the date of demand to the date of payment.

And in case of my/our making default in the payment of the said duty, fees interest  
 and other charges, if any, I/we bind myself/ourselves to forfeit to the Governor of  
 Maharashtra, the sum of Rupees .....

Place .....

Dated this ..... day of ..... 197

In the presence to—

(1)

(2)

Signature of the Licensee or Transporter.

Before me

District Prohibition and Excise Officer, ..... ]

**FOREIGN LIQUOR****(b) Descriptions of country liquor declared as foreign liquor.****{79} G.N., H.D., No. SMP. 1071/2435 (a)-III, dt. 29th November, 1973****(M. G., Pt. IV-B.,P. 1837)**

In exercise of the powers conferred by the proviso to clause (17) of section 2 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of all previous notification issued in this behalf, the Government of Maharashtra hereby declares that the following descriptions of country liquor shall for the purposes of the said Act, be deemed to be foreign liquor namely :

1. Perfumed spirits, essences of whisky, rum and brandy and denatured spirit.
2. All other liquors such as grape liquor, malt liquor ale, beer, porter, cider, wines, spirits of wines, rectified spirits, absolute alcohol, brandy, whisky, rum, cashew brandy, club cup, gin and ginger wine, which are certified by the Chemical Analyser to the Government of Maharashtra as having the same properties as those possessed by liquors of the corresponding descriptions imported from foreign countries and which are liable to duty at the same special rates as those prescribed in the first Schedule to the Indian Traffic Act, 1934 (XXXII of 1934), or at such special rates as may be prescribed by Government under section 105 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949).

**{80} G.N., H.D., No. FLR. 0278/PRO-2, dated 16th July, 1979****(M. G., Pt. IV-B.,P. 1386)**

In exercise of the powers conferred by the proviso to clause (17) of section 2 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby declares that country liquor of the following descriptions manufactured by Bharath (Goa) Fruit Distilleries, Goa, shall for the purposes of the said Act, be deemed to be foreign liquor, namely :

1. Nanora Cashew Liquor
2. Bardez Cashew Fenny
3. Bardez Coconut Palm Fenny

**{81} G.N., H.D., No. FLR. 1082/3/PRO-2, dated 5th May, 1983****(M. G., Pt. IV-B.,P. 459)**

In exercise of the powers conferred by the proviso to clause (17) of section 2 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby declares that Country Liquor of the following descriptions manufactured by M/s. Real Bottling Factory Private Limited, Panjim, Goa shall for the purposes of the said Act, be deemed to be foreign liquor, namely :

- (a) "Real Deluxe Cashew Fenny, and
- (b) Real Coconut Fenny."

**{82} G.N., H.D., No. FLR. 1084/1-PRO-2 dated 22nd July, 1986****(M. G., Pt. IV-B.,P. 517)**

In exercise of the powers conferred by the proviso to clause (17) of section 2 of the Bombay Prohibition Act 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby declares that country liquor of the following descriptions manufactured by M/s. New Goa Distillery, Morgao, Panjim, Goa 403 512 shall for the purpose of the said Act, be deemed to be foreign liquor, namely—

- (1) "Dasco Pure Cashew Fenny," and
- (2) Deluxe Goa Queen Export Quality Fenny."



**FOREIGN LIQUOR****(c) Licensing, import, export, etc.****{83} THE BOMBAY FOREIGN LIQUOR RULES, 1953****G. N., R.D., No. 5888/51, dated 26th March, 1953**

(B. G., Pt. IV-B, P. 589)

1. Amended by G. N., R. D. No. 5888/51, dated 28<sup>th</sup> April 1953 (B.G., Pt. IV-B, p. 811).
2. Amended by G. N., R. D. No. FLR. 1153, dated 14<sup>th</sup> October 1953 (B.G., Pt. IV-B, p. 2078).
3. Amended by G. N., R. D. No. 2969/51, dated 24<sup>th</sup> October 1953 (B.G., Pt. IV-B, p. 2222).
4. Amended by G. N., R. D. No. PRT. 1154, dated 24<sup>th</sup> March 1954 (B.G., Pt. IV-B, p. 423).
5. Amended by G. N., R. D. No. PRT. 1154, dated 15<sup>th</sup> April 1954 (B.G., Pt. IV-B, p. 589).
6. Amended by G. N., R. D. No. FLR. 1154, dated 18<sup>th</sup> August 1954 (B.G., Pt. IV-B, p. 1080).
7. Amended by G. N., R. D. No. FLR. 1154, dated 1<sup>st</sup> March 1955 (B.G., Pt. IV-B, p. 789).
8. Amended by G. N., R. D. No. FLR. 1154, dated 10<sup>th</sup> May 1955 (B.G., Pt. IV-B, p. 1 (6)).
9. Amended by G. N., R. D. No. FLR. 1154, dated 17<sup>th</sup> May 1955 (B.G., Pt. IV-B, p. 1180).
10. Amended by G. N., R. D. No. FLR. 1155/71628-C, dated 18<sup>th</sup> July 1955 (B.G., Pt. IV-B, p. 1451).
11. Amended by G. N., R. D. No. FLR. 1154/45226, dated 18<sup>th</sup> July 1955 (B.G., Pt. IV-B, p. 1453).
12. Amended by G. N., R. D. No. FLR. 1154/82078, dated 9<sup>th</sup> August 1955 (B.G., Pt. IV-B, p. 1606).
13. Amended by G. N., R. D. No. FLR. 1154/82078, dated 9<sup>th</sup> August 1955 (B.G., Pt. IV-B, p. 1606).
14. Amended by G. N., R. D. No. FLR. 115/93103, dated 23<sup>rd</sup> August 1955 (B.G., Pt. IV-B, p. 1633).
15. Amended by Corring., R. D. No. FLR. 1154, dated 24<sup>th</sup> November 1955 (B.G., Pt. IV-B, p. 1970).
16. Amended by Corring., R. D. No. FLR. 1155-C, dated 2<sup>nd</sup> January 1956 (B.G., Pt. IV-B, p. 23).
17. Amended by G. N., R. D. No. FLR. 1154, dated 24<sup>th</sup> February 1956 (B.G., Pt. IV-B, p. 221).
18. Amended by G. N., R. D. No. FLR. 1155(A), dated 28<sup>th</sup> June 1956 (B.G., Pt. IV-B, p. 818).
19. Amended by Corring., R. D. No. FLR. 1455 (b), dated 30<sup>th</sup> March 1957 (B.G., Pt. IV-B, p. 325).
20. Amended by G. N., R. D. No. TIV. 1-56 (b),, dated 15<sup>th</sup> April 1957 (B.G., Pt. IV-B, p. 1037).
21. Amended by G. N., R. D. No. FLR. 1157/59173-J, dated 11<sup>th</sup> May 1957 (B.G., Pt. IV-B, p. 1224).

22. Amended by G. N., R. O. No. PLR. 1156/51338 (a), dated 17<sup>th</sup> May 1957 (B.G, Pt. IV-B, p. 1224).
23. Amended by G. N., R. D. No. FLR. 1155/142983, dated 19<sup>th</sup> November, 1957 (B.G, Pt. IV-B, p. 2235).
24. Amended by G. N., R. D. No. FLR. 1156/117518, dated 24<sup>th</sup> January 1958 (B.G, Pt. IV-B, p. 96).
25. Amended by Corring., R. D. No. FLR. 1155/42962-J, dated 25<sup>th</sup> February 1958 (B.G, Pt. IV-B, P. 205).
26. Amended by G. N., R. D. No. FLR. 1157/158729 (a), dated 28<sup>th</sup> April 1958 (B.G, Pt. IV-B, p. 363).
27. Amended by G. N., R. D. No. SMP. 1055/35107, dated 30<sup>th</sup> June 1959 (B.G, Pt. IV-B, p. 669).
28. Amended by G. N., R. D. No. FLR. 1158/37305-J, dated 16<sup>th</sup> March 1959 (B.G, Pt. IV-B, p. 459).
29. Amended by G. N., R. D. No. BPA. 1358/35989-J, dated 2<sup>nd</sup> April 1959 (B.G, Pt. IV-B, p. 559).
30. Amended by G. N., R. D. No. FLR. 1459/67127 (a), dated 25<sup>th</sup> May 1959 (B.G, Pt. IV-B, p. 741).
31. Amended by G. N., R. D. No. FLR. 1459/67127 (a), dated 30<sup>th</sup> July 1959 (B.G, Pt. IV-B, p. 939).
32. Amended by G. N., R. D. No. BPA. 1359/149789-J, dated 19<sup>th</sup> September 1959 (B.G, Pt. IV-B, p. 1223).
33. Amended by G. N., II. D., No. FLR. 1060/29068-III, dated 18<sup>th</sup> September 1961 (M.G, Pt. IV-B, p. 907)
34. Amended By G.N., II, D., No. FLR.1061/4073-III, dated 25<sup>th</sup> November 1961 (M.G, Pt.IV-B, P.1147)
35. Amended By Corrig. II, R, D., No. FLR. 1060/20698-III, dated 27<sup>th</sup> June 1962 (M.G, Pt. IV-B, P.2307)
36. Amended By G.N., II, D., No. BPA. 1059/55336-III, dated 25<sup>th</sup> July 1963 (M.G, Pt. IV-B, P.1239)
37. Amended By G.N., II, D., No. FLR. 1061/4073-III, dated 16<sup>th</sup> January 1964 (M.G, Pt. IV-B, P.98)
38. Amended By G.N., II, D., No. FLR. 1064/C-450-III, dated 24<sup>th</sup> March 1964 (M.G, Pt. IV-B, P.334)
39. Amended By G.N., II, D., No. FLR. 1064/C-63-III dt. 30<sup>th</sup> May 1964 (M.G, Pt. IV-B, P.547)
40. Amended By G.N., II, D., No. FLR. 1064/C-63-III, dated 23<sup>rd</sup> June 1964 (M.G, Pt. IV-B, P.547)
41. Amended By Corrig. N., II, D., No. FLR.1064-C-63-III, dated 23<sup>rd</sup> June 1964 (M.G, Pt. IV-B, P.853)
42. Amended By G.N., II, D., No. FLR. 1064-C-2317-III, dated 27<sup>th</sup> August 1964 (M.G, Pt. IV-B, P.1105)
43. Amended By G.N., II, D., No. FLR. 1164/71078-III, dated 26<sup>th</sup> November 1964 (M.G, Pt. IV-B, P.1605)
44. Amended By G.N., II, D., No. FLR. 1065-III, dated 11<sup>th</sup> May 1966 (M.G, Pt. IV-B, P.563)
45. Amended By G.N., II, D., No. TIV.1064-C-3505-III, dated 2<sup>nd</sup> August 1966 (M.G, Pt. IV-B, P.1462)

46. Amended By G.N., II, D., No. BPA. 1064/71510-III, dated 30<sup>th</sup> September 1966 (M.G., Pt. IV-B, P.1858)
47. Amended By G.N., II, D., No. BPA.1264/44294-III, dated 15<sup>th</sup> May 1967(M.G., Pt. IV-B, P.1471)
48. Amended By G.N., II, D., No. FLR. 1068-C-1273 (a)-III, dated 25<sup>th</sup> April 1968 (M.G., Pt. IV-B, P.434)
49. Amended By G.N., II, D., No. FLR 1068/33972-III, dated 8<sup>th</sup> July 1969 (M.G., Pt. IV-B, P.949)
50. Amended By G.N., II, D., No. FLR 1068/C-1273-III, dated 18<sup>th</sup> November 1969 (M.G., Pt. IV-B, P.1967)
51. Amended By G.N., II, D., No. FLR 1970/13135-III, dated 28<sup>th</sup> January 1971 (M.G., Pt. IV-B, P.169)
52. Amended By G.N., II, D., No. EST. 1368/6914-III, dated 12<sup>th</sup> April 1971 (M.G., Pt. IV-B, P.508)
53. Amended By G.N., II, D., No. FLR 1068/C-1273-III, dated 23<sup>rd</sup> July 1971 (M.G., Pt. IV-B, P.1029)
54. Amended By G.N., II, D., No. FLR0 172/2/III-A, (a), dated 13<sup>th</sup> September 1972 (M.G., Pt. IV-B, P.1586)
55. Amended By G.N., II, D., No. FLR 0172/III-A, dated 17<sup>th</sup> January 1973 (M.G., Pt. IV-B, P.227)
56. Amended By G.N., II, D., No. FLR 1073/III-A(i), dated 27<sup>th</sup> March 1973 (M.G., Pt. IV-B, P.1473)
57. Amended By G.N., II, D., No. FLR 174/I-III-A, dated 1<sup>st</sup> April 1974 (M.G., Pt. IV-B, P.607)
58. Amended By G.N., D., No. FLR 0172/2- XXIX-P.R., dated 14<sup>th</sup> January 1976 (M.G., Pt. IV-B, P.142)
59. Amended By G.N., II, D., No. FLR. 0176-XXVIII-P.R., dated 26<sup>th</sup> November 1976 (M.G., Pt. IV-B, P.1514)
60. Amended By G.N., II, D., No. BPA. 2076/I-XXVIII-PR., dated 30<sup>th</sup> December 1976 (M.G., 1977 Pt. IV-B, P.62)
61. Amended By G.N., II, D., No. BPA.2076/XXVIII-PR., dated the 30<sup>th</sup> March 1977 (M.G., Pt. IV-B, P.322)
62. Amended By G.N., II, D., No. BPA. 2076/3-XXVIII-PR., dated the 31<sup>st</sup> March 1977 (M.G., Pt. IV-B, P.324)
63. Amended By G.N., II, D., No. BPA. 2076/4-XXVIII-PR., , dated 31<sup>th</sup> March 1977 (M.G., Pt. IV-B, P.326)
64. Amended By G.N., II, D., No. SLC. 1077/28-PR., (Part V) dated 9<sup>th</sup> December 1977 (M.G., 1978 Pt. IV-B, P.67)
65. Amended By G.N., II, D., No. BPA. 2079/267-I, PRO-2, dated 24<sup>th</sup> March 1979 (M.G., Pt. IV-B, P.732)
66. Amended By G.N., II, D., No. BPA. 2079/I-PRO-2, dated 8<sup>th</sup> August 1979 ( Pt. IV-B, P.1548)
67. Amended By G.N., II, D., No. BPA. 2080/I- PRO-2, dated 13<sup>th</sup> March 1980 (M.G., Pt. IV-B, P.237)
68. Amended By G.N., II, D., No. BPA. 2080/I-PRO-2, dated 11<sup>th</sup> July 1980 (M.G., Pt. IV-B, P.564)
69. Amended By G.N., II, D., No. BPA 2080/I-PRO-2, dated 6<sup>th</sup> September 1980 (M.G., Pt. IV-B, P.884)

70. Amended By G.N., II, D., No. BPA 2080/1-PRO-2, dated 26<sup>th</sup> September 1980 (M.G., Pt IV-B, P.961)
71. Amended By G.N., II, D., No. BPA. 2080/1-PRO-2, dated 27<sup>th</sup> October 1980 (M.G., Pt. IV-B, P.1090)
72. Amended By G.N., II, D., No. BPA. 2080/1-PRO-2, dated 18<sup>th</sup> December 1980 (M.G., Pt. IV-B, P.34)
73. Amended By G.N., II, D., No. BPA. 1081/1-PRO-2, 25<sup>th</sup> March 1981 (M.G., Pt. IV-B, P.281)
74. Amended By G.N., II, D., No. BPA. 1081/21(1)-PRO-2, dated 6<sup>th</sup> November 1981 (M.G., Pt. IV-B, P.1935)
75. Amended By G.N., II, D., No. BPA108/39-PRO-2, dated 20<sup>th</sup> February 1982 (M.G., Pt. IV-B, P.198)
76. Amended By G.N., II, D., No. BPA. 1081/39/PRO-2, dated 20<sup>th</sup> March 1982 (M.G., Pt. IV-B, P.354)
77. Amended By G.N., II, D., No. BPA. 1081/13 (II)/PRO-2, dated 4<sup>th</sup> May 1982 (M.G., Pt. IV-B, P.509)
78. Amended By G.N., II, D., No. BPA. 1085/8 (367)C/PRO-2, dated 10<sup>th</sup> September 1985(M.G., Pt. IV-B, P.577)
79. Amended By G.N., II, D., No. BPA. 108/IV-PRO-2, dated 16<sup>th</sup> March 1988 (M.G., Pt. IV-B, P.269-71)
80. Amended By G.N., II, D., No. BPA. 1088/XXVI-PRO-2, dated 23<sup>rd</sup> March 1988(M.G., Pt. IV-B, P.323)
81. Amended By G.N., II, D., No. BPA.1089/II-p.PRO-2, dated 17<sup>th</sup> February 1989(M.G., Pt. IV-B, P.313-15)
82. Amended By G.N., II, D., No. FLR. 1089/PRO-2, dated 30<sup>th</sup> August 1989 (M.G., Pt. IV-B, P.1277-79)
83. Amended By G.N., II, D., No. BPA. 1189/PRO-2, dated 2<sup>nd</sup> December 1989 (M.G., Pt. IV-B, P.121-22 of 1990)
84. Amended By G.N., II, D., No. BPA. 1090/II-PRO-2, dated 5<sup>th</sup> January 1990 (M.G., Pt. IV-B, P.255-56)
85. Amended By G.N., II, D., No. BPA. 1090/II/PRO-3, dated 21<sup>st</sup> May 1990 (M.G., Pt. IV-B, P.715-19)
86. Amended By G.M., II, D., No. BPA. 1993/II/Exc-3, dated 16<sup>th</sup> March 1993 (M.G., Pt. IV-B, P.615-16)
87. Amended By G.M., II, D., No. FLR. 1883/34/Exc-2, dated 30<sup>th</sup> August 1993 (M.G., Pt. N.B.P.)
88. Amended By G.N., II, D., No. BPA. 1094/II/Exc-3, dated 16<sup>th</sup> March 1994. (M.G., Pt. IV-B, P.528-29)
89. Amended By G.N., II, D., No. BPA. 1094/II/VIII/Exc-3, dated 28<sup>th</sup> March 1994. (M.G., Pt. IV-B, P.567)
- 90.. Amended By G.N., H, D., No. BPA. 1097/19/Exc-2, dated 4<sup>th</sup> June 1997 (M.G., Pt. IV-B, P.505)
91. Amended By G.N., H, D., No. BPA. 1097/19/Exc.-2, dated 15<sup>th</sup> September 2000(M.G., Pt. IV-B, P.1176)
92. Amended By G.N., H, D., No.MISI 100/CR-28/Exc-3 dated 31<sup>st</sup> August 2001(M.G., Pt. IV-B, P.)
93. Amended By G.N., H, D., No.MPL 5201/CR-21/(1)/Exc-3 dated 11<sup>th</sup> September 2001 (M.G., Pt. IV-B, P.)
94. Amended By G.N., H, D., No.BRL. 1101/CR-59/Exc-3 dated 28<sup>th</sup> December 2001 (M.G., Pt. IV-B, P. 1493-1497)
95. Amended By G.N., H, D., No.FLR. 1301/CR-11/Exc-2 dated 22<sup>nd</sup> October 2003 (M.G., Pt. IV-B, P. 1116)
96. Amended By G.N., H, D., No. MIS. 1199/1689/CR-28/Part-1/Exc-3 dated 19<sup>th</sup> August 2004(M.G., Pt. IV-B, P. 8-12)

97. Amended By G.N., H. D., No. BPA. 2001/19/Exc-2 dated 17<sup>th</sup> September 2004 (M.G., Pt. IV-B, P. 1004)
98. Amended By G.N., H. D., No. FLR. 1104/CR-21/Exc-2 dated 19<sup>th</sup> January 2005 (M.G., Pt. IV-B, P. 174-175)
99. Amended By G.N., H. D., No. BPA. 2003/CR-3/Exc-2 dated 20<sup>th</sup> April 2005 (M.G., Pt. IV-B, P. 441-443)
100. Amended By G.N., H. D., No. FLR. 1301/11/Exc-2 dated 17<sup>th</sup> May 2005 (M.G., Pt. IV-B, P. 479)
101. Amended By G.N., H. D., No. BPA. 2002/CR-1/Exc-II dated 1<sup>st</sup> July 2005 (M.G., Pt. IV-B, P. 659-661)
102. Amended By G.N., H. D., No. FLR. 1104/CR-21/Exc-2 dated 26<sup>th</sup> September 2005 (M.G., Pt. IV-B, P. 889-890)
103. Amended By G.N., H. D., No. BWR. 1105/CR-11/Exc-3 dated 24<sup>th</sup> November 2005 (M.G., Pt. IV-B, P. 1136)
104. Amended By G.N., H. D., No. BPA. 2006/CR-1/Exc-2 dated 31<sup>st</sup> March 2006 (M.G., Pt. IV-B, P. 443-444)
105. Amended By G.N., H. D., No. FLR. 1306/CR-15/Exc-2 dated 1<sup>st</sup> July 2006 (M.G., Pt. IV-B, P. 874)
106. Amended By G.N., H. D., No. BPA. 2006/CR-1/Exc-2 dated 13<sup>th</sup> July 2006 (M.G., Pt. IV-B, P. 954)
107. Amended By G.N., H. D., No. BPA. 1006/CR-7(2)-Exc-3 dated 4<sup>th</sup> August 2006 (M.G., Pt. IV-B, P. 1293)
108. Amended By G.N., H. D., No. BWR. 1106/CR-6/Exc-3 dated 14<sup>th</sup> August 2006 (M.G., Pt. IV-B, P. 1287)
109. Amended By G.N., H. D., No. BPA. 1206/CR-27/Exc-2 dated 29<sup>th</sup> January 2007 (M.G., Pt. IV-B, P. 163)
110. Amended By G.N., H. D., No. BWR. 1106/CR-15/Exc-3 dated 2<sup>nd</sup> April 2007 (M.G., Pt. IV-B, P. 553-554)
111. Amended By G.N., H. D., No. BPA. 1106/CR-28/Exc-2 dated 30<sup>th</sup> April 2007 (M.G., Pt. IV-B, P. 751-752)
112. Amended By G.N., H. D., No. MIS. 1107/CR-33(2)/Exc-3 dated 10<sup>th</sup> July 2007 (M.G., Pt. IV-B, P. 1223)
113. Amended By G.N., H. D., No. MIS. 1107/CR-40/Exc-3 dated 30<sup>th</sup> July 2008 (M.G., Pt. IV-B, P. 786-792)
114. Amended By G.N., H. D., No. FLR. 1209/CR-100/Exc-2 dated 6<sup>th</sup> July 2009 (M.G., Pt. IV-B, P.)
115. Amended By G.N., H. D., No. FLR. 1707/CR-38/Part-2/Exc-2 dated 13<sup>th</sup> November 2009 (M.G., Pt. IV-B, P. 3)
116. Amended By G.N., H. D., No. BPA. 0907/CR-16/Exc-2 dated 23<sup>rd</sup> November 2009 (M.G., Pt. IV-B, P. 2)
117. Amended By G.N., H. D., No. BPA. 0907/CR-16/Exc-2 dated 29<sup>th</sup> December 2009 (M.G., Pt. IV-B, P.)
118. Amended By G.N., H. D., No. MIS. 0610/CR-138/Exc-3 dated 7<sup>th</sup> July 2010 (M.G., Pt. IV-B, P. 16)

In exercise of the powers conferred by Section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and all other powers enabling it in this behalf and in supersession of the Bombay Foreign Liquor Rules, 1950, the Government of Bombay is pleased to make the following rules, namely:

1. Title – These rules may be called the Bombay Foreign Liquor Rules, 1953,
- <sup>1</sup>[2. Extent – These rules extend to the whole of the State of Maharashtra.]

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1. Subs. by G. N. of 25-7-1963.

3. Definitions.—In these rules, unless there is anything repugnant in the subject or context,—

(1) “Act” means the Bombay Prohibition Act, 1949;

(2) <sup>1</sup>\* \* \*

(3) “Club licensee” means a person holding a club licence under these rules;

<sup>2</sup>[(3A) “country liquor” has the same meaning as assigned to it in clause (c) of rule 2 of the Maharashtra Country Liquor Rules, 1973;]

(4) “Duty-paid foreign liquor” means foreign liquor on which

(i) duty leviable under the Indian Tariff Act, 1934, or <sup>3</sup>[the Sea Customs Act, 1962, or]

(ii) the excise or countervailing duty under the Act has been paid and includes foreign liquor which is exempted from such duty;

(5) “Excise supervision” means the supervision by the members of the staff of the Prohibition and Excise Department appointed in that behalf by a competent authority;

(6) (1) “Foreign Liquor” means potable duty-paid foreign liquor of the following kinds, namely;

(i) spirits,

<sup>4</sup>[(ii) wines,

(iii) fermented liquors, and

(iv) mild liquors.]

(2) (a) “Spirits” means brandy, whisky, <sup>5</sup>[rum], <sup>6</sup>[club cup, gin] liquors and milk punch,

(b) “Wines” means Champagne, Moselle, Burgundy, Chianti, White Wines, Clarets, Hocks, Riesling, Madeira, Ginger-Wine, Port-type, Port, Vermouth, Sherry, <sup>7</sup>[Wincarnis, Vibrona, Manola, Buckfast Tonic-Wine] and such other wines as the State Government may be notification in the Official Gazette specify <sup>8</sup>[being wines having alcoholic strength exceeding 5 per cent, alcohol by volume (*i.e.* equivalent to 8.75 per cent. of proof spirit)];

<sup>9</sup>[Explanation.—For the purposes of this item “Wincarnis” means Wincarmis prepared according to the following formula, namely:—

18 per cent. alcohol by volume.

Sodium Glycerophosphate liquid B.P.C.	..	..	1.7 per cent, W/v.
---------------------------------------	----	----	--------------------

Meat Extract	..	..	0.46 per cent. W/v.
--------------	----	----	---------------------

Malt Extract B.P.	..	..	0.46 per cent. W/v.
-------------------	----	----	---------------------

Blended Wine to 100 vols.]

(c) “Fermented liquor” means ale, beer, milk stout (Porter), Cider <sup>8</sup>[having alcoholic strength exceeding 5 per cent. alcohol by volume (*i.e.* equivalent to 8.75 per cent. of proof spirit)] and such other fermented liquors as the State Government may by notification in the Official Gazette, specify;

[“(d) “mild liquor” means,

(a) mild beer having alcoholic strength not exceeding 5 per cent v/v which is equivalent to 8.75 per cent of proof spirit;

(b) any foreign liquor other than mild beer having alcoholic strength not exceeding 5 per cent v/v which is equivalent to 8.75 per cent of proof spirit;”.]

<sup>1</sup> Deleted by G. N. of 8-8-1979.

<sup>3</sup> Subs. by G. N. of 8-7-1969.

<sup>5</sup> Ins. by G. N. of 11-5-1957.

<sup>7</sup> Ins. by G. N. of 30-6-1958.

<sup>9</sup> Added by G. N. of 16-3-1959.

<sup>2</sup> Ins. By G. N. of 4-5-1982.

<sup>4</sup> Subs. by G. N. of 25-4-1968.

<sup>6</sup> Subs. by G. N. of 25-5-1959.

<sup>8</sup> Added by G. N. of 25-4-1968.

<sup>10</sup> Subs. by G. N. of 11-9-2001.



- (7) "Form" means a form appended to these rules;
- (8) "hotel license" means a person holding a hotel licence under these rules;
- (9) "Licensed premises" means premises in respect of which a licence has been issued under these rules;
- (10) "license" means a person who has been granted a licence under these rules;
- <sup>1</sup>(11) "permit-holder" means a person holding a permit under these rules or holding a liquor permit for foreign tourist, granted by visa-issuing Officer of Indian Missions Overseas or the Director or Assistant Director, Government of India, Tourist Office, at any place overseas, and in Bombay, Calcutta, New Delhi and Madras;]
- (12) "prescription" means a prescription issued by a registered medical practitioner;
- (13) "privileged personage" means a person falling under Section 41 of the Act;
- (14) <sup>2</sup>\* \* \* \*
- (15) "sale by wholesale" means sale to licensed retailers or wholesalers;
- (16) <sup>3</sup>\* \* \* \*
- (17) "temporary resident" means a person falling under clause (c) of sub-section (1) of Section 40 of the Act;
- (18) "trade and import licensee" means a person holding a trade and import licence under these rules;
- <sup>4</sup>(19) 'unit' means the quantity of foreign liquor or country liquor or of both, equivalent to,—
- (i) 750 millilitres of spirit or country liquor, or
- (ii) 1,500 millilitres of wines, or
- (iii) 2,600 Millilitres of fermented liquor (including mild liquor where a permit is required for the purchase, possession, transport, use and consumption of mild liquor);
- (20) words and expressions not defined in these rules shall have the meanings respectively assigned to them in the Act.

## PART I

### *Foreign Liquor Trade and Import Licence*

<sup>5</sup>[4. *Application for licence* – Any person desiring to import and sell foreign liquor by wholesale shall apply to the Collector in Form F.L./A-1A for a trade and import licence in that behalf. Every such application shall be accompanied by a chalan evidencing payment of a fee of <sup>6</sup>[Rs.500] in respect of such application.]

[<sup>5</sup>5. *Grant of licence.* – On receipt of the application, the Collector shall make inquiries for verification of the details stated in the application and also such other inquiries as he deems necessary, for the disposal of the application.] The Collector shall

1 Subs. by G. N. of 8-7-1969.

2 Deleted by G. N. of 25-7-1963.

3 Deleted by G. N. of 8-8-1979.

4 Subs. by G. N. of 4-5-1982.

5 Subs. by G. N. of 17-1-1973.

6 Subs. By G. N. of 8-7-1969.

7 Ins. by 20-4-2005.

place the application alongwith enquiry report before the Committee constituted under rule 44-A for the consideration and Committee shall consider the suitability or otherwise of the applicant for the grant of licence and record its recommendation in that behalf. The Collector shall after duly considering the Committee's recommendation and after satisfying himself that the premises where it is proposed to sell the Foreign Liquor are in conformity with the provisions of the rules and that there is no objection to grant the licence in accordance with the rules, he may inform the applicant of the decision, and grant the licence in Form FL-I on recovery of such licence fee (inclusive of consideration), as may be specified by the State Government or Commissioner, from time to time, and a deposit of Rs. 1 lakh.

5-A. *Requirements of warehouse or licensed premises.*—The building or rooms of the warehouse or licensed premises shall be strongly constructed of masonry or brick work. The windows of the building or rooms shall be securely wire netted. There shall be only one entrance to the building or main room of the warehouse or licensed premises and to each store-room, respectively which must open into the warehouse or licensed premises enclosure. The minimum area of the warehouse premises shall be 100 square metres, or storage capacity of 5,000 cases of foreign liquor at a time.

5-B. *Prohibition to shift warehouse or licensed premises to any other place.*—A licensed shop or warehouse shall not be shifted by a wholesale licensee to any other place within a taluka without prior approval of the Collector, and from one taluka to another taluka of the district without prior approval of the Commissioner, and from one district to another district without prior approval of the Government.”]

<sup>3</sup>[“5-C (1) *Application for trade and import licence for wines only.*—Any person desiring to import and sell of wines by wholesale shall apply to the Collector in Form F. L. W/A-1A for a trade and import licence for wines in that behalf. Every such application shall be accompanied by chalan evidencing payment of a fee of rupees fifty in respect of such application.

(2) On receipt of the application, under sub-rule (1), the Collector may make inquiries for verification of the details stated in the application and also such other inquiries as he deems necessary, for the disposal of application. If he is satisfied that there is no objection to grant the licence applied for, he may with the previous sanction of the State Government, grant the applicant, a licence in Form “F.L.W.I.” on payment of fee of rupees five thousand and deposit of rupees five thousand.

(3) The provisions of rules 5-B, 6, 6A, 7 to 15, 16 (2), 18 to 23 applicable for licence in “Form FL-I”, shall apply *mutatis mutandis*, to licence in “Form F. L. W. I.”.]

6. *Duration of licence.* – No licence under rule 5 shall be granted for a period beyond the 31<sup>st</sup> march next following the date of the commencement of the licence.

<sup>1</sup>[6A. *Procedure for grant of licence for subsequent period.* – Where any licensee desires to continue to sell foreign liquor after the date of expiry of his licence and makes an application mentioned. <sup>2</sup> [in rule 4 accompanied by a challan evidencing payment of a fee of Rs. 25] at least thirty days before such date, the provision of rule 4 shall *mutatis mutandis* apply to the grant of the licence with this modification that unless the State Government directs otherwise, it shall not be necessary for the Collector to obtain the pervious sanction of the State Government.]

1. Subs. by G. N. of 29-3-1973.

2. Ins. by G. N. of 10-3-1988.

3. Ins. by G. N. of 30-7-2008.



<sup>6,7</sup> [7. Only foreign liquor authorised by Commissioner to be imported and removed from customs frontier, etc.—The foreign liquor which is imported as per the provisions of the The Custom Act, 1962 (52 of 1962) and the Trade and Import licensee those are desiring to remove such foreign liquor from the custom frontier or custom bond shall apply to Commissioner for authorisation. The Commissioner shall endorse the licence in form F.L. I by charging fee of Rs. 2,50,000 per annum for such endorsement to that effect. After such endorsement is made the licensee shall get approved such labels of foreign liquor by the Commissioner. The fees for registration and approval of labels shall be paid as under :—

(a) For Spirits.—

- |  |                                      |
|--|--------------------------------------|
| (1) Upto 10 labels per authorised licensee | Rs. 10,000 for each label per annum. |
| (2) In excess of 10 labels licensee        | Rs. 5,000 for each label per annum.  |

(b) For Wine and Beer.—

- |  |                                      |
|--|--------------------------------------|
| (1) Upto 10 labels per authorised licensee | Rs. 5,000 for each label per annum.  |
| (2) In excess of 10 labels                 | Rs. 2,500 for each label per annum.] |

8. Removal from Custom House, etc. – No foreign liquor—

(i) brought into the Port or the Land Customs Station in the <sup>1</sup>[State of Maharashtra], or

(ii) brought to the boundary of the <sup>1</sup>[State of Maharashtra] for import into any part of the <sup>1</sup> [State of Maharashtra] from and any other part of India, or

(iii) Manufactured in any manufactory, distillery or brewery in the <sup>1</sup>[State of Maharashtra],

Shall be transported by any trade and import licensee from such Port, Land Customs Station, boundary or manufactory, distillery or brewery as the case may be, to his licensed premises or his warehouse <sup>4</sup>[except under a transport pass in Form F.L.I.-A issued by an officer duly authorized in this behalf and on payment of a fee prescribed under the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954].

9. What foreign liquor shall not be kept or sold. – A trade and import licensee shall not receive or keep, in his licensed premises or in his warehouse, any foreign liquor which has not been lawfully removed from a customs frontier or which has not been lawfully imported or transported.

10. Sale of foreign liquor.-(1)(a) A trade and import licensee shall exhibit at his licensed premises a list, supplied by the Commissioner from time to time, showing the names and addresses of persons holding licences for the sale of foreign liquor.

(b) Such licensee shall not sell foreign liquor to any person in the <sup>1</sup>[State of Maharashtra] unless such person holds licence for the sale of foreign liquor or for the possession and use of foreign liquor for the manufacture of medicinal preparations to which section 24-A of the Act applies <sup>3</sup>[or holds licence in Form PLL for manufacture of Indian Made Foreign liquor under the Maharashtra distillation of spirit and Manufacture of potable Liquor Rules, 1966 and who is permitted by the Commissioner to use foreign liquor for blending purposes] and produces a <sup>2</sup>[transport <sup>8</sup>["passes in Parts I, II, III and IV of Form FL-I-A, issued by the licensee or his authorised servant duly authorised by the Superintendent of the State Excise in that behalf, and Parts, I, III and IV of Form FL-I-A of the transport passes so produced shall be countersigned by the Excise Officer duly authorised in that behalf, upto next working day after verifying the accounts"]]

<sup>4,5</sup>[\*\*]

1 Subs. by G. N. of 25-7-1963

2 Subs. by G.N. of 17-5-1957

3 Ins. by G. N. of 31-3-1977

4 Add by G. No. 21-5-1990

5 Deleted by G. N. 14-8-2006

6 Sub. by G. N. 31-8-2001

7 Sub. by G. N. 10-7-2007

8 Sub. by G. N. 30-4-2007

(2) A trade and import licensee shall not sell foreign liquor to any person outside the <sup>1</sup>[State of Maharashtra] except with the permission of the Collector. No such sale shall be effected unless the licensee is satisfied that the export of the liquor is covered by a valid export pass.

(3) A trade and import licensee may with the special permission of the Collector sell foreign liquor out of his stock in customs bond to a ship going abroad provided that the person in-charge of such ship produces a valid transport pass.

(4) A trade and import licensee may sell foreign liquor to persons referred to in section 41 of the Act out of his stock in customs bond provided that they hold special permits under the said section and produce a valid transport pass.

(5) A trade and import licensee may also supply foreign liquor to any depot referred to in rule-43, provided that such supply is covered by a valid <sup>2</sup>[transport pass in Form F.L.IA] if the licensee has to make delivery to such depot.

(6) The price at which the licensee shall supply foreign liquor shall not exceed the maximum price fixed by the <sup>3</sup>[State Government] under the Act.

<sup>4</sup>[11. *Banderolling of foreign liquor bottles.*—Foreign liquor bottles containing such kind of foreign liquor as the State Government may, from time to time, specify shall be banderolled, before they are sold to any person for consumption in the State and such banderolling shall be in such manner as the Commissioner may from time to time, direct.]

12. *No drinking on licensed premises.*—A trade and import licensee shall not permit any foreign liquor to be drunk in or on the licensed premises or in his warehouse or any premises connected therewith that may be in his occupation or under his control.

13. *Racking, etc., not permitted.*—No foreign liquor shall be racked, bottled, bended, reduced, flavoured or coloured by a trade and import licensee, except in accordance with the provisions of the Act and the rules, regulations and orders made thereunder.

14. *Adulterated and spurious foreign liquor not allowed.*—No trade and import licensee shall adulterate or in any manner cause to deteriorate any foreign liquor, or knowingly, receive or keep on licensed premises or warehouse or sell foreign liquor which is or has been adulterated or which has deteriorated or been caused to deteriorate. He shall also not receive, keep or sell spurious foreign liquor of any kind.

15. *Sale of foreign liquor prohibited in certain cases.*—The licensed premises of a trade and import licensee shall not be kept open on such days or during such hours or period as may be prescribed by the <sup>3</sup>[State Government] under the Act, nor shall any foreign liquor be sold to any person on such days or during such hours or period.

16. *Transactions under excise supervision.* – (1) All transactions pertaining to receipt, transport, storage, purchase and sale of foreign liquor shall be carried out under excise supervision:

<sup>5</sup>[Provided that, the Collector may allow the licensee to transport by road without excise supervision, <sup>4</sup>[Indian made foreign liquor] on which excise duty and fee, if any, have been paid.]

<sup>6</sup>[(2) Such transactions shall be carried out during such working hours and on such day as have been prescribed under the Maharashtra Foreign Liquor (Sale on Cash, Register of Sales, etc.) Rules, 1969.]

1 Subs. by G. N. of 25-7-1963

2 Ins. by G. N. of 17-5-1957

3 Subs by G. N. of 8-7-1969

4 Subs. by G. N. of 13-7-1973

5 Added by G. N. of 23-7-1971

6 Subs. by G. N. of 4-5-1982

17. *Appointment of staff for excise supervision* .— The Collector may appoint such excise staff at the licensed premises for excise supervision as he deems necessary.

18. *Combination of other business not permitted* .—The trade and import licensee shall not in any case combine the business of sale of foreign liquor with any other business in or on the same premises.

19. *Foreign liquor to be sold in sealed bottles etc.*, .—Foreign liquor shall not, save with the permission of the Commissioner, be kept or sold by a trade and import licensee except in full corked bottles, sealed or capsuled.

20. *Excise escort for conveyance of foreign liquor* .—The conveyance of foreign liquor consignments from the licensed premises of the trade and import licensee to a place of booking and to the premises of other licensee shall be under excise supervision.

21. *Regulation of business of licensee* .—(1) no person shall be recognized as partner of the trade and import licensee for the purposes of his licence, unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of the licence, unless, the Collector agrees on application made to him to alter the licence and <sup>1</sup>[to add the name or names of the partner or partners in the licence:]

<sup>2</sup>\* \* \* \* \*

<sup>3</sup>[1A] Except with the previous sanction of the <sup>4</sup>[Collector], no person recognized as partner under sub-rule (1) shall be allowed to withdraw from the partnership and to have his name as partner deleted from the licence.]

<sup>5</sup>(2)(a) Subject to the provisions of clause (b), a trade and import licensee shall carry on business under the licence either personally, or by an agent or servant duly authorised by him in this behalf by a written *Nokarnama* in Form F.L.XIV. signed by himself and countersigned by a Prohibition and Excise Officer not lower in rank than a Sub-Inspector.

Provided that, any such *Nokarnama* signed by the licensee shall be valid until countersignature is refused. For every *Nokarnama* issued by him and countersigned, the licensee shall pay a fee of Rupees 1;

(b) A trade and import licensee shall not authorise any of the following persons as his agents or servants, namely ;

- (i) persons below twenty- one years of age;
- (ii) persons suffering from any infectious or contagious disease;
- (iii) persons of unsound mind;
- (iv) persons who, in the option of the Collector, are of a bad character;
- (v) persons whose *Nokarnamas* or licences have previously been cancelled; or
- (vi) persons convicted of any offence:

Provided that, in the case of persons falling under clauses (iv), (v) and (vi) the Collector may make such inquiries as he deems necessary for the removal of disqualification and if he is satisfied that there is no objection he may, for reasons to be recorded in writing, remove the same at any time :

Provided further that, if for any reason the Collector shall order the withdrawal of any *Nokarnama* issued by the licensee, the *Nokarnama* shall forthwith be withdrawn.]

1 Subs. by G. N. of 2-8-1966.

2 Deleted by G. N. of 17-1-1973.

3 Ins. by G. N. of 15-4-1957.

4 Subs. by G. N. of 17-1-1973.

5 Subs. by G. N. of 4-5-1982.

(3) (a) A trade and import licensee, shall keep in the licensed premises and also in his warehouse and up-to-date list showing the names of all authorised agents or servants.

(b) The licensee shall keep in the licensed premises and also in his warehouse, in a bound-book of stout paper, paged and stamped with the seal of the Collector accounts in such form as may be prescribed by the Commissioner. The accounts shall be clearly and correctly written up-to-date daily. With these accounts shall be filed the transport passes under cover of which foreign liquor was received, sold or transported. These accounts shall be open to inspection by the Collector or any other officer empowered under section 122 of the Act.

(c) The licensee shall submit such returns as may be prescribed by the Commissioner.

(d) The licensee shall keep a complete set of testing instruments for testing foreign liquor.

(4) The licensed premises and the warehouse of a trade and import licensee and all foreign liquor contained in such premises or warehouse shall at all times be open to inspection by the Collector and the Prohibition Officers empowered under section 122 of the Act and <sup>1</sup> [also by the Commissioners of Police, Bombay, Nagpur and Poona within their respective jurisdictions,] and elsewhere also by the District Superintendent of Police.

(5) The licensee shall, when called upon by any Prohibition and Excise Officer not below the rank of a Sub-Inspector of Prohibition and Excise, give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish any information regarding the management of the said premises, and shall answer all reasonable question to the best of his knowledge and belief. He shall also, on demand, allow an inspecting officer to take without payment samples for analysis.

(6) The licensee shall keep a visit book paged and stamped with the seal of the Collector in which visiting officers may record any remarks when inspecting the licensed premises. The licensee shall, on the termination of the period of his licence, deliver up the visit book, the accounts and the licence to the local Prohibition and Excise Inspector or Sub-Inspector.

22. *Licensee to abide by provisions of Act, etc.*— (1) Every trade and import licensee shall comply promptly with all orders or directions issued from time to time under the Act and the rules and regulations and orders made thereunder.

(2) Such licensee shall give an undertaking to the Collector to that he will abide by the provisions of the Act and rules, regulations and orders made thereunder and that he agrees to and will abide by all the conditions of the licence.

(3) The licensee or his successors or assignees shall have no claim whatsoever to the continuance <sup>2</sup>\* \* \* of the trade and import licence after the expiry of the period for which such licence was granted.

(4) When a trade or import licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith surrender the whole stock of unsold foreign liquor to the Collector. The stock so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the licensee.

23. *Suspension or cancellation of licence.*— A licence granted under rule 5 may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Act.

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1 Subs. by G. N. 8-7-1969.

2 Deleted *ibid.*

## PART II

**Vendor's Licence for sale of Foreign Liquor**

<sup>1</sup>[24. Application for licence.—Any person desiring to sell foreign liquor by retail to persons holding licences or permits for its possession, consumption or use shall apply, in Form F.L./A.I.B appended to these rules <sup>2</sup>[.....] for a licence in Form F.L. II <sup>3</sup>[to] the Collector of the District in which he desires to locate the licensed premises for selling foreign liquor. Every such application shall be accompanied by a chalan evidencing payment of a fee of <sup>3</sup>[Rs. 2,000] in respect of application for a vendor's licence in cities with a population of one lakh and <sup>3</sup>[Rs. 1,000 elsewhere.]

<sup>4</sup>["24A. Consideration of application for licence by Committee.—Applications received under rule 24, shall be considered by a Committee consisting of the following members, namely :—

- |  |                  |
|--|------------------|
| (1) Collector of the District  | Chairman         |
| (2) Commissioner of Police or his representative who is not below the rank of Deputy Commissioner of Police.   | Member           |
| (3) Superintendent of Police of the District except in Greater Bombay.   | Member           |
| (4) Chief Executive Officer of the Zilla Parishad of the District and in case of Greater Bombay area the Municipal Commissioner or his representative not below the rank of Deputy Municipal Commissioner. | Member           |
| (5) Superintendent of Prohibition and Excise of the District.  | Member-Secretary |

24-B. The Committee constituted under rule 24-A, shall determine the number and location of the required shops and shall carry out the selection of candidates, by drawing lots from the suitable candidates, subject to general or special orders, if any, issued in this behalf by Government from time to time.]

25. *Grant of vendor's licence and payment of fees.—*

<sup>5</sup>["(1) The Collector shall in conformity with the Committee's recommendation, and after satisfying himself that the premises proposed for location of the shop for selling foreign liquor are in conformity with the provisions of the rules and instructions issued by the State Government or the Commissioner in this behalf from time to time, and that there is no objections to grant the licence applied for, may inform the applicant of the decision and grant the licence in Form FL-II on payment of deposit of Rs. 10,000 and of a fee (inclusive of consideration) payable as per the scale given below :-

- |  |       |               |
|--|-------|---------------|
| <sup>6</sup> [1. Town with population upto 1 Lakh                | .. .. | Rs. 25,000    |
| 2. City with population of 1 Lakh and above but below Ten Lakhs. |       | Rs. 65,000    |
| 3. City with population of 10 Lakhs and above                    | ..    | Rs. 1,00,000] |

1. Subs. by G.N. of 20-2-1982

2. Deleted by G.N. of 17-2-1989

3. Subs. *ibid.*

4. Ins *ibid.*

5. Subs. by G.N. of 17-2-1989

6. Subs. by G.N. of 16-3-1993

Provided that, if the selected applicant fails to complete necessary formalities for obtaining the Licence within three months of receipt of intimation, it shall automatically be treated as cancelled and the Collector shall proceed to allot the licence to other suitable applicant.

*Explanation.*—For the purposes of rules 24 and 25, “population” means the population of a town or a city, as the case may be, as ascertained from the latest Census Report, either provisional or final.]

<sup>1</sup>[(2) No licence under sub-rule (1) shall be granted in respect of any shop,—

(a) which, in the opinion of the Collector or the Officer authorised by him in this behalf in writing, is not adequate for storing the required stock and for selling it; or

(b) which, if situated in areas within the jurisdiction of any Municipal Corporation or ‘A’ Class or ‘B’ Class Municipal Council, is within a distance of fifty metres, and if situated elsewhere, one hundred metres, from any educational or religious institution; or

(c) which is situated within a distance of fifty metres from any bus stand, station or depot of the Maharashtra State Road Transport Corporation ; or

(d) which is not duly approved by the Collector or the Officer authorised by him in this behalf and is not, for reasons to be recorded in writing, certified by him to be otherwise suitable also for locating the shop before the grant the licence:

Provided that nothing contained in this sub-rule shall apply in respect of an existing shop for which the licensee holds a valid licence in Form F.L. II immediately before the coming into force of the Bombay Foreign Liquor (Amendment) Rule, 1981.

*Explanation.*—For the purpose of this sub-rule,—

(i) “educational institution” means any pre-primary, primary, or secondary school, managed or recognised by any local authority or the State Government or the Central Government or any college affiliated to any University established by law, but does not include any private coaching institution ;

(ii) “religious institution” means an institution for the promotion of any religion and includes a temple, math, mosque, church, synagogue, agiary or other place of public religious worship which is managed or owned by a public trust registered under the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950) and includes such other religious institutions as the State Government may by order specify in this behalf ;

(iii) the distance referred to in clause (b) or (c) shall be measured from the mid-point of the entrance of the shop along the nearest path by which a pedestrian ordinarily reaches,—

(a) the mid-point of the nearest gate of the institution, if there is a compound wall, and if there is no compound wall, the mid-point of the nearest entrance of the institution, or

(b) the mid-point of the nearest gate of the bus stand, station or depot of the Maharashtra State Road Transport Corporation, if there is a compound wall and if there is no compound wall, the nearest point of the boundary of such bus stand, station or depot.

(3) Any shop in respect of which a licence in Form F. L. II has been granted shall not be deemed to be situated within the prohibited distance referred to in clause (b) or (c) of sub-rule (2) if at any time after such licence is granted,—

(a) any institution referred to in clause (b) of sub-rule (2) comes into existence within a distance of fifty metres or, as the case may be, one hundred metres from that shop, or

<sup>1</sup> Ins. by G.N. of 25-3-1981.



(b) if any bus stand, station or depot referred to in clause (c) of the said sub-rule (2) comes into existence within a distance of fifty metres from that shop.]

<sup>1</sup>[(4) *Prohibition to shift licensed shop to any other place.*

(a) a licensed shop shall not be shifted by a retail licensee to any other place within a taluka without prior approval of the Collector ;

(b) a licensed shop shall not be shifted by retail licensee to any place from one taluka to another taluka of the district without prior approval of the Commissioner ;

Provided that, the number of licensed shops for such shifting shall not exceed 15% of the total existing licensed shops in any district <sup>4</sup>[excluding Mumbai City and Mumbai suburban district] which would be inclusive of the licensed shop already shifted with prior approval of the Government or the Commissioner before the date of publication of these rules :

<sup>5</sup>["Provided further that, any licence shop shall not be shifted within the Mumbai City and Mumbai suburban District, without prior approval of the Government"]

(c) a licensed shop shall not be shifted by retail licensee to any place from one district to another district without prior approval of the Government ;

(d) the shifting of licences under clauses (a), (b) and (c), shall be subject to the fulfillment of the following conditions, namely :—

<sup>2</sup>["(i) considering the sale of liquor of past five years, the sale of liquor of any two years of last four years shall be less than the sale of first year of the block of five years; or considering the sale of liquor of past five years, the sale of liquor of any three years shall be less than that of the annual average sale of the liquor for the same five years ;

Provided that, the licenced shop holds valid licence during the said period ;"]

(ii) that there is no inconvenience of drinking of liquor to the people residing in that area ;

(iii) that the *Grampanchayat* in whose area licenced shop is proposed to be shifted, has given no objection by passing a resolution of the *Gramsabha* ; and if the shop is proposed to be shifted to any area other than *Grampanchayat* area, no objection of the Municipal Council concerned has been obtained ;

(iv) that the proposed premises are free from distance restriction as provided under sub-rules (2) and (3) above ;

(v) that the construction of the premises in which shop is proposed to be shifted is an authorised construction and a certificate of the competent local authority is submitted ;

Provided that, the proviso to clause (b) and sub clauses (i) and (ii) of clause (d) shall not apply in respect of shifting of licensed shop which has been closed down or required to be closed down as per the provisions of the Bombay Prohibition (Closure of Licence on Resolution by the Village *Panchayat* or *Gramsabha* or Women/Social Organisation or Representation by Voters in the Village or Ward of Municipal Council) Order, 2003."

<sup>2</sup>[Provided further that, the conditions as laid down in sub-clauses <sup>3</sup>[(i), (ii) and (iii)] of clause (d) of sub-rule (4) shall not apply in respect of the following situations ; however under such situation shifting shall be allowed within the area of <sup>3, 6</sup>[same district] as the case may be,

(A) licensee whose premises are affected by the implementation of Development Scheme such as road widening, and the like ;

1. Ins. by G. N. of 20-4-2005.

3. Sub. by G. N. of 29-1-2007.

5. Ins. by G. N. of 13-7-2006.

2. Sub. by G. N. of 31-3-2006.

4. Sub. by G. N. of 13-7-2006.

6. Sub. by G. N. of 6-7-2009.

(B) in the case where the licensee is running his licenced shop at the place under the rental deed and the landlord or owner of the place do not agree to extend the rental deed; or

(C) in the case where the shifting is essential due to Hon'ble Court's Order.”]

“25A. Deleted<sup>5</sup> [\* \* \*]

<sup>6</sup>“25B. (1) *Application for licence for sale of wine.*—Any person, holding a licence in Form BRL under the Maharashtra Manufacture of Beer and Wine Rules, 1966, for manufacturing of wine desiring to sell wine by retail, in sealed bottles in the licensed premises<sup>8</sup> [or any other place situated in the city having population above 10,00,000] for “off” consumption only shall apply in Form F. L. W./A-I, to the Collector<sup>8</sup> [of the district in which the said city is situated] for a licence in Form F. L. W.-II with a chalan evidencing payment of fee of rupees fifty in respect of application for licence ;

(2) On receipt of the application under sub-rule (1), the Collector<sup>8</sup> [of the district in which the said city is situated] may make enquiries for verification of the details mentioned in the application and also such other enquiries as deemed necessary. If he is satisfied that there is no objection to grant the licence applied for, he may grant the applicant a licence in Form F. L. W-II, on payment of Rs. 5,000 *per annum* ;

<sup>7</sup>“Provided that, only one such licence in Form FLW-II may be granted to the applicant holding a licence in Form-BRL, for selling wine in a City having a population above 10,00,000 ;”]

“Provided further that, the applicant holding a licence in Form BRL, after obtaining the licence in FORM FLW-II shall sell the wine which is manufactured by him under his said licence in Form BRL.”]

(3) The amount of annual fee fixed under sub-rule (2) shall not be changed for five years ;

(4) The licence in Form F. L. W-II shall become inoperative if the licensee ceases to hold a valid BRL licence, or if such licence is at any time suspended or cancelled in accordance with the provisions of the Act ;

(5) A licensee holding F. L. W. II licence shall sell wine only.

25C. *Duration of licence.*—No licence, under rule 25B shall be granted for a period beyond the 31st March next following the date of the commencement of the licence.

25D. *Renewal of licence.*—Any person desiring to renew a licence under rule 25B shall, thirty days before the date of expiry of the licence, apply for the renewal thereof. Every such application shall be accompanied by a challan evidencing payment of a fee of Rs. 25 and shall be renewed only after verification of the fact the licence granted in Form BRL is functioning.”]

26. *Duration of licence.*—No licence under rule 25<sup>5</sup> shall be granted for a period beyond the 31st March next following the date fo the commencement of the licence.

<sup>2</sup>[26A. *Renewal of licence.*—Any person desiring to renew a licence shall, thirty days before the date of expiry of the licence, apply for the renewal thereof. Every such application shall be accompanied by a challan evidencing payment of <sup>3</sup>[a for of Rs. 25.]

<sup>1</sup>[ \* \* \*]

<sup>4</sup>“26B. Any licence granted under sub-rule (1A) of rule 25 may be renewed by the Collector for a period not exceeding one year at a time on payment of fee.

1. Ins. by G. N. of 21-5-1990  
2. Ins. by G. N. of 20-2-1982  
3. Subs. by G. N. of 16-3-1988  
4. Subs. by G. N. of 16-3-1994

5. Deleted by 14-8-2006  
6. Insert by 28-12-2001  
7. Ins. by G. N. of 2-4-2007



On the following scale namely :—

- |  |             |
|--|-------------|
| (1) Towns with a population up to one each.                        | Rs. 15,000  |
| (2) City with population of one lakh and above but below ten lakh. | Rs. 40,000  |
| (3) City with population of ten lakhs and above.                   | Rs. 75,000] |

27. *Transactions at the licensed premises to be under excise supervision.*—(1) The licensee shall, if required by the Collector, transact, all business pertaining to receipt, transport, storage, purchase and sale of foreign liquor, under excise supervision :

<sup>1</sup>[Provided that, the Collector may allow the licensee to transport by road without excise supervision, Indian-made foreign liquor on which excise duty and fee if any have been paid]

<sup>2</sup>[(2) Such business shall be transacted during such working hours and on such working days as have been prescribed under the Maharashtra Foreign Liquor (Sale on Cash, Register of Sale, etc.) Rules, 1969.]

28. *Appointment of staff for supervision.*—The Collector may appoint such excise staff at the licensed premises for excise supervision as he deems necessary.

29. *Kinds of <sup>3</sup>\* Liquor authorised for sale.*—No liquor other than foreign liquor shall be received, bought, held in stock at the licensed premises :

<sup>4</sup>[Provided that, country liquor in sealed bottles may be received, bought, held in stock or sold at the licensed premises if the licensee holds a valid licence granted for that purpose under the Maharashtra Country Liquor Rules, 1973.]

30. *Sources of supply.*—Foreign liquor required for sale under the licence shall be obtained from a person holding a trade and import licence in respect of foreign liquor or from a distillery in the <sup>5</sup>[State of Maharashtra] or with the special permission of the Commissioner from any other source or place. All such foreign liquor shall be transported to the licensed premises under a valid <sup>6</sup>[transport pass in Form F. L. I-A].

<sup>11</sup>["Provided that, wine required for sale under the licence may be obtained directly from the winery who has been exempted from payment of excise duty and holding a manufactory licence in Form 'BRL' granted under a valid transport pass in Form 'BR IX'."]'

31. *What foreign liquor shall not be kept or sold.*—(1) No foreign liquor other than that obtained under rule 30 shall be received, kept or sold at the licensed premises.

(2) No adulterated, deteriorated or spurious foreign liquor of any kind shall be received, kept or sold at the licensed premises.

<sup>7</sup>[32. *To whom foreign liquor shall or shall not be sold.*—(1) The licensee may sell,—

(a) any part of the stock of foreign liquor to foreign liquor licensees in the State of Maharashtra to any person outside the State or who is not a citizen of India subject to such conditions as the Commissioner may prescribe ;

(b) foreign liquor to holders of permits or persons who are not citizens of India or holders of authorisations and chemists, canteens, messes and clubs holding licences ;

(c) foreign liquor to persons holding permits under these rules ; and

<sup>8,9</sup>[(d) mild beer, mild liquor to any person who is not below <sup>10</sup>[twenty-one] years of age.]

1. Subs. by G. N. of 13.7.1973

3. Deleted by G. N. of 17.1.1973

5. Subs. by G. N. of 25.7.1963

7. Subs. by G. N. of 31.3.1979

9. Subs. by 19.1.2005

11. Ins. by 24-11-2005

2. Sub. by G. N. of 4.5.1982

4. Added by G. N. of 17.1.1973

6. Sub. by G. N. of 17.5.1957

8. Added by G. N. of 4.5.1982

10. Subs. by 26.9.2005

(2) The licensee shall not sell foreign liquor to following categories of persons, namely :—

- (a) a lunatic or insane persons ;
- (b) person who is in a intoxicated state ;
- (c) person known or suspected to be participating in any rioting or disturbance of peace ; and
- (d) the Armed Forces of the Union, members of the Police Force, the Prohibition and Excise Department, State Transport and Railway Department or drive of a motor vehicle, when on duty or in uniform or both.]

33. *Maximum selling prices.*—Foreign liquor shall not be sold from the licensed premises at a price exceeding the maximum price <sup>1</sup>[prescribed by the State Government ] from time to time.

<sup>2</sup>[34. *Banderolling of foreign liquor bottles.*—Foreign liquor bottles containing such kind of foreign liquor as the State Government may, from time to time, specify shall be banderolled, before they are sold to any person for consumption in the State and such banderolling shall be in such manner as the Commissioner may from time to time direct.]

35. *No drinking in the licensed premises.*—The person in charge of the licensed premises shall not permit foreign <sup>3</sup>[or country] liquor to be drunk in such premises.

36. \* \* \* \* \*

37. *Combination of business.*—Except with the special permission of the Commissioner, the business of selling foreign liquor at the licensed premises shall not be combined with any other business in the same premises.

38. *Foreign <sup>5</sup>[or country] liquor to be sold in sealed bottles.*—Foreign [or country] liquor shall not be kept or sold at the licensed premises except <sup>1</sup> in corked bottles, sealed or capsuled.

39. *Transport passes for foreign liquor sold.*—Unless permitted under his permit or licence, no foreign liquor sold from the licensed premises shall be transported by a permit-holder or licensee except under a valid <sup>6</sup>[transport pass in Form F.L.I-A].

40. *Regulation of business of licensee.*—(1) No person shall be recognized as partner of the holder of a vendor's licence for the purposes of his licence, unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of the licence, unless the Collector agrees on application made to him, to alter the licence and <sup>7</sup>[to add the name or names of the partner or partners in the licence].

\* \* \* \* \*

<sup>9</sup>[(1A) Except with the previous sanction of the <sup>10</sup>[Collector], no person recognised as partner under sub-rule (1) shall be allowed to withdraw from the partnership and to have his name as partner deleted form the licence.]

<sup>11</sup>[(2) (a) Subject to the provisions of clause (b) a holder of a vendor's licence shall carry on his business under the licence either personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* in Form F.L.XIV, signed by himself and countersigned by a Prohibition and Excise Officer not lower in rank than a Sub-Inspector :

1. Subs. by G. N. of 25-4-1968.  
3. Ins. by G. N. of 17-1-1973.  
5. Ins. by G. N. of 17-1-1973.  
7. Subs. by G. N. of 2-8-1966.  
9. Subs. by G. N. of 15-4-1957.  
11. Subs. by G. N. of 4-5-1982

2. Sub. by G. N. of 13-7-1973.  
4. Deleted by G. N. of 8-8-1979.  
6. Sub. by G. N. of 15-4-1957.  
8. Deleted by G. N. of 17-1-1973.  
10. Subs. by G. N. of 17-1-1973.

Provided that, any such *nokarnama* signed by the licensee shall be valid until countersignature is refused. For every *nokarnama* issued by him and countersigned, the licensee shall pay a fee of Rupee 1.

(b) A vendor licensee shall not authorise any of following persons as his agents or servants, namely :—

- (i) persons below twenty-one years of age ;
- (ii) persons suffering from any infectious or contagious disease:
- (iii) persons of unsound mind ;
- (iv) persons who, in the opinion of the Collector, are of a bad character ;
- (v) persons whose *nokarnamas* or licensees have previously been cancelled; or
- (vi) persons convicted of any offence :

Provided that, in the case of persons falling under clauses (iv), (v) and (vi), the Collector may make such inquiries as he deems necessary for the removal of disqualification and if he is satisfied that there is no objection, he may, for reasons to be recorded in writing, remove the same at any time ;

Provided further that, if for any reason the Collector shall order the withdrawal of any *nokarnama* issued by the licensee, the *nokarnama* shall forthwith be withdrawn.]

(3) (a) The holder of a vendor's licence shall keep in the licensed premises an up-to-date list showing the names of all authorised agents or servants.

(b) The licensee shall keep in the licensed premises, in a bound book of stout paper, paged and stamped with the seal of the Collector accounts in such form as may be prescribed by the Commissioner. The accounts shall be clearly and correctly written up-to-date daily. With these accounts shall be filed the transport passes under cover of which foreign liquor was received, sold or transported. These accounts shall be open to inspection by the Collector or any other officer empowered under section 122 of the Act.

(c) The licensee shall submit such returns as may be prescribed by the Commissioner.

(d) The licensee shall keep a complete set of testing instruments for testing foreign liquor.

(4) The licensed premises of the holder of a vendor's licence and all foreign liquor therein contained shall at all times be open to inspection by the Collector and the Prohibition Officers empowered under section 122 of the Act and <sup>1</sup>[by the Commissioners of Police, Bombay, Nagpur and Poona within their respective jurisdiction,] and elsewhere by the District Superintendent of Police.

(5) The licensee shall, when called upon by any Prohibition and Excise Officer not below the rank of a Sub-Inspector of Prohibition and Excise, give an explanation in writing regarding any irregularity detected at his licensed premises and shall furnish any information regarding the management of the said premises; and shall answer all reasonable questions to the best of his knowledge and belief. He shall also, on demand, allow an inspecting officer to take without payment samples for analysis.

(6) The licensee shall keep a visit book paged and stamped with the seal of the Collector in which visiting officers may record any remarks when inspecting the licensed premises. The licensee shall, on the termination of the period of his licence, deliver up the visit book, the accounts and the licence to the local Prohibition and Excise Inspector or Sub-Inspector.

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1. Subs. by G. N. of 8-7-1969.

41. *Licensee to abide by provisions of the Act, etc.—(1)* Every holder of a vendor's licence shall comply promptly with all orders or directions issued from time to time under the Act and the rules and regulations and orders made thereunder.

(2) Such licensee shall give an undertaking to the Collector that he will abide by the provision of the Act and rules, regulations and orders made thereunder and that he agrees to and will abide by all the conditions of the licence.

(3) The licensee or his successors of assignees shall have no claim whatsoever to the continuance <sup>1</sup>\* \* \* of the vendor's licence after the expiry of the period for which such licence was granted.

(4) When a vendor's licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith surrender the whole stock of unsold foreign liquor to the Collector. The stock so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the licensee.

42. *Suspension or cancellation of licence,—*A vendor's licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Act.

<sup>2</sup>[<sup>42A</sup> *Grant of vendor's licence for beer in sealed bottle by retail sale for off wine or both consumption.—(1)* Any person desiring to sell beer or <sup>3</sup>[wine or both] in sealed bottle by retail sale for "off consumption" shall apply, in Form F.L./A-10 appended to these rules for a licence in Form F.L./BR-II to the Collector of the District in which he desires to locate the licensed premises for selling beer. Every such application shall be accompanied by a chalan or demand draft evidencing payment of a fee of Rs. 100.

(2) On receipt of the application under sub-rule (1) in Form F.L./A-I duly completed in all respect, the Collector may make such enquiries as he deems necessary, and after considering the recommendations of the Committee constituted under rule 24 A shall consider the applications so received and satisfying himself that the premises proposed for location of the shop for selling beer in sealed bottle is in conformity with the provisions of the rules and instructions issued by the State Government or the Commissioner in his behalf from time to time and that there is no objection to grant the licence applied for. The Collector shall in conformity with the recommendation of the Committee and after making such enquiries so as to satisfy himself that the premises proposed for location of the shop for selling beer are in conformity with the provisions, may grant licence in Form FL/BR-II on recovery of 25 per cent of the licence fee payable for grant or renewal of licence in Form FL-III in the area in which shop for licence in Form FL.BR-II is being located and on deposition of an amount equal to annual licence fee as earnest money.

1. Deleted, *ibid.*

2. Insertion by 19-8-2004.

3. Subs. by 14-8-2006.

(3) All provisions applicable for FL-II licence under sub-rule (2) and (3) of rule 25 and rules 26 to 42 shall apply *mutatis mutandis* to the licence in Form FL/BR-II".]

43. Depots in charge of officers.—(1) The State Government may establish depots for the sale of foreign liquor to persons holding permits for its possession, consumption or use and locate such depots in Government liquor warehouses or at any other suitable places and entrust the business of such depots to the officers-in charge of such warehouses or places or any other officers as it deems fit.

(2) No licence, permit, pass or authorisation shall be necessary for the possession, transport, sale or purchase of foreign liquor, on behalf of the depot, by the officer referred to in sub-rule (1).

(3) Subject to the provisions of sub-rule (2), the officer-in-charge of the depot shall abide by the rules in this Part and shall also comply with all orders and instructions issued by the Commissioner, Collector, Superintendent of Prohibition and Excise, Inspector of Prohibition and Excise or any other officer duly empowered in this behalf in connection with the management of the business relating to the depot.

### PART-III

#### Hotel Licence

<sup>1</sup>[44. *Application for hotel licence.*—Any manager of a hotel or any manager or proprietor of a restaurant <sup>2</sup>[being a hotel or restaurant <sup>3</sup>\* \* \* \*] which in the opinion of the Collector is of an adequately good standard, regard being had to the grade assigned to it the accommodation and amenities provided therein the nature of its clientele and the standard of refreshments, food and service offered, desiring to sell foreign liquor by retail to permit-holders residing or boarding at his hotel or restaurant shall apply to the Collector Form F.L./A.-IC for a hotel licence in that behalf. Every such application shall be accompanied by a *chalan* evidencing payment of a fee of <sup>4</sup>[Rs. 1,000] in respect of such application.]

<sup>5</sup>[“44A. *Consideration of application for licence by Committee.*—Applications received under rule 44 shall be considered by a Committee consisting of the following members, namely :—

- |  |          |
|--|----------|
| (1) Collector of the District  | Chairman |
| (2) Commissioner of Police or his representative who is not below the rank of Deputy Commissioner of Police. | Member   |

1. Subs. by G. N. of 17.1.1973

2. Added by G. N. of 30.12.1976

3. Deleted by G. N. of 25.3.1981

4. Subs. by G. N. of 17.2.1989

5. Ins. *ibid*

- |     |  |                   |
|-----|--|-------------------|
| (3) | Superintendent of Police of the District except in Greater Bombay.   | Member            |
| (4) | Chief Executive Officer of the Zilla Parishad of the District and in case of Greater Bombay area the Municipal Commissioner or his representative not below the rank of Deputy Municipal Commissioner. | Member            |
| (5) | Superintendent of Prohibition and Excise of the District.  | Member-Secretary] |

45. *Grant of licence and its duration.*—<sup>1</sup>[(I) On receipt of an application, the Collector shall place the application alongwith enquiry report before the Committee for consideration of the same by the Committee.

(IA) The Committee shall consider the suitability or otherwise of the applicant for the grant of licence and record its recommendation in that behalf.

(IB) The Collector after duly considering the Committee's recommendation and after satisfying himself that the premises where it is proposed to sell the foreign liquor are in conformity with the provision of the rules <sup>4</sup>[\* \* \*] and that there is no other objection to grant the licence applied for, may inform the applicant of the decision and grant the licence in Form FL-III on payment of a deposit of rupees Five Thousand and the fees (inclusive of consideration), according to the following scale, namely :—

	Rs.
<sup>2</sup> (a) Hotel having upto 25 rooms .. .. .	25,000
(b) Hotels having 26 to 100 rooms .. .. .	50,000
(c) Hotels having 101 to 150 rooms .. .. .	75,000
(d) Hotels having 151 to 200 rooms .. .. .	1,00,000
(e) Hotels having 201 or more rooms .. .. .	1,50,000
(f) Restaurants in Village/Town/City—	
(1) town with population upto 3 lakhs .. .. .	40,000
(2) city with population of 3 lakhs and above but below	50,000
<sup>5</sup> [(3) population from 10,00,001 to 20 lakhs .. .. .	1,60,000]
(4) city with population of 20 lakhs and above .. .. .	1,00,000

Provided that, hotels having upto 25 rooms, which are situated in a city with population of 3 lakhs and above shall be required to pay the fees, as per the scale of fees for restaurants based on the population of cities where they are situated, as prescribed in clause (f).]

<sup>3</sup>[(IC) No licence under sub-rule (1B) shall be granted in respect of any hotel or restaurant which is situated within a distance of seventy-five meters from any educational or religious institution or from any bus stand, station or depot of the Maharashtra State Road Transport Corporation or from the boundary of any National or State highway :

1. Subs. by G. N. of 17.2.1989.

2. G. N. of 16.3.1993.

3. Added *ibid.*

4. Deleted by G. N. of 5.1.1990.

5. Subs. by 17.9.2004.

Provided that nothing contained in this sub-rule shall apply in respect of an existing hotel or restaurant for which a valid licence in Form FL-III is held by the Manager or Proprietor thereof immediately before coming into force of the Bombay Foreign Liquor (Amendment) Rules, 1990.

<sup>1,2</sup>*Explanation.*—For the purposes of this sub-rule.—

(i) “educational institution” means any pre-primary, primary, or secondary school managed or recognised by any local authority or the State Government or the Central Government and any college affiliated to any University established by law, but does not include any private coaching institution ;

(ii) “religious institution” means an institution for the promotion of any religion and includes a temple, math, mosque, church, synagogue, agiary or other place of public religious worship which is managed or owned by a public trust registered under the Bombay Public Trusts Act, 1950 [Bom. xx/x of 1950] and included such other religious institutions as the State Government may by order specify in this behalf ;

(iii) The distance referred to in clause (a) of this sub-rule shall be measured from the mid-point of the entrance of the hotel or restaurant alongwith the nearest path by which the pedestrian ordinarily reaches,—

(a) the mid-point of nearest gate of the institution if there is a compound wall and if there is no compound wall, the midpoint of the nearest entrance of the institution, or

(b) the mid-point of the nearest gate of the bus stand, station or depot of the depot of the Maharashtra State Road Transport Corporation if there is a compound wall and if there is no compound wall, the nearest point of the boundary of such bus stand, station or depot, or

(c) the boundary of the National or State highway”.

(2) No licence under this rule shall be granted for a period beyond the 31st March next following the date of the commencement of the licence.

<sup>3</sup>“(3) Any person desiring to renew a licence shall, thirty days before the date of expiry of the licence, apply for the renewal thereof. Every such application shall be accompanied by a challan evidencing payment of an application fee of Rs. 25.

(4) Any licence granted under sub-rule (1) may be renewed by the Collector for a period not exceeding one year at a time on payment of the same fee as prescribed under sub-rule (1).”]

<sup>4</sup>[provided that licence granted to restaurants shall be renewal on recovery of fee on following scale; namely :—Restaurants in a

	Rs.
(1) Village/tow/city with population upto 3 lakhs .. ..	30,000
(2) city with population of 3 lakhs & above but below 10 lakhs ..	35,000
(3) city with population of 10 lakhs and above but below 20 lakhs ..	60,000
(4) city with population of 20 lakhs and above. .. ..	<sup>5</sup> [65,000]

<sup>6</sup>[Provided that the licence fee and renewal fee for hotel shall not be less than the fee prescribed for restaurant on the basis of population.]

46. *Admission of partners.*—(1) No person shall be recognised as partner of a hotel licensee unless the partnership has been declared to the Collector before such licence is granted and the names of the partners have been entered jointly in the licence, or if the

1. Inserti by 23.11.2009

3. Added by G. N. of 16.3.1988

5. Subs. ibid

2. Deleted by 26.12.2009

4. Added by G. N. of 16.3.1994

6. Added by G. N. of 28.3.1994



partnership is entered into the granting of the licence, unless the Collector agrees on application made to him to alter the licence and [to add the name or names of the partner or partners in the licence].

1. \* \* \* \* \*

<sup>2</sup>(2) Except with the previous sanction of the <sup>3</sup>[Collector] no person recognised as partner under sub-rule (1) shall be allowed to withdraw from the partnership and to have his name as partner deleted from the licence].

<sup>4</sup>["46-A. *Transfer of Licence*.—The Collector may permit the transfer of a licence from one name to another after the licence in Form FL-III is granted.

"46-B. *Transfer of Licence from one site to another*.—The Collector may permit the transfer of a licence from one site to another within same district after the licence in Form FL-III is granted."]

#### PARTIV

##### Club Licence

<sup>5</sup>[47. *Application for a club licence*.—The Secretary of a club or any person duly authorised in that behalf by the club shall, if it is intended to sell foreign liquor at such club, apply in Forms F.L./A-I-D to the Collector for a club licence in that behalf. Every such application shall be accompanied by a *chalan* evidencing payment of a fee of <sup>6</sup>[rupees fifty] in respect of such licence.]

<sup>7</sup>[47-A. *Consideration of application for licence by Committee*.—Applications received under rule 47, shall be considered by the Committee consisting of the following members, namely :—

- |  |                  |
|--|------------------|
| (1) Collector of the District  | Chairman         |
| (2) Commissioner of Police or his representative who is not below the rank of Deputy Commissioner of Police.   | Member           |
| (3) Superintendent of Police of the District except in Greater Bombay.   | Member           |
| (4) Chief Executive Officer of the Zilla Parishad of the District and in case of Greater Bombay area the Municipal Commissioner or his representative not below the rank of Deputy Municipal Commissioner. | Member           |
| (5) Superintendent of Prohibition and Excise of the District.  | Member-Secretary |

48. *Grant of licence and its duration*.—

<sup>8</sup>[(1) On receipt of an application under rule 47, the Collector shall make enquiries for verification of the particulars given in the application and place the application alongwith enquiry report before the Committee, for consideration of the same, by the Committee.

(1A) The Committee shall then consider the suitability or otherwise of the applicant for the grant of licence and record its recommendation in this behalf.

(1B) The Collector after duly considering the Committee's recommendation and after satisfying himself that the premises in the club where it is proposed to sell the foreign liquor are in conformity with the provisions of the rules and instructions issued in this behalf by the State Government or the Commissioner, from time to time, and that there is no other objection to grant the licence applied for, may inform the applicant of the decision and grant the licence in Form FL-IV on payment of deposit of rupees one thousand and the fee according to the following scale, namely :—

- (a) In all Municipal Corporation areas . . . . . Rs. 15,000.00  
 (b) In all other places . . . . . Rs. 6,000.00]

1. Deleted by G. N. of 17.1.1973.

3. Subs. by G. N. of 17.1.1973.

5. Subs. by G. N. of 17.1.1973.

7. Ins. by G. N. of 30.8.1989.

2. Subs. by G. N. of 15.4.1957.

4. Insertion by 7.7.2010.

6. Subs. by G. N. of 16.3.1988.

8. Subs. by 30.8.1989.



(2) No licence shall be granted for a period beyond 31st March next following the date of the commencement of the licence.

<sup>1</sup>[(3) Any person desiring to renew a licence shall, thirty days before the date of expiry of the licence, apply for the renewal thereof. Every such application shall be accompanied by a challan evidencing payment of a fee of Rs. 25.]

(4) Any licence granted under sub-rule (1) of rule 48, may be renewed by the Collector for a period not exceeding one year at a time on payment of the same fee as prescribed under sub-rule (1).”]

<sup>2</sup>[PARTIV-A]

#### Temporary Club Licence

48A. *Application for temporary club licence.*—The Secretary of any club or any such institution or any person duly authorised by the club or institution shall, if it is intended to sell foreign liquor temporarily or any special function, apply to the Collector for a temporary club licence in that behalf. Every such application.

<sup>3</sup>“[shall be accompanied by a challan evidencing payment of a fee of fifty rupees for such application and”] contain the following particulars, namely :—

(i) Name of the Institution,

(ii) Exact location of the Institution, with census number of the house or building, name of the street and name of city, town village, as the case may be,

(iii) Object of the special function on which foreign liquor will be sold,

(iv) Date or dates of special function,

(v) Whether the profits derived from the special function will be utilised for the benefit of any charitable institution, and if so, in what manner, and

(vi) Hours of opening and closing of the function.

<sup>4</sup>[48A-1. *Consideration of application for licence by Committee.*—Applications received under rule 48A, shall be considered by the Committee constituted under rule 47A.”]

<sup>5</sup>[48B. *Grant of licence and its duration.*—(1) On receipt of an application under rule 48A, the Collector shall make enquiries for verification of the particulars given in the application and place the application alongwith inquiry report before the Committee constituted under rule 47A for consideration of the same by the Committee.

(2) The Committee shall then consider the suitability or otherwise of the applicant for the grant of licence and record its recommendation in that behalf.

(3) The Collector after duly considering the Committee’s recommendation and after satisfying himself that the premises in the club where it is proposed to sell the foreign liquor are in conformity with the provisions of the rules and instructions issued in this behalf, by the State Government or the Commissioner, for time to time, and that there is no other objection to grant the licence applied for, may inform the applicant of the decision to grant such temporary licence in Form F. L. IV on payment of a fee of rupees five hundred per function, or for such temporary period as may be specified therein.”]

<sup>6</sup>[“48C. (1) *Application for temporary club licence for sale of wine only.*—The Secretary of any club or any such institution or any person duly authorised by the club or institution shall, if it is intended to sell wine temporarily at any special function, apply to

1. Added by G. N. of 16.3.1988

3. Ins. by G. N. of 16.3.1988

5. Subs. by G. N. of 30.8.1989

2. Ins. by G. N. of 30.8.1989

4. Ins. by G. N. of 30.8.1989

6. Ins. by 30.7.2008

the Collector for temporary club licence in that behalf. Every such application shall be accompanied by a chalan evidencing payment of fee of rupees fifty for such application and contain the following particulars namely :—

- (i) Name of the Institution,
- (ii) Exact location of the Institution, with census number of the house or building, name of the street the name of city, town or village, as the case may be,
- (iii) Object of special function on which wine will be sold,
- (iv) Date or dates of special function,
- (v) Whether the profits derived from such special function will be utilised for the benefit of any charitable institutions, and if so, in what manner, and
- (vi) Hours of opening and closing of such special function.

(2) On receipt of an application under sub-rule (1), the Collector shall make enquiries for verification of the particulars given in the application, and after satisfying himself that the premises in the club or institution where it is proposed to sell the liquor are in conformity with the provisions of the rules and instructions issued in this behalf, by the State Government or the Commissioner from time to time and that there is no other objection to grant the licence applied for, may inform the applicant of the decision to grant such temporary licence in "Form F.L.W. IV" for Wines only on payment of fee of rupees Six hundred per function or for such temporary period as may be specified therein.

[(3) All provisions applicable to "FL-IV" licence under rule 49 to 53, 55 to 61 shall apply *mutatis mutandis* to the licence in "Form F.L.W. IV." ]

#### PART V

##### Rules for Hotel and Club Licences

<sup>1</sup>[49. *Employment of servants.*—(1) Subject to the provisions of sub rule (2), the hotel or club licensee shall carry on the business of selling foreign liquor at a hotel or club either personally or by an agent or servant duly authorised by him in this behalf by a *nokarnama* in Form F. L. XIV, signed by himself and countersigned by a Prohibition and Excise Officer not lower in rank than a Sub-Inspector :

Provided that, any such *nokarnama* signed by the licensee shall be valid until countersignature is refused. For every *nokarnama* issued by him and countersigned, the licensee shall pay a fee of Rupee 1.

(2) A hotel or club licensee shall not authorise any of the following persons as his agents or servants, namely :

- (i) Persons below twenty-one years of age ;
- (ii) Persons suffering from any infectious or contagious disease ;
- (iii) Persons of unsound mind ;
- (iv) Persons who, in the opinion of the Collector, are of a bad character ;
- (v) Persons whose *nokarnamas* or licences have previously been cancelled ; or
- (vi) Persons convicted of any offence ;

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1. Subs. by G. N. of 4.5.1982

Provided that, in the case of persons falling under clauses (iv), (v) and (vi), the Collector may make such inquiries as he deems necessary for the removal of disqualification and if he is satisfied that there is no objection he may, for reasons to be recorded in writing remove the same at any time :

Provided further, that, if for any reasons the Collector shall order the withdrawal of any *nokarnama* issued by the licensee, the *nokarnama* shall forthwith be withdrawn.]

50. Source of supply.—Foreign liquor required for a licensed hotel or club shall not be bought except from a person holding a trade and import licence and shall not be transported from the latter's premises to the hotel or club premises except under a transport pass.

<sup>5</sup>[“ Provided that, wine required for sale under the licence may be obtained directly from the winery which has been exempted from payment of excise duty and holding manufactory licence in Form ‘BRL’ granted under a valid transport pass in Form ‘BR IX’ . ”]

<sup>1,2,4</sup>[“ Provided that, in certain District where there are only very few trade and import licence holders for importing and selling foreign liquor by wholesalers (FL-1 licensees) and they do not sell majority of brands in the district, then the foreign liquor required for licenced hotel (F.L. III Licensee) or club (F. L. IV Licensee), shall also be bought from a person holding a Vendor's Licence for sale of Foreign Liquor FL-II, after obtaining the approval of the Government. The record of the purchase and sale of such stock of foreign liquor shall be maintained by the licensees in the form prescribed by the Commissioner..”]

51. Prohibition to store or sell any other foreign liquor.—(1) A hotel or club licensee shall not keep or sell, in the licensed premises of the hotel or club, foreign liquor of any kind which he is not authorised to buy under the licence, nor shall he keep, or sell foreign liquor in any place except in the licensed premises of such hotel or club.

(2) No adulterated, deteriorated or spurious foreign liquor of any kind shall be received, sold or kept by the licensee in the hotel or club.

<sup>3</sup>[52. *Sale and consumption of foreign liquor.*—<sup>7</sup>[“(1) Mild beer, mild liquor may be sold in pegs or bottles to any person who is not below <sup>8</sup>[21 years] and foreign liquor may be sold in pegs or bottles to a foreigner or a permit holder at a hotel or restaurant for consumption in the area assigned for that purpose and approved by the licensing authority and to a resident in such hotel for consumption in his room :

Provided that, mild beer, mild liquor may be served to foreigners or the persons who is not below 21 years in the dining room of such hotel or restaurant.”]

<sup>6</sup>[Provided further that beer <sup>9</sup>[or wine or both] may be sold in sealed bottles to any person above the age of <sup>8,9</sup>[21 years or permit holder for] “off consumption” after getting the FL-III licence duly endorsed to that effect from the Collector on payment of 25 per cent. of the licence fee payable for grant or renewal of the licence in FL-III.”]

1. Added by 22-10-2003.

2. Deleted by 7-5-2005.

3. Subs. by G. N. of 30-12-1976.

4. Ins. by G. N. of 1-7-2006.

5. Ins. by G. N. of 24-11-2005

6. Ins. by G. N. of 19-8-2004..

7. Subs. by 19-1-2005.

8. Subs. by 26-9-2005.

9. Subs. by 14-8-2006.

<sup>1</sup>["(2) Mild beer, mild liquor may be sold in pegs or bottles at a club to any member thereof or his guest who is not below <sup>2</sup>[21 years] of age and foreign liquor may be sold in pegs or bottles to a permit holder at a club for consumption in the area assigned for that purpose and approved by the licensing authority or to a member of the club residing therein for consumption in his room."]

53. *Maintenance of accounts and inspection thereof.*—(1) There shall be maintained at the licensed premises such accounts as may be prescribed by the Commissioner under the Act. Such accounts shall be kept in a bound book of stout paper, paged and stamped with the seal of the Collector.

(2) The licensed premises of the hotel or club and foreign liquor kept or stored therein and all accounts, registers and books maintained in respect of such foreign liquor by a hotel or club licensee, as the case may be shall at all times be open to inspection by any officer empowered under section 122 of the Act. Any irregularity noticed by such officer shall be explained to him by the licensee.

54. *Appointment of staff for supervision.*—The collector may appoint such staff for excise supervision at the licensed hotel or club premises as he deems necessary.

55. *Closure of premises.*—(1) A hotel or club licensee shall close the licensed premises on such days and during such hours as may be prescribed by the <sup>3</sup>[State Government] under the Act.

(2) The licensee may also of his own accord close the licensed premises during any riot or disturbance in the neighbourhood thereof.

(3) The licensee shall not be entitled to claim any compensation on account of the closure of the licensed premises under this rule.

56. *Prohibition regarding drunkenness. etc.*—No drunkenness or gambling in or near the room of hotel or club which has been assigned for the sale of foreign liquor shall be permitted by a hotel or club licensee nor shall any disorderly persons be allowed to remain therein.

57. *Sale to permit-holders.*—(1) (a) A hotel or club licensee shall not sell foreign liquor to any person except to a permit-holder residing or boarding at the hotel <sup>4</sup> [or in the case of a club, to its member holding a permit and to any of his guests who holds a permit.] <sup>5</sup> [Except where a person holds a permit under Chapter VI-A, no sale] of foreign liquor shall be made to a permit-holder unless the permit-holder has got a corresponding balance of units remaining unpurchased under his permit during the month of such sale to him :

<sup>1,6</sup>["Provided that, mild beer, mild liquor may be sold to any person who is not below <sup>2</sup>[21 years] of age, residing at the hotel and in the case of a club, to resident member for consumption in his room only."]

(b) Such licensee shall enter the details of sale of foreign liquor to any permit-holder in the permit of such permit-holder.

(2) A hotel or club licensee shall not sell or serve foreign liquor except during the hours prescribed in this behalf by the <sup>2</sup>[State Government].

1. Inserted by 19-1-2005.

3. Subs. by G. N. of 8-7-1969.

5. Subs. by G. N. of 15-9-1972.

2. Sub. by 26-9-2005.

4. Subs. by G. N. of 27-8-1964.

6. Ins. by G. N. of 4-5-1982.

(3) A hotel or club licensee shall maintain a register of permit-holders holding permits under these rules and state therein their permit numbers and the number of units sanctioned to them. The licensee shall enter in the register details of foreign liquor sold to them from day to day.

(4) A hotel or club licensee shall not sell or supply or attempt to supply any foreign liquor to or for the use of –

- (a) <sup>1</sup>[any person] who is insane, or
- (b) <sup>1</sup>[any person] known or believed to be intoxicated.

58. *Licensee to abide by the Act, rule, etc.*—A hotel or club licensee shall abide by the conditions of the hotel or club licence and the provisions of the Act and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

59. *No claim<sup>2</sup>[to continue licence]*.—A hotel or club licensee or his successors or assignees shall have no claim whatsoever to the continuance <sup>3</sup> [\* \* \*] of the hotel or club licence, as the case may be, after the expiry of the period for which such licence was granted.

60. *Cancellation of licence.*—A hotel or club licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Act.

61. *Unsold foreign liquor to be surrendered.*—When a hotel or club licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the hotel or club licensee shall forthwith surrender the whole stock of unsold foreign liquor to the Collector. The stock so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the licensee.

<sup>4</sup>["61A *transfer of licence from one name to another.*—For the purpose of transfer of licence granted under rules 5, 25 to 45, in the name of a person other than the licence holder, the provisions laid down in the respective rules relating to the grant of licence shall apply *mutatis mutandis.*"]

## PART VI

### Permits for possession, use and consumption of Foreign liquor

62., Description of permits.—permits of the following kinds, and no other for the possession, use and consumption of foreign liquor may be granted under these rules, namely—

- (i) Temporary resident's permit;
- (ii) <sup>5</sup>\* \* \*
- (iii) Emergency permit;
- (iv) Special permit for privileged personages;
- (v) Visitor's permit;
- (vi) Interim permit;
- (vii) Tourist's permit.

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1. Subs. by G. N. of 25.4.1968.  
 2. Subs. by G. N. of 8.7.1969.  
 3. Deleted by G. N. of 8.7.1969.  
 4. Subs. by G. N. of 17.2.1989.  
 5. Deleted by G. N. of 8.8.1979.

63. *Temporary resident's permit.*—(1) Any temporary resident desiring to possess, use and consume foreign liquor shall apply to the Collector in Form F.L./A-1. The form may be obtained from the office of the Collector on payment of a fee of Re. 1.

(2) (i) On receipt of the application, the Collector shall satisfy himself.—

(a) that such person is not a minor ;

(b) that he is temporary resident; and

(c) that he fulfils the other conditions of section 40.

(ii) The Collector shall also make such other enquiries as he deems necessary.

(3) If the Collector, on making the necessary inquiries <sup>1</sup>[for the disposal of the application], is satisfied that there is no objection, he may, in consultation with the Superintendent or Inspector of Prohibition and Excise of the district and in conformity with the orders of the State Government and the Commissioner, grant the applicant on payment of a fee of <sup>2</sup>[Rs. 30] a permit in Form F.L. V for the possession, use and consumption of foreign liquor <sup>3</sup>[and shall also issue a certificate separated, and easily detachable from the main permit by means of perforations, as evidence of the grant of the permit.]

<sup>2</sup>[(4) No permit shall be granted for a period exceeding twenty-four months from the date of its commencement.]

(5) The permit shall be granted for such monthly quantity not exceeding <sup>1</sup>(6) units as the Collector may fix in each case.

(6) The permit-holder shall not possess at any one time any quantity of foreign liquor exceeding that which has been fixed in his case by the Collector under sub-rule (5).

(7) The privileges of purchase and possession of foreign liquor granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(8) (i) Foreign liquor permitted for consumption under the permit shall not except with the previous permission of the Commissioner, be obtained from any place other than a Government depot or a licensed hotel or club or a shop holding a vendor's licence.

(ii) The permit-holder shall get all purchases of foreign liquor entered in his permit by the officer-in charge of the government depot or the hotel licensee or the club licensee or the holder of a vendor's licence, as the case may be.

(8A) Whenever the permit-holder leaves the State for more than one month during the currency of the permit period, he shall before leaving the State, deposit with the Collector his permit and the stock of foreign liquor held by him thereunder, and obtain a receipt therefor. The stock so deposited shall be kept by the Collector in safe custody and marked with such distinguishing marks as he may deem fit. If the permit-holder returns to the State before the expiry of the period of the permit, the permit and the stock so deposited shall be returned to him on production of the receipt.

(9) A permit-holder shall abide by the conditions of the permit and the provisions of the Act and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

(10) A permit may be suspended or cancelled in accordance with provisions of section 54 <sup>4</sup>[or 56] of the Act.

1. Subs. by G. N. of 8-7-1969.

2. Subs. by G. N. of 24-3-1964.

3. Added by G. N. of 24-2-1956.

4. Ins. by G. N. of 8.8.1979.

(11) Where the permit is suspended or cancelled during the currency of the permit period or is not renewed after its expiry, the permit-holder shall surrender forthwith the whole of the unconsumed stock of foreign liquor to the Collector. The stock so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the permit-holder.

64.	<sup>1</sup> *	*	*	*	*	*
64A.	<sup>2</sup> *	*	*	*	*	*
65.	<sup>1</sup> *	*	*	*	*	*
66.	<sup>1</sup> *	*	*	*	*	*

67. *Emergency permit.*—(1) Any person desiring to possess brandy, rum or champagne for his own use or consumption or any head of the house desiring to possess such liquor for the use of his household for medicinal use on emergent occasions shall apply to the Collector in Form F.L./A-3. He may obtain such form from the office of the Collector on payment of a fee of Rs. 1.

(2) On receipt of the application, the Collector shall make such inquiries as he deems necessary <sup>3</sup>[for the disposal of the application] and if he is satisfied that there is no objection, he may, in conformity with orders of the State Government and the Commissioner issues in that behalf, grant the applicant <sup>4</sup>[on payment of a fee of <sup>5</sup>Rs. 2] a permit in Form F.L. VII for the possession of brandy, rum or champagne, as the case may be, for medicinal use on emergent occasions <sup>6</sup>[ans shall also issue a certificate separated, and easily detachable from the main permit by means of perforations, as evidence of grant of the permit :]

Provided that the applicant is not a minor :

Provided further that no permit shall be granted to more than one member of a household at any one time.

(3) No permit under sub-rule (2) shall be granted <sup>7</sup>[\* \* \*] and for a quantity <sup>8</sup>[exceeding [375 millilitres] of brandy or rum per three months or <sup>9</sup>[750 millilitres] of champagne per three months.]

(3A)	<sup>10</sup> *	*	*	*	*	*	*
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(4) No brandy, rum or champagne shall be purchased or obtained by a permit-holder under this rule if he has already in his possession a quantity of liquor permitted under sub-rule (3).

(5) The privileges of purchase, transport and possession of brandy, rum or champagne granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(6) The liquor purchased under the permit shall be used solely for the use of the permit-holder and his house-hold :

Provided that the permit-holder may allow the use or consumption of liquor in respect of which the permit has been granted to any other person who requires the use thereof for medicinal purpose <sup>11</sup>[on any emergent occasion, subject to the condition that the quantity of liquor that he may so allow to be used or consumed by such other person does not exceed the quantity that is reasonably necessary on such emergent occasion.]

<sup>12</sup> *	*	*	*	*	*	*
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1 Deleted by G. N. of 8.8.1979.

3 Ins. by G. N. of 8.7.1969.

5 Subs. by G. N. of 17.1.1973.

7 Deleted by G. N. of 17.1.1973.

9 Subs. by G. N. of 8.7.1969.

11 Subs. by G. N. of 18.9.19761.

2 Deleted by G. N. of 24.3.1964.

4 Subs. by G. N. of 28.1.1971.

6 Added by G. N. of 24.2.1956.

8 Subs. by G. N. of 30.5.1964.

10 Deleted by G. N. of 28.1.1971.

12 Deleted, *ibid.*



(7) The permit-holder shall not obtain brandy, rum or champagne except from a Government depot, or from a holder of a vendor's licence. He shall get all purchases of such liquor entered in his permit by the Officer-in-charge of the Government depot or the holder of a vendor's licence, as the case may be.

(8) The permit holder shall abide by the conditions of the permit and the provisions of the Act and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

(9) The permit may be suspended or cancelled in accordance with the provisions of section 54 <sup>1</sup>[or 56] of the Act.

(10) In case the permit is suspended or cancelled during its currency or is not renewed on its expiry, the permit-holder shall surrender forthwith the whole of the unused stock of liquor to the Collector. The stock so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the permit-holder.

(11)     <sup>2</sup>\*           \*           \*           \*           \*           \*

(12)     <sup>3</sup>\*           \*           \*           \*           \*           \*

68. *Special permit for privileged personages.*—(1) Any person who is—

(a) a Sovereign or Head of a foreign State;

(b) an Ambassador or diplomatic Envoy of a foreign State;

(c) a Consul, Honorary Consul or Trade, Commerce or other representative of a foreign State;

(d) a member of the staff appointed by or serving any under person specified in clause (a), (b) or (c) : Provided that such member is a national of a foreign State:

<sup>4</sup>[(d1) a member of a foreign Government;

(d2) a representative or officer of any international organisation to which privileges and immunities are given from time to time by or under the United Nations (Privileges and Immunities) Act, 1947;]

(e) the consort of any person specified in clauses (a), (b), (c), <sup>5</sup>[(d), (d1) and (d2)];

(f) any relation of any person specified in clauses (a), (b), (c), <sup>5</sup>[(d), (d1) and (d2)] depended upon him, desiring the possess, use and consume foreign liquor, shall apply to the Collector in form F.L./A-4 which shall be supplied to him, free of cost.

<sup>6</sup>\*           \*           \*           \*           \*

(2) On receipt of the application, the Collector shall, after making such inquiries as he may deem necessary <sup>1</sup>[for the disposal of the application], grant him a permit in Form F.L. VIII for the possession, use and consumption of foreign liquor <sup>7</sup>[and shall also issue a certificate separated, and casily detachable from the main permit by means of perforations, as evidence of the grant of the permit.]

(3) The permit may be granted for a period not extending beyond the 31st March next following the date of the commencement of the permit.

(4) (i) The permit may be granted for any quantity of foreign liquor (without any limit) if the permit-holder is a Sovereign or Head of a foreign State or his consort.

1 Ins. by G. N. of 9.7.1969.

3 Deleted by G. N. of 28.1.1971.

5 Subs. *ibid.*

7 Added by G. N. of 24.1.1956.

2 Deleted by G. N. of 30.5.1964.

4 Ins. by G. N. of 18.9.1961.

6 Deleted by G. N. of 16.1.1964.



(ii) If the permit-holder is any other person falling under any of the categories (b), (c), (d), (e) and (f) mentioned in sub-rule (1) <sup>1</sup>[the permit shall be granted for such quantity of foreign liquor as the State Government or the Commissioner may direct in that behalf.]

(5) The privileges of purchase and possession of foreign liquor granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(6) Foreign liquor permitted for consumption under the permit shall not be obtained by the permit-holder except from his own stock in Customs Bond or from the stock in Customs Bond of a trade and import licensee :

Provided that the Commissioner may permit the permit-holder to obtain foreign liquor from any other source or place.

<sup>2</sup>[(6-A) The permit-holder shall, on relinquishing charge of his office or on his ceasing to be a person falling under any of the categories mentioned in sub-rule (1), surrender his permit together with the stock of foreign liquor held by him thereunder to the Collector. The stock of foreign liquor so surrendered may, with the permission of the Commissioner, be handed over to the permit-holder's successor-in-office or shall be disposed of in such manner as the Commissioner may direct :

Provided that nothing in this sub-rule shall apply to any person falling under—

(i) clause (a) or his consort, or (ii) Clause (b).]

(7) The permit-holder shall enter in his permit the quantity of foreign liquor obtained by him from time to time if it is obtained from his own stock in Customs Bond, and if it is obtained from any other place the quantity of the foreign liquor so obtained shall be entered in the permit by the foreign liquor licensee concerned.

(8) In the event of any permit-holder going out of the State for more than 30 days, the stock of foreign liquor held by him under the permit shall be disposed of in such manner as the Commissioner may direct.

69. *Visitor's Permit.*—<sup>3</sup>[(1) Any person who—

(a) is a citizen of a foreign country or a citizen of India and resides in any part of India, where consumption of alcoholic liquor is not generally prohibited by law;

*Or*

(b) is a citizen of a foreign country or is a citizen of India, and resides in any part of India, where consumption of liquor is prohibited by law, but has been consuming such liquor under a permit or other authorization, visits the <sup>4</sup>[State of Maharashtra] for a period of not more than a week and desires to purchase, possess, use and consume foreign liquor, shall apply to the Collector.]

(2) The application shall be in Form F.L./A-5 which may be obtained by him from the Office of the Collector on payment of a fee of Re. 1.

(3) On receipt of the application the Collector shall satisfy himself that the applicant is a visitor to the State of Maharashtra <sup>7</sup>[and is not a minor] and if he sees no objection, he may in conformity with the orders of the Commissioner, grant him a permit in Form F.L. IX for the <sup>5</sup>[purchase,] possession, use and consumption of foreign liquor on payment of a fee of Rs. 5, <sup>6</sup>[and shall also issue a certificate separated, and easily detachable, from the main permit by means of perforations, as evidence of the grant of the permit.]

<sup>2</sup>[(4) The permit shall be granted ordinarily for a period not exceeding one week at any one time :

1 Subs. by G. N. of 9.8.1955.

3 Subs. by G. N. of 18.9.1961.

5 Ins. by G. N. of 18.9.1961.

7 Ins. by G. N. of 17.1.1973.

2 Ins. by G. N. of 9.8.1955.

4 Subs. by G. N. of 25.7.1963.

6 Added by G. N. of 24.2.1956.

Provided that the Collector may extend the period of such permit from time to time for further periods not exceeding one week at a time so, however, that the total periods does not exceed in the aggregate one month.]

(5) No permit shall be granted for a quantity exceeding one unit per week.

(6) The permit-holder shall not possess at any one time any quantity of foreign liquor in excess of the quantity specified in his permit.

(7) The privileges of purchase, transport and possession of foreign liquor granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(8) The foreign liquor permitted for consumption under the permit shall not, except with the previous permission of the Collector, be obtained from a place other than a Government depot or a licensed hotel or club or from a shop holding a vendor's licence.

(9) The permit-holder shall get the details entered in his permit of all foreign liquor obtained by him from time to time by the Officer-in-charge of the Government depot or by the hotel or club licensee or the holder or a vendor's licence, as the case may be.

(10) The permit-holder shall *abide* by the conditions of the permit and the provisions of the Act and the rules, regulations and orders, made thereunder and shall give an undertaking to that effect.

(11) The permit shall be liable to suspension or cancellation in accordance with the provisions of section 54 <sup>1</sup>[and 56] of the Act.

(12) Where a permit is suspended or cancelled during its currency, the permit-holder shall surrender forthwith the whole of the unused stock of foreign liquor to the Collector. The stock so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the permit-holder.

*Note—The powers of the Collector under sub-rules (3) and (4), may be exercised by any officer authorised under section 46(1) to grant visitor's permits and the sub-rules (1) and (2) may in such cases be adapted accordingly.*

70. *Interim Permit*—(1) Any person who is eligible for a permit under rules 63, 64 or 68 and desires to possess, use or consume foreign liquor may apply to the Collector or any other officer authorised in this behalf in Form F.L./A-6 for an interim permit while applying for a regular permit under any of the said rules.

(2) On receipt of the application, the Collector or the authorised officer shall satisfy himself—

(a) that such applicant is not a minor; and

(b) that the applicant is *prima facie* eligible, for a permit under sub-section (1) of section 40 or section 40-A or 41 of the Act, as the case may be.

(3) If the Collector or the officer authorised under sub-rule (1) is satisfied that there is no objection to grant an interim permit pending the disposal of his application for a regular permit under rules 63, 64 or 68, as the case may be, he may grant the applicant a permit in Form F.L. X for the possession, use and consumption of foreign liquor on payment of a fee of Rs. 5 <sup>2</sup>[and shall also issue a certificate separated, and easily detachable, from the main permit by means of perforations, as evidence of the grant of the permit.]

(4) No such permit shall be granted for a period exceeding 2 months.

<sup>1</sup> Ins. by G. N. of 8.7.1969.

<sup>2</sup> Added by G. N. of 24.2.1956.

(5) The permit shall be granted for such monthly quantity of foreign liquor as the Collector may fix :

Provided that such quantity shall not, in any case, exceed 2 units of foreign liquor per month if the permit-holder is not eligible for a permit under rule 63 or 68 or 4 units of foreign liquor per month in other cases, except with the sanction of the Commissioner.

(6) The permit-holder, shall not possess at any one time any quantity of foreign liquor exceeding that which has been fixed in his case by the Collector or the authorised Officer under sub-rule (5).

(7) The privileges of purchase and possession of foreign liquor granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(8) (i) Foreign liquor permitted for consumption under the permit shall not, except with the previous permission of the Commissioner, be obtained from any place other than a Government depot or a licensed hotel or club or a shop holding a vendor's licence.

(ii) The permit-holder shall get all purchases of foreign liquor entered in his permit by the Officer-in-charge of the Government depot or the hotel licensee, the club licensee, or the holder or a vendor's licence, as the case may be.

(9) The permit-holder shall *abide* by the conditions of the permit and the provisions of the Act and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

(10) The permit may be suspended or cancelled in accordance with the provisions of section 54 of the Act.

(11) Where a permit is suspended or cancelled during the currency of the permit period, the permit-holder shall surrender forthwith the whole of the unconsumed stock of foreign liquor to the Collector. The stock so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the permit-holder.

<sup>1</sup>[70A. *Tourist's permits.*—(1) A tourist visiting the State of Maharashtra may, if he desires to possess, consume use or buy foreign liquor, apply to the Collector or any other officer authorised in this behalf, in Form F.L./A-6A, which shall be supplied to him free of cost.]

2\* \* \* \* \*

(2) On receipt of the application, the Collector or the authorised officer shall satisfy himself that the applicant is a tourist, and if he is satisfied that there is no objection, he may, in conformity with the orders of the Commissioner, grant him, free of charge, a permit in Form F.L. X-A for the possession, consumption, use the purchase of foreign liquor :

Provided that no such permit shall be granted to a minor.

(3) The permit shall be granted for the period of the applicant's intended stay in the <sup>3</sup>[State of Maharashtra] but not exceeding one month in any case.

(4) The permit shall be granted for a quantity not exceeding <sup>4</sup>[six units per month].

(5) The permit-holder shall not possess at any one time any quantity of foreign liquor in excess of the quantity specified in his permit.

1 Subs. by G. N. of 28.6.1956.

2 Deleted by G. N. of 16.1.1964.

3 Subs. by G. N. of 25.7.1963.

4 Subs. by G. N. of 15.5.1967.

(6) The privileges of purchase transport and possession of foreign liquor granted under the permit shall extend only so far as they are incidental to its use or consumption in accordance with these rules and the conditions of the permit.

(7) The foreign liquor permitted for consumption under the permit shall not except with the previous permission of the Commissioner, be obtained from any place other than Government depot, a licensed hotel or a club or a shop in respect of which a vendor's licence has been issued under the Act.

(8) The permit-holder shall get the details entered in his permit of all foreign liquor obtained by him from time to time by the Office-in-charge of the Government depot or by the hotel or club licensee or the holder of a vendor's licence, as the case may be, or by the officer issuing the permit in any other case.

(9) The permit-holder shall abide by the conditions of the permit and the provisions of the Act and the rules, regulations and orders made thereunder, and shall give an undertaking to that effect.

(10) The permit shall be liable to suspension or cancellation in accordance with the provisions of section 54 of the Act.

(11) Where a permit is suspended or cancelled during its currency, the permit-holder shall surrender forthwith the whole of the unused stock of foreign liquor to the Collector. The stock so surrendered be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the permit-holder.

<sup>1</sup>[PART VI-A

**Permit for possession, use and consumption of foreign liquor<sup>2</sup>[and country liquor]**

70B.	.3*	*	*	*	*	*
70C.	4*	*	*	*	*	*

<sup>5</sup>[70D. *Permit for purchase, possession, transport, use and consumption of foreign liquor and country liquor.*—(1) Notwithstanding anything contained in the Act or in Part VI of these rules, it shall be lawful for the Collector or the Officer authorised by the State Government in this behalf, to grant a permit to any person <sup>6,8,9,10</sup>[not below the age of 25 years] residing in any part of the State of Maharashtra except Wardha District and above the age of 30 years residing in Wardha District] for the purchase, possession, transport, use and consumption of foreign liquor and country liquor.

<sup>7</sup>[(2) Subject to the provisions of sub-rule (1) any person <sup>8,9,10</sup>[not below the age of 25 years] or, as the case may be, 30 years, who desires or purchase foreign liquor and country liquor for possession, transport use and consumption shall apply to the Collector or the officer authorised by the State Government, in this behalf, in Form F.L. A. 6-B along with proof of his age together with the fee specified in sub-rule (3) of this rule :

Provided that, the persons above the age of 30 years residing Wadha District shall produce along with the application in Form F.L./A.6-B, a medical certificate in Form F.L. M.C. 1.

1 Ins. by G. N. of 3-9-1972.

3 Deleted, *ibid.*

5 Ins. *Ibid.*

7 Subs *ibid.*

9 Subs. by 1-7-2005

2 Added by G. N. of 8-8-1979.

4 Deleted, *ibid.*

6 Subs. by G. N. of 4-5-1982.

8 Subs. by G. N. of 19-1-2005.

10 Subs. by 26-9-2005.

(3) If the Collector or the officer authorised by the State Government in this behalf on making necessary enquiries is satisfied that the applicant from any area of State of Maharashtra other than Wardha District is <sup>3,4,5</sup>[not below the age of 25 years] or in the case of applicant residing in Wardha District above the age 30 years and that such applicant in Wardha District requires foreign liquor and country liquor for the preservation and maintenance of his health, he may grant the applicant on payment of <sup>1,4</sup>[a fee of Rs. 100 for one year or Rs. 1,000 for a permanent permit], a permit in Form F.L. X-C for the purchase, possession, transport, use and consumption of foreign liquor and country liquor.

(4) The permit shall be granted in respect of persons residing in Wardha District, for a period of one year from the date of the grant thereof and <sup>4</sup>[for a period of one year or a permanent permit] in respect of persons residing elsewhere, provided <sup>4</sup>[a fee of Rs. 100 for one year permit or the fee of Rs. 1,000 for a permanent permit is paid].

(5) Where the permit-holder residing in any part of the State of Maharashtra, except Wardha District desires to have his permit renewed beyond the date of expiry of his permit, he shall within one month after such date of expiry, produce such permit before the Collector or the officer authorised by the State Government in that behalf after signing the declaration contained therein, and thereupon the Collector or such officer shall on payment of a fee at the <sup>4</sup>[rate of Rs. 100 for one year permit or, as the case may be Rs. 1,000 for a permanent permit, grant him a fresh permit in exchange for the permit] produced before him by the permit-holder :

Provided that, a permit-holder in Wardha District shall be required, in addition, to produce a medical certificate in Form F.L./M.C.-1 and his permit shall be renewed for a period of one year from the date of issue; and).

<sup>2</sup>[(6) The permit-holder other than a permit-holder in Wardha District shall not possess at any one time any quantity of Foreign liquor or Country Liquor or of both in excess of <sup>6,7,8</sup>[two units per week] and the permit-holder in Wardha District shall not possess at any one time any quantity of such liquor in excess of four units.]

(7) Subject to the provisions of sub-rule (6) the permit-holder may, offer any part of foreign liquor and / or country liquor possessed by him under his permit to any foreigner or other permit-holder for his use and consumption.

(8) The permit-holder shall not consume foreign liquor or country liquor at any public place which is not licensed to sale such liquor for consumption.

(9) Except with the previous permission of the Collector in writing, a permit-holder shall not purchase foreign liquor or country liquor, under his permit from a place other than a Government Depot or a licensed hotel or restaurant or canteen or a shop holding a vendor's licensee and a licensed and a licensed shop for retail sale of country liquor.

(10) Every permit-holder shall abide by the provisions of the Act and the rules, regulations and orders, made thereunder.

(11) A permit may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Act. Where a permit is suspended or cancelled during its currency or is not renewed after its expiry, the permit-holder shall forthwith surrender the whole of the unconsumed stock of foreign liquor and/or country liquor to the Collector. The stock so surrendered shall be sold by the Collector, and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government be returned to the permit-holder.

1 Sub. by G. N. of 16-3-1988.

3 Sub. G. N. 19-1-2005.

5 Sub. by G. N. 26-9-2005.

7 Sub. by G. N. 15-9-2000.

2 Sub. by G. N. 13-12-1982.

4 Sub. G. N. 1-7-2005.

6 Subs. by G. N. 4-6-1997.

8 Subs. by G. N. 13-11-2009

70E. <sup>1\*</sup> \* \* \* \* \*

<sup>2</sup>[70F. *Permit for the purchase, possession, transport, use and consumption of mild liquor*.—(1) Notwithstanding anything contained in the Act in Part VI of these rules, it shall be lawful for any person not below <sup>4,5</sup>[twenty-one years] of age residing in any area other than Wardha District in the State of Maharashtra, to purchase, possess and transport, <sup>4</sup>[mild beer or mild liquor] for his personal use and consumption without a permit.

(2) Any person above the age of twenty-five years residing in Wardha District who desire to purchase, possess and transport mild liquor for his personal use and consumption shall apply to the Collector or the officer authorised by the State Government in this behalf in Form F.L./A6-C along with a medical certificate in Form F.L./M.C.2 <sup>4</sup>[a fee of Rs. 100 for one year permit and Rs. 1,000 for permanent permit] and proof of his age.

(3) If the Collector or the officer authorised by the State Government in this behalf, on making necessary enquiries is satisfied that the applicant is above the <sup>4</sup>[age of <sup>5</sup>[twenty five years]], he may grant the applicant a permit in Form F.L. X-D for the purchase, possession, transport use and consumption of mild liquor.

(4) The permit shall be granted for a period of twelve months from the date of grant thereof.

(5) Where the permit-holder desires to purchase possession transport, use and consume mild liquor after the date of expiry of his permit, he shall produce such permit before the Collector or the officer authorised by the State Government in this behalf after signing the declaration contained therein within one month after the date of its expiry, and thereupon the Collector or such officer shall on payment of <sup>4</sup>[a fee of <sup>3</sup>[Rs. 100]] grant him a fresh permit in exchange for the permit produced before him by the permit holder. Every fresh permit shall be granted for a period commencing on the date on which it is issued and ending on the date of expiry of twelve months from the date of expiry of the permit in exchange for which the fresh permit is granted. No medical certificate shall, however, be required for grant of such permit for subsequent period.

(6) The permit holder shall not possess at any one time any quantity of mild liquor in excess of twelve units.

(7) The provisions of sub-rules (7), (8), (9) (10) and (11) of rule 70-D shall *mutatis mutandis* apply to permits granted under this rule.]

<sup>6</sup>[" 70 G. One day permit for the purchase, possession, transport, use and consumption of foreign liquor and country liquor:—

(1) Notwithstanding anything contained in sub-rules (3), (4) or (5) 70D of these rules, it shall be lawful for the Collector or the officer authorised by the State Government or the person incharge of licence in Form F.L. II, F.L. III and F.L. IV issued under these rules and Form C.L. III issued under the Maharashtra Country Liquor Rules, 1973, duly authorised in this behalf by the Inspector of State Excise, to grant one day permit in Form F.L.F. or C.L.C. as the case may be, to any person not below the age of <sup>5</sup>[twenty-five years] desiring to purchase foreign liquor or country liquor, as the case may be, for his consumption on payment of a fee of Rs. 5 for foreign liquor and on payment of a fee of Rs. 2 for country liquor :

provided that, no such one day permit shall be granted to any person in Wardha District.

(2) The one day permit granted under this rule shall be valid till the sunrise of the day following the day of issue of the permit .

(3) The one day permit shall be granted for a quantity not exceeding one unit.]

1. Deleted, by G. N. of 4-5-1982.

3. Subs. by G. N. of 16-3-1988.

5. Sub. by G. N. 26-9-2005.

2. Subs. *ibid*.

4. Sub. by 1-7-2005.

6. Ins. by G. N. 1-7-2005.



## PART VII

**Possession and use of brandy and rum by industrial, educational, scientific, research or such other institutions or by a pilot of an aircraft or by a person in charge of an ambulance or a first-aid station for rendering first-aid for medicinal purpose in any emergency.**

71. *Application for licence.*—Any person in-charge of an industrial, educational, scientific, research or such other institution or a pilot of an aircraft or any person in-charge of an ambulance or a firstaid and station desiring to possess and use brandy and rum, for rendering first-aid or for emergent medicinal purpose shall apply to the Collector in Form F. L./A-7. He may obtain such form from the Collector on payment of a fee of Re. 1.

*Explanation.*—“First-aid Station” means any place recognised as such by the State Government.

72. *Grant of licence.*—On receipt of the application, the Collector shall make such inquiries as he deems necessary <sup>1</sup>[for the disposal of the application] and if he is satisfied that there is no objection, he may, in conformity with the orders of the State Government and the Commissioner issued in that behalf, grant the applicant, on payment of a fee of <sup>2</sup>[Rs. 10] a licence in Form F. L. XI.

73. *Limit of possession and purchase.*—The Collector may fix the quantities of brandy or rum or both (i) which the licensee may possess at any one time and (ii) which he may purchase during a calendar month :

Provided that except with the previous sanction of the Commissioner, the quantity which may be possessed at any one time shall not <sup>3</sup>[exceed 375 millilitres] each of brandy and rum and the quantity which may be purchased during a month shall not <sup>4</sup>[exceed 750 millilitres] each of brandy and rum.

74. *Duration of licence.*—No licence under rule 72 shall be granted for a period beyond 31st March next following the date of the commencement of the licence.

75. *Source of supply.*—The licensee shall not obtain brandy or rum, except from a Government depot or from a holder of a vendor's licence :

Provided that the Commissioner may permit him to obtain it from any other place.

76. *Use.*—The brandy or rum purchased under the licence shall not be used except for rendering first-aid or for medicinal purpose in an emergency. The licensee may use or consume such brandy or rum and also allow consumption or use of such brandy or rum by any person urgently requiring it on *bona fide* medical grounds, or for rendering first-aid.

77. *Register of use.*—The licensee shall maintain a register of use of brandy and rum in which he shall enter day-to-day particulars in respect of the following :

- (i) Date, month and year;
- (ii) Opening balance of (a) brandy, and (b) rum;
- (iii) Quantity purchased (a) brandy, and (b) rum;
- (iv) Total quantity of (a) brandy, and (b) rum;
- (v) Total quantity of (a) brandy, and (b) rum used during the day;

1 Ins. by G. N. of 8.7.1969.  
3 Ins. by G. N. of 28.4.1958.

2 Subs. by G. N. of 16.3.1988.

- (vi) Closing balance of (a) brandy, and (b) rum;
- (vii) Names and addresses of persons to whom brandy or rum was administered during the day;
- (viii) Quantity of (a) brandy or (b) rum administered to each person (to be shown against his name);
- (ix) Reasons in detail which necessitated administration of brandy or rum (to be shown against the name of each person);
- (x) Signature of the licensee.

78. *Unused stock.*—The licensee shall, on the termination of his licence, deliver the quantity of brandy or rum remaining unused with him, the register and the licence to the Collector. The quantity of brandy or rum so delivered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the licensee.

79. *Licensee to abide by the provisions of the Act, etc.*—(1) The licensee shall comply with all orders and directions issued from time to time by the Commissioner, Collector, Superintendent of Prohibition and Excise or the Inspector of Prohibition and Excise.

(2) The licensee shall abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the licence and shall give an undertaking to that effect.

#### PART VIII

##### Consumption and sale of foreign liquor on Steamers

80. *Bringing of foreign liquor by passengers, etc.*—No passenger on board any vessel, boat, launch, ship or steamer plying on the coast of the <sup>1</sup>[State of Maharashtra] shall possess <sup>2</sup>[or consume] any foreign liquor while such vessel, boat, launch, ship or steamer is in the territorial waters of the State unless such possession <sup>2</sup>[or consumption] is covered by a valid permit.

81. *Foreign steamers,* <sup>3</sup>[*Indian Merchant Navy*] and through steamers.—<sup>4</sup>(1) On a foreign steamer, <sup>5</sup>[*Indian Merchant Navy* or through steamer touching a port in the State of Maharashtra,] the stock of foreign liquor in the bar or in the stores thereon or in the possession of the crew shall be sealed by the Customs Authorities as soon as the steamer is anchored in the harbour or is berthed in the docks, as the case may be :

Provided that the stock of foreign liquor with the crew <sup>6</sup> \* \* shall not be sealed if the steamer is to remain in the harbour or docks for not more than 24 hours.

(2) No sale or consumption from the stock of foreign liquor referred to in sub-rule (1) shall be made while such steamer is in the port and visitors and disembarking passengers are on board the steamer.

(3) After the disembarking passengers and visitors have left the steamer, the sealed stock of foreign liquor on being released by the Customs Authorities, and the unsealed stock of foreign liquor in possession of through passengers and the <sup>5</sup>[crew] shall, subject to the rules, regulations and orders made under the <sup>5</sup>[Customs Act, 1962] be permitted for consumption by through passengers and the <sup>5</sup>[crew.]

(4) No person other than through passengers <sup>7</sup>[or the <sup>5</sup>[crew]] shall possess, use or consume foreign liquor on board such steamer.

1 Ins. by G. N. of 25.7.1963.

3 Ins. by G. N. of 30.9.1966.

5 Subs. by G. N. of 30.9.1966.

7 Ins. by G. N. of 28.4.1958.

2 Ins. by 28.4.1958.

4 Subs. by G. N. of 28.4.1958.

6 Deleted, *ibid.*



(5) No licence or permit shall be required for sale, purchase, possession, use or consumption of foreign liquor on board such steamer, if it is in accordance with the above conditions.

(6) If the steamer terminates its voyage at Bombay, the stock of foreign liquor in the bar on the steamer shall be sealed by the customs authorities and shall not be released until the steamer leaves the port of Bombay on outward voyage.

(7) <sup>1</sup>[Save as otherwise provided in this rule, sale and] consumption of foreign liquor on such steamer shall not be permitted after the steamer enters the port of Bombay not before it leaves that port. The Captain of the steamer as well as the proprietor of the bar shall be responsible for the observance of this rule.

*Explanation.*—In this rule, steamer includes any ship or other vessel, but does not include a man-of-war or other public vessel sailing under a foreign flag.

#### PART IX

##### Possession, consumption, use and sale of Foreign Liquor on prescription

82. *Application for licence to dispense brandy or rum on prescription.*—Any registered medical practitioner or chemist, druggist, apothecary or dealer in medicinal preparations desiring to dispense brandy or rum on prescription may apply to the Collector for a licence in that behalf. The application shall contain the following particulars, namely :—

- (i) Name and address of the applicant.
- (ii) Location of the premises where brandy or rum will be dispensed, with the name of the building, street, city, town or village, as the case may be.
- (iii) If the applicant is a registered medical practitioner, the number of registration and the year in which he was registered.
- (iv) Kinds of licences held, if any, by the applicant under the Bombay Prohibition Act, 1949, and the \*[Dangerous Drugs Act, 1930.]

83. *Grant of licence.*—(1) On receipt of an application under rule 82, the Collector may make enquiries for verification of the details stated in the application and also such other enquiries as he deems necessary. If he is satisfied that there is no objection to grant the licence, he may grant the applicant a licence in Form F. L. XII on payment of a fee of <sup>2</sup>[Rs. 10 per annum], if the applicant is a registered medical practitioner and of <sup>2</sup>[Rs. 25 per annum], if the applicant is a chemist, druggist, apothecary or dealer in medicinal preparations :

<sup>3</sup>[Provided that for the purpose of charging the fee, the fraction of a year shall be reckoned as one complete year.]

<sup>1</sup> Ins. by G. N. of 28.4.1958.  
<sup>2</sup> Subs. by G. N. of 16.3.1988.

\* Repeated by the N. D. P. S. Act 1985.  
<sup>3</sup> Added by G. N. of 2.4.1959.

(2) The Collector may fix the quantities of brandy or rum or both (i) which the licensee may possess at any one time and (ii) which he may purchase during a month :

Provided that, except with the previous sanction of the Commissioner, the quantity which may be possessed at any one time shall not <sup>1</sup>[exceed 750 millilitres] each of brandy and rum and the quantity which may be purchased during a month shall not <sup>1</sup>[exceed 1500 millilitres] each of brandy and rum.

84. *Duration of licence.*—No licence under rule 83 shall be granted for a period beyond 31st March next following the date of the commencement of the licence :

<sup>2</sup>[Provided that in the case of a registered medical practitioner, such licence may be granted or renewed for a period not exceeding three years at a time but not beyond 31st March of the third year from the date of commencement of the licence.]

85. *Source of supply.*—(1) No person holding a licence in Form F. L. XII shall obtain brandy or rum except from a Government depot or from a holder of a vendor's licence.

(2) The licensee shall preserve cash memos and passes relating to the purchases of brandy or rum received by him during the period of the licence.

86. *What brandy or rum shall not be kept.*—The licensee shall not receive or keep in his licensed premises any brandy or rum which has not been obtained or transported in accordance with the provisions of the Act or the rules, regulations or orders made thereunder.

87. *Dispensing on prescription only.*—(1) The licensee shall not dispense brandy or rum to any person except on a prescription issued in the name of such person and except as one of the ingredients of the medicine given under the prescription :

Provided that a registered medical practitioner shall not prescribe or dispense brandy or rum for his own use or consumption on a prescription issued by him in his own name.

(2) The licensee shall not dispense brandy or rum to any person other than the person in whose name the prescription is issued and in any quantity exceeding that specified therein :

Provided that the licensee may deliver the medicine so dispensed by him to a person other than the person specified in the prescription if such other person is authorised by the medical practitioner or the person in whose name the prescription is issued to take delivery of the medicine and endorse such other persons's name on the cash memo <sup>3</sup>[referred to in sub-rule 96].

(3) The licensee shall not dispense brandy or rum on a prescription unless the prescription is in writing and is dated and signed by a registered medical practitioner with his full name, registration number, qualifications and address and the name and address of the person to whom it is issued and the total quantity of the brandy or rum to be dispensed as one of the ingredients of medicine is specified in such prescription.

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1 Subs. by G. N. of 8.7.1969.

2 Added by G. N. of 2.4.1959.

3 Ins. by G. N. of 18.7.1955.

(4) (i) No brandy or rum shall be dispensed by a licensee, not being a registered medical practitioner, unless the prescription is marked with the words “not to be repeated” :

Provided that brandy or rum may be dispensed more than once on the same prescription, in pursuance of fresh directions duly dated, signed and endorsed on the prescription each time by the registered medical practitioner.

(ii) The licensee shall not, except with the previous sanction of the Collector, dispense brandy or rum on the same prescription for a period of more than thirty consecutive days.

(5) The licensee shall mark on every prescription dispensed by him his name and the locality of the premises wherein he carries on his business and the date on which it was dispensed.

(6) The licensee not being a registered medical practitioner, shall, on each occasion on which he dispenses brandy or rum, keep a copy of the original prescription on his record, give a cash memo in form A and return the original prescription to the person in whose name such prescription was issued or to the person who has been authorised to take delivery of the medicine containing brandy or rum and where the licensee is a registered medical practitioner, he shall on each occasion on dispensing brandy or rum keep the original prescription on his record.

(7) The licensee shall file and preserve all prescriptions or copies thereof, as the case may be, <sup>1</sup>[for a period of one year from the dates of issue of the prescriptions] upon which brandy or rum has been dispensed by him and shall produce such prescriptions or copies thereof along with the licence and the stock of brandy or rum which may be in his possession for inspection on demand by the Collector or any officer empowered under section 122 of the Act.

88. *Register of sale.*—(1) The licensee, not being a registered medical practitioner, shall maintain a register in such form as may be prescribed by the Commissioner wherein he shall from time to time record the full names and addresses of the registered medical practitioners whose prescriptions prescribing brandy or rum were dispensed by him and of the persons in whose names such prescriptions were issued.

(2) The licensee who is a registered medical practitioner shall maintain a register in such form as may be prescribed by the <sup>2</sup>[State Government] wherein he shall, from time to time, record the full names and addresses of the persons in whose names the prescriptions prescribing brandy or rum were issued and also register the units or quantity of brandy or rum dispensed by him.

(3) The licensee shall also maintain a register in such form as may be prescribed by the <sup>2</sup>[State Government] wherein he shall write from day to day true and proper accounts of the quantity of brandy or rum dispensed by him and the balance held by him in stock.

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<sup>1</sup> Ins. by G. N. of 18.7.1955.

<sup>2</sup> Subs. by G. N. of 8.7.1969.

(4) The licensee shall, before the 7th day of each calendar month, furnish to the Collector or such other officer as he may appoint in this behalf a copy of entries made by him in such registers during the preceding calendar month.

89. *Transport without pass by registered medical practitioner.*—If the licensee is a registered medical practitioner, he may without a licence, permit or pass, carry with him from place to place within the state for the purpose of dispensing, during the course of his practice, any quantity of brandy or rum not <sup>1</sup>[exceeding 375 millilitres] of each.

90. *Regulation of business.*—(1) (a) The licensee shall provide a visit book paged and stamped with the Collector's seal or the <sup>2</sup>[Mamlatdar, Tahsildar of Mahalkari] within whose jurisdiction the licensed premises are situated.

(b) The visiting officers may record in such visit book any remarks when inspecting the licensed premises.

(2) The licensee shall, on the termination of the period of his licence, deliver up the quantity of brandy or rum remaining unsold with him, the visit book the accounts, registers and licence to the Collector. The quantity of brandy or rum so delivered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the licensee.

(3) No person shall be recognised as the partner of the licensee for the purpose of this licence unless the partnership has been declared to the Collector before the licence is granted and the name or names of the partners, have been entered jointly in the licence or if the partnership is entered into after the granting of the licence, unless the Collector agrees on application made to him to alter the licence and add the names of the partners the licence.

*Explanation.*—For the purpose of sub-rules (1) and (3) of this rule, the licensee shall not include a registered medical practitioner, holding a licence under rule 83.

91. *Licensee to abide by provisions of Act, etc.*—(1) The licensee shall comply with all orders and directions issued from time to time by the Commissioner, Collector, Superintendent of Prohibition and Excise.

(2) The licensee shall abide by the provisions of the act and the rules, regulations and orders made thereunder <sup>3</sup>[and also by all the conditions of the licence which may be imposed by the State Government at the time of granting the licence or at any time during the currency of the licence] and shall give an undertaking to that effect.

92. *Sale of* <sup>4</sup>[*champagene, etc.,*] *on prescription.*—(1) <sup>5</sup>[Champagne, Port-type wine and] Port-wine may be sold at any Government depot on the production of a prescription :

Provided that where there is no Government depot, <sup>4</sup>[Champagne, Port-type wine, Port-wine, Wincarnis, Vibrona, Manola and Buck-fast Tonic wine] may likewise be sold by any holder of a vendor's licence on obtaining a licence in that behalf under rule 93.

(2) No licence shall be necessary for the sale on prescription of <sup>6</sup>[Champagne, Port-type wine, Port-wine, Wincarnis, Vibrona, Manola and Buck-fast Tonic wine] by the officer-in-charge of the Government depot. The officer-in-charge shall abide by the rule in rule in this part and shall also comply with all orders and instructions issued by the Commissioner, Collector, Superintendent or Inspector of Prohibition and Excise or any other officer duly empowered in this behalf.

1 Subs. by G. N. of 8-7-1969.

3 Subs. by G. N. of 2-4-1959.

5 Subs. by G. N. of 19-11-1957.

2 Subs. by G. N. of 25-7-1963

4 Subs. by G. N. of 30-6-1968.

6 Subs. by G. N. of 30-6-1958.

93. *Application for licence to sell* <sup>1</sup>[champagne, etc.] *on prescription.*—

(1) Subject to provision of rule 92, any holder of a vendor's licence in Form F.L. II desiring to sell <sup>1</sup>[Champagne, Port-type wine, Port-wine, Wincarnis, Vibrona, Manola and Buck-fast Tonic wine] on prescription may apply to the Collector for a licence in that behalf. The application shall contain the following particulars, namely :—

- (1) Name and address of the applicant;
- (2) Number of the Vendor's licence held by the applicant;
- (3) Location of the premises in respect of which the applicant holds the vendor's licence.

(2) On receipt of the application, the Collector may make enquires for verification of the details stated in the application and also such other enquires as he deems necessary. If he is satisfied that there is no objection to grant the licence, he may grant the applicant a licence in Form F.L. XII on payment of a fee of <sup>5</sup>[Rs. 25]

<sup>2</sup>(3) The licensee shall not sell <sup>1</sup>[Champagne, Port-type wine, Port-wine, Wincarnis, Vibrona, Manola or Buck-fast Tonic wine] except on the production of a prescription and in a quantity exceeding the total quantity specified in the prescription :

Provided that he may sell —

(a) <sup>3</sup>[375 millilitres] of [Champagne, Port-type wine, Port-wine, Wincarnis, Vibrona, Manola or Buck-fast Tonic wine,] as the case may be, where the total quantity so specified is less than <sup>3</sup>[375 milliliters]; and

(b) <sup>3</sup>[750 millilitres] thereof where such total quantity is more than <sup>3</sup>[375 millilitres].

(4) The provision of rules 84, 85, 86, 87, 88, 90, and 91 shall, as far as may be, apply in respect in respect of a licence granted in Form F.L. XIII.

94. *Possession etc., of* <sup>1</sup>[brandy, rum, etc.].—(1) Any person may, without a licence, permit or pass, may possess, transport and consume or use.—

(a) any medicine containing such quantity of brandy or rum as has been dispensed to him under a prescription, or.

(b) any <sup>1</sup>[Champagne, Port-type wine, Port-wine, Wincarnis, Vibrona, Manola or Buck-fast Tonic wine] sold to him on prescription, in accordance with the provisions of this part.

(2) The purchase possession and transport of medicine, containing brandy or rum or of <sup>1</sup>[Champagne, Port-type wine, Port-wine, Wincarnis, Vibrona, Manola or Buck-fast Tonic wine] by a person on behalf of an infirm or invalid person or any other person who is not physically fit shall be permitted without a licence, permit or pass provided that.—

(a) the infirm or invalid or physically unfit person is a person in whose name a prescription prescribing medicine containing such brandy or rum, or prescribing <sup>1</sup>[Champagne, Port-type wine, Port-wine, Wincarnis, Vibrona, Manola or Buck-fast Tonic wine] has been issued; and

(b) the name and address of the person purchasing, possessing or transporting <sup>4</sup>[are endorsed by the licensee on the original prescription as well as on the cash memo in Form A referred to in sub-rule (6)j of rule 87].

1 Subs. by G. N. of 30-6-1958.

2 Subs. by G. N. of 19-11-1957.

3 Subs. by G. N. of 8-7-1969.

4 Subs. by G. N. of 18-7-1955.

5 Subs. by G. N. of 16-3-1988

<sup>1</sup>[94-A. *Prescription in the case of* <sup>2</sup>[*Champagne, Port-type wine, etc.*],.—

(1) For the purpose of rules 92,92 and 94 a prescription in the case of <sup>2</sup>[*Champagne, Port-type wine, Port-wine, Wincarnis, Vibrona, Manola and Buck-fast Tonic wine*] shall mean a prescription.—

(a) Which is issued in Form C by a registered medical practitioner, who is a family physician of the person to whom it has been issued for a period of not less than one year immediately before the date of such prescription and

(b) Which satisfies the requirements of sub-rule (2)

(2) The quantity of <sup>2</sup>[*Port-type wine, Port-wine, Wincarnis, Vibrona, Manola or Buck-fast Tonic wine or Champagne,*] as the case may; be, shall be so recommended in the prescription that it does not exceed.—

(i) <sup>3</sup>[750 millilitres] in a week in the case of <sup>2</sup>[*Port-type wine, Port-wine, Wincarnis, Vibrona, Manola or Buck-fast Tonic wine,*] and

(ii) <sup>3</sup>[375 millilitres] per day in the case of Champagne,

and that the total the total period for which such quantity is recommended shall not exceed.—

(a) thirty days in the case of <sup>3</sup>[*Port-type wine, Port-wine, Wincarnis, Vibrona, Manola and Buck-fast Tonic wine,*] and

(b) fifteen days in the case of champagne from the date of the issue of the prescription.]

94-B. *Application for a transport pass.*—Any licensee or permit-holder desiring to obtain a transport pass in Form F.L. IA shall make an application in Form F.L./ A-9 to the Collector through the District Prohibition and Excise Officer of his district.

95. *Saving.*—Notwithstanding the supersession of the Bombay Foreign Liquor Rules, 1950, any licence, permit pass or permission granted or issued under the said rule shall so far as it not inconsistent with the provisions of these rules, continue in force and be deemed to have been granted or issued under the corresponding provisions of these rules, until the expiry of the term for which it was granted or issued or until it is suspend or cancelled in accordance with the provisions of the Act, or these rules as the case may be.

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<sup>4</sup>[FORM F.L./A. IA]

(see rule 4)

*Form of application for an ordinary trade and import licence for the removal from a Customs Frontier and for the import and vend of foreign liquor (potable) including Indian-made liquors (potable) excised at special rates (not to be drunk on the premises).*

1. Name and address of the applicant
2. Names and addresses in full of the partners, if any.

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1 Ins. by G. N. of 19-11-1957.

2 Subs. by G. N. of 30-6-1958.

3 Subs. by G. N. of 8-7-1969.

4 Ins. by G. N. of 17-1-1973.

3. Exact location and full address of the premises where the business will be conducted.
4. Whether the applicant (or any of his partners) holds on the date of this application or held at any time in the past (individually or in partnership with others) any licence for the sale of foreign liquor, and if so, the details thereof.
5. Proof of solvency of the applicant.
6. Whether the applicant is in excise arrears or in arrears of any other Government dues, such as sales tax, income-tax, etc.

I hereby declare that the particulars given above are correct.

I hereby undertake to abide by the conditions of the licence and the provisions of the Bombay Prohibition Act, 1949, and the rule, regulations and orders made thereunder from time to time.

Date

Signature of the applicant.

To,

The Collector .....]

.....  
**FORM F. L. I**

(see rule 5)

No. .... of 20 -20.

(For the whole of the <sup>1</sup>[State of Maharashtra] )

*Ordinary Trade and import Licence for the removal from a Customs Frontier and for the import and vend of foreign liquors (potable) including Indian-made liquors (potable) excised at special rates (“ not to be drunk on the premises”).*

*Preamble.*—licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rule, regulations and orders made thereunder, to ..... of ..... (hereinafter called “the licensee”), authorising him to remove from a Customs Frontier and to import and sell by whole-sale foreign liquor at his premises situated at ..... (hereinafter referred to as the “licensed premises”) from ..... 19 to the 31st day of March 19 (both days inclusive) subject to the followings, namely :—

*Conditions*

1. The licensee shall pay into the Government treasury a sum of Rs. .... (Rupees .....) as licence fee and a sum of Rs. .... (Rupees.....) as deposit.

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<sup>1</sup> Subs. by G. N. of 25-7-1963.



2. The licensee shall not sell foreign liquor at any place other than the licensed premises nor shall he keep foreign liquor in any place except in the licensed premises or, if specially permitted in writing by the Collector, at the warehouse which is situated at the place specified below. He shall keep separate accounts of the stocks of foreign liquor kept at the warehouse. A consolidated account of the stocks of foreign liquor at the licensed premises and the warehouse shall also be maintained by him. Stocks of foreign liquor shall be transported from the warehouse to the licensed premises under <sup>2</sup>[passes in Parts I, II, III and IV of Form FL-I-A, issued by the Licensee or his authorised servant duly authorised by the Superintendent of State Excise in that behalf, and Parts I, III and IV of Form FL-I-A, of the transport passes so produced shall be countersigned by the Excise Officer duly authorised in that behalf, upto next working day after verifying the accounts.] In no case shall the licensee sell foreign liquor from such warehouse.

(Situation of warehouse. . . . .)

3. The licensee shall pay to Government in advance at the beginning of each quarter commencing from the date of the licence such cost of the staff appointed at the licensed premises for the purpose of excise supervision as may be fixed by the <sup>1</sup>[State Government] from time to time.

4. The expenses in respect of excise supervision for transporting foreign liquor to the licensed premises shall be paid by the licensee.

5. The licensee shall sell foreign liquor at a price not exceeding that fixed by the <sup>1</sup>[State Government] in that behalf.

6. The licensee shall furnish such information in connection with his business under the licence as may be required by the Commissioner from time to time.

7. The licensee shall comply with all orders and instructions issued to him by the Prohibition and Excise Officers not lower in rank than a Sub-Inspector of Prohibition and Excise.

8. In case the licence is suspended or cancelled during its currency or is not renewed on its expiry the licensee shall forthwith surrender the whole stock of unsold foreign liquor to the Collector the stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the licensee.

9. As this licence is granted only for the period specified above, it shall not give the licensee, his heirs, legal representatives or assignees, any claim whatsoever to the continuance or renewal thereof beyond the said period.

10. This licence may be suspended or cancelled in accordance with the provisions of section 54n or 56 of the Bombay Prohibition Act, 1949.

Granted this . . . . . day of . . . . . 20.

Seal  
of the  
Collector.

Collector.

1 Subs. by G. N. of 8-7-1969.

2. Sub. by G. N. 30-4-2007.



**<sup>1</sup>[FORM F. L. W. A-1]**

[See Rules 5 C(1)]

*Form of application for trade and import licence for removal of wines from a custom frontier and for the import and vend of wine by wholesale.*

1. Name and address of the applicant.
2. Names and addresses in full of the partners, if any.
3. Exact location and full address of the premises where the business will be conducted.
4. Whether the applicant (or any of his partners) holds on the date of this application or held at any time in the past (individually or in partnership with others) any licence for the sale of wine, and if so, the details thereof.
5. Proof of the solvency of the applicant.
6. Whether the applicant is in excise arrears or in arrears of any other Government dues such as sales tax, income tax, etc.

I hereby declare that the particulars given above are correct.

I hereby undertake to abide by the conditions of the licence and provisions of the Bombay Prohibition Act, 1949 and rules, regulations and orders made thereunder, from time to time.

Date :

Signature of the applicant.

To,

Collector,

**<sup>1</sup>[FORM F. L. W. I.]**

[See Rules 5 C(2)]

No.            of 20

(For the whole of the State of Maharashtra)

*Trade and import licence for the removal from Customs Frontier and for the import and vend of wine by wholesale (Not to be drunk on the premises).*

*Preamble.* Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder, to ..... of ..... (hereinafter called "the Licensee"), authorising him to remove from Customs Frontier and to import and to purchase from wineries in the State and sell by

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<sup>1</sup> Ins. by G. N. of 30-7-2008.

whole-sale wines at his licenced premises situated at . . . . . (hereinafter referred to as "licenced premises") from . . . . . 20 to 31st March 20 (both days inclusive), subject to the following conditions, namely :—

*Conditions*

1. The licensee shall pay into the Government treasury a sum of Rs. . . . . . sum of Rs. . . . . . (Rupees . . . . . ) as licence fee and a sum or Rs. . . . . . (Rupees . . . . . ) as deposit.

2. The licensee shall not sell at any place other than the licensed premises nor shall he keep wine in any place except in the licensed premises or, if specifically permitted in writing by the Collector, at the warehouse which is situated at the place specified below. He shall kept separate accounts of the stocks of wine kept at the warehouse. A consolidated account of the stock of wine at the licensed premises and the warehouse shall also be maintained by him. Stock of wine shall be transported from the warehouse to the licensed premises under passes issued by the State Excise Officer, duly authorised in this behalf. In no case shall the licensee sell wine from such warehouse.

(situation of warehouse . . . . .)

3. The licensee shall sell wine at a price not exceeding that fixed by the State Government in that behalf, from time to time.

4. The licensee shall furnish such information in connection with his business under the licence as may be required by the Commissioner, from time to time.

5. The licensee shall comply with all orders and instructions issued to him by the State Excise Officers not lower in rank than a Sub-Inspector, State Excise.

6. In case the licence is suspended or cancelled during its currency or is not renewed on its expiry, the licensee shall forthwith surrender the whole stock of unsold wine to the Collector, the Stock of wine so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the licensee.

7. As this licence is granted only for the period specified above it shall not give the licensee, his heirs, legal representatives or assignees, any claim whatsoever to the continuance or renewal thereof beyond the said period.

8. This licence may be suspended or cancelled in accordance with the provisions of sections 54 or 56 of the Bombay Prohibition Act, 1949.

Granted this . . . . . Day of . . . . . 20 . . . . .

Seal  
of the  
Collector.

[Collector:"]

<sup>1</sup>[FORM F.L. I-A]

## PART I

*Transport Pass for transport of duty-paid Foreign Liquors*

(See Rules 8, 10, 30 and 39)

\*[for record of the officer [countersigning] the pass]

**No.** **Dated** **20**

- (1) Name and address of the transporter
- (2) Kind of licence/permit held by the transporter and its number and date.
- (3) Quantity and description of foreign liquor to be transported—

Kind of foreign liquor	Quantity (Imperial/proof gallons)	Dozen quarts	Dozen pints	Dozen nips	Amount of fee paid		
					Transport fee	Specil fee	Total
					Rs.	Rs.	Rs.
(a) Spirits . .							
(i) Superior spirits							
(ii) Cheap spirits							
(b) Wines . .							
(c) Fermented liquors							

- (4) Place to which foreign liquor is to be transported.
- (5) Route
- (6) Purpose for which foreign liquor is to be transported.
- (7) Name and address of the place from which foreign liquor is to be transported.
- (8) Kind of licence held in respect of the premises from which foreign liquor is to be transported and its number and date.
- (9) Date up to which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the transport of foreign liquor referred to above subject to the following condition, namely :—

The whole quantity of foreign liquor shall be transported in one consignment only and its bulk shall not be broken in transit.

Seal

<sup>2</sup>[Signature of officer  
countersigning  
the pass.]

<sup>2</sup>[Signature of the licensee or  
his authorised servant duly  
authorised by Superintendent.]

1 Ins. by G. N. of 17.5.1957.

2 Subs. by 30.4.2007.

## PART II

*Pass for transport of duty-paid Foreign Liquors*

(See Rules 8, 10, 10 and 39)

(To be handed over to the transporter)

- No. \_\_\_\_\_ Dated \_\_\_\_\_ 20\_\_\_\_
- (1) Name and address of the transporter
- (2) Kind of licence/permit held by the transporter and its number and date.
- (3) Quantity and description of foreign liquor to be transported—

Kind of foreign liquor	Quantity (Imperial/proof gallons)	Dozen quarts	Dozen pints	Dozen nips	Amount of fee paid		
					Trans-port fee	Specil fee	Total
					Rs.	Rs.	Rs.
(a) Spirits . .							
(i) Superior spirits							
(ii) Cheap spirits							
(b) Wines . .							
(c) Fermented liquors							

- (4) Place to which foreign liquor is to be transported.
- (5) Route
- (6) Purpose for which foreign liquor is to be transported.
- (7) Name and address of the place from which foreign liquor is to be transported.
- (8) Kind of licence held in respect of the premises from which foreign liquor is to be transported and its number and date.
- (9) Date up to which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the transport of foreign liquor referred to above subject to the following condition, namely :—

The whole quantity of foreign liquor shall be transported in one consignment only and its bulk shall not be broken in transit.

Seal

<sup>1</sup>[Signature of the licensee or his authorised servant duly authorised by Superintendent.]

<sup>1</sup> Subs. by 30.4.2007.

## PART III

*Pass for transport of duty-paid Foreign Liquors*

(See Rules 8, 10, 10 and 39)

(To be forwarded to the Prohibition and Excise Officer at the place to which foreign liquor is to be transported)

No.					Dated	20		
(1)	Name and address of the transporter							
(2)	Kind of licence/permit held by the transporter and its number and date.							
(3)	Quantity and description of foreign liquor to be transported—							
	Kind of foreign liquor	Quantity (Imperial/proof gallons)	Dozen quarts	Dozen pints	Dozen nips	Amount of fee paid		
						Trans- port fee	Specil fee	Total
						Rs.	Rs.	Rs.
(a)	Spirits . . .							
	(i) Superior spirits							
	(ii) Cheap spirits							
(b)	Wines . . .							
(c)	Fermented liquors							
(4)	Place to which foreign liquor is to be transported.							
(5)	Route							
(6)	Purpose for which foreign liquor is to be transported.							
(7)	Name and address of the place from which foreign liquor is to be transported.							
(8)	Kind of licence held in respect of the premises from which foreign liquor is to be transported and its number and date.							
(9)	Date up to which the pass shall be valid.							

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the transport of foreign liquor referred to above subject to the following condition, namely :—

The whole quantity of foreign liquor shall be transported in one consignment only and its bulk shall not be broken in transit.

Seal

<sup>1</sup>[Signature of officer  
countersigning the pass.]

<sup>1</sup>[Signature of the licensee or  
his authorised servant duly  
authorised by superintendant.]

## PART IV

*Pass for transport of duty-paid Foreign Liquors*

(See Rules 8, 10, 10 and 39)

(To be handed over to the licensee of the premises/the officer at the  
Customs Port or at the Land Customs Station or at the distillery  
From where foreign liquor is to be transported)

No. \_\_\_\_\_ Dated \_\_\_\_\_ 20\_\_

- (1) Name and address of the transporter
- (2) Kind of licence/permit held by the transporter and its number and date.
- (3) Quantity and description of foreign liquor to be transported—

Kind of foreign liquor	Quantity (Imperial/proof gallons)	Dozen quarts	Dozen pints	Dozen nips	Amount of fee paid		
					Trans-port fee	Specil fee	Total
					Rs.	Rs.	Rs.
(a) Spirits . . . . .							
(i) Superior spirits							
(ii) Cheap spirits							
(b) Wines . . . . .							
(c) Fermented liquors							

- (4) Place to which foreign liquor is to be transported.
- (5) Route
- (6) Purpose for which foreign liquor is to be transported.
- (7) Name and address of the place from which foreign liquor is to be transported.
- (8) Kind of licence held in respect of the premises from which foreign liquor is to be transported and its number and date.
- (9) Date up to which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the transport of foreign liquor referred to above subject to the following condition, namely :—

The whole quantity of foreign liquor shall be transported in one consignment only and its bulk shall not be broken in transit.

Seal

<sup>1</sup>[Signature of the officer  
countersigning the pass.]

<sup>1</sup>[Signature of the licensee or  
his authorised servant duly  
authorised by Superintendent.]

**<sup>1</sup>[FORM F. L./A-IB]**

(See rule 24)

*Form of application for a vendor's licence for sale of foreign liquor*

1. Name, age and addresses of the applicant.
2. Names, ages and addresses in full of the partners, if the applicant is a partnership firm (copy of the Deed to be appended).
3. Exact location and full address of the premises where the business will be conducted.
4. Whether the proposed premises referred to at item 3 above are.—
  - (a) Within 50 meters from any educational or religious institution if they are within the jurisdiction of any Municipal Corporation or 'A' Class or 'B' Class Municipal Council and 100 meters if situated elsewhere, and.
  - (b) Within 50 meters from any bus stand, station or depot of the Maharashtra State Road transport Corporation.
5. Where the applicant or any member of his family (or any of the Partners) holds on the date of this application or held at any time in the past (individually or in partnership with any other person) any excise licence (s) and if so, indicate the particulars of such licence (s) held and also the period (s) for which he held it (them).

*Explanation.*—For the purpose of this clause, “family” means a person or his spouse (or more than one spouse) and his children solely dependent on him for their maintenance.

6. Whether the applicant holds the solvency certificate or bank solvency certificate or bank guarantee. If so, given particulars with copy thereof duly certified by Notaries, Special Executive Magistrates or Tahsildars.

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<sup>1</sup> Subs. by G. N. of 20-2-1982.

7. Present occupation and income therefrom.
8. Whether the applicant is in arrears of excise or any other Government dues.
9. Whether the applicant has experience of conducting liquor trade and if so, state details with documentary evidence in support.
10. Whether the applicant belongs to any of the following categories, and if so, produce proof in support.—
  - (i) Whether the applicant belongs to economically weaker section.
  - (ii) Whether the applicant has in his possession ready premises for the proposed shop of if so, details thereof.
  - (iii) Whether the applicant was holding or was granted a licence in Form F. L. II for retail sale of foreign liquor but was not operating on the 1st January 1979 and if so, state reasons therefore.

I/We hereby declare that the particulars given above are correct.

I/We hereby enclose a Chalan No. .... dated ..... evidencing payment of a sum of Rupees ..... (Rupees ..... ) for the application.

I/We hereby undertake to abide by the conditions of the licence and the provisions of the Bombay prohibition Act, 1949, and rules, regulations and orders made thereunder from time to time.

I/We hereby further undertake to surrender the licence and agree to its cancellation, if considered necessary by the Government if it found at a subsequent stage that the information furnished by me / us is false.

Signature of the applicant

Date .....

Signed before me

Notaries / Special Executive Magistrate / Tahsildar

To,

\* The Secretary to the Government of Maharashtra.

Home Department (Transport,) Mantralaya, Bombay 400 0 32

(through the Collector of .....)

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+ The Collector of ..... )

\* When the application is for a grant of licence.

+ When the application is for renewal of the licence.



**FORM F. L. II.**

[See Rules 25]

No. ....

*Vendor's Licence for sale of Foreign Liquor*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder, to . . . . . of . . . . . (hereinafter called "the licensee") on payment of a fee of Rs. .... and deposit of Rs. .... in advance, authorising him to sell foreign liquor at his premises situated at ..... (hereinafter called "the licenced premises") during the period from ..... to ..... (both days inclusive), subject to the following conditions, namely :—

*Conditions*

1. The licensee shall carry on business of selling foreign liquor at the licensed premises either personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* signed by himself and countersigned by a Prohibition and Excise Officer not lower in rank than a Sub-Inspector : Provided that any such *nokarnama* signed by the licensee shall be valid unless and until such countersignature is refused. If for any reason the Collector shall order the withdrawal of any *nokarnama* issued by the licensee, the *nokarnama* shall be forthwith withdrawn. For every *nokarnama* issued by him and countersigned the licensee shall pay a fee of Re. 1. No *nokarnama* shall be issued to any person under 21 years of age.

2. The licensee shall, if required by the Collector, pay to the State Government in advance at the beginning of each quarter commencing from the date of this licence such cost of the staff appointed at the licensed premises for the purpose of excise supervision as may be fixed by the <sup>1</sup>[State Government].

3. Except with the permission of the Collector, the licensee shall not sell, transfer or sub-let his right of selling foreign liquor conferred upon him by this licence, nor shall he in connection with the said right enter into any agreement or arrangement which is of the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease the decision of the Collector on such question shall be final and binding on the licensee.

<sup>2</sup>[4. No person shall be recognised as partner of the licensee for the purposes of his licence, unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of the licence, unless the Collector agrees on application made to him to alter the licence and to add the name or names of the partner or partners in the licence :

Provided that, no name or names of the partner or partners shall be entered in the licence by the Collector, without the previous sanction of the State Government.]

<sup>3</sup> [4 - A \* \* \* \*]

1 Subs. by G. N. of 8-7-1969.

2 Subs. by G. N. of 2-8-1966.

3 Deleted by G. N. of 30-8-1993.

<sup>1</sup>[5. The licence shall always display at the entrance of the shop, a signboard of the size of 60 centimetres by 90 centimetres bearing the following inscriptions in legible characters :—

1. Name of the licensee (s).
2. Licence No.
3. Location of the shop.
4. Authorised opening and closing hours of the shop.

No additional items shall be inscribed on the signboard.]

6. The licensee shall abide by conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

7. The licensee shall comply promptly with all lawful orders and directions issued from time to time by the Commissioner Collector or the Superintendent or Inspector of Prohibition and Excise.

8. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licensee, in case of sale or transfer or the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

9. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

10. In case this licence is cancelled or suspended during the currency of the licence period or is not renewed on its expiry, the licensee shall surrender the whole stock of unsold foreign liquor forthwith to the Collector. The stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the licensee.

Granted this ..... day of ..... 20

Seal of the

Collector

Collector of .....

1 Subs. by G. N. of 31-3-1977.

2 Ins. by G. N. of 21-5-1990.

3 Deleted by 14-8-2006.

<sup>1</sup>[FORM F.L. (rum)/C.L. II]

(Deleted)

<sup>2</sup>[FORM F.L. W/A-I]

(See rule 25B)

*Form of application for a vendor's licence for sale of wines*

1. Name, age and addresses of the applicant.
2. Names, ages and addresses in full of the partners, if the applicant is a partnership firm (copy of the Deed to be appended).
3. Exact location and full address of the premises where the business will be conducted.
4. Whether the proposed premises referred to at item 3 above are.—
  - (a) Within 50 meters from any educational or religious institution if they are within the jurisdiction of any Municipal Corporation or 'A' Class or 'B' Class Municipal Council and 100 meters if situated elsewhere, and.
  - (b) Within 50 meters from any busstand, station or depot of the Maharashtra State Road Transport Corporation.

I/We hereby declare that the particulars given above are correct.

I/We hereby enclose a Chalan No. .... dated ..... evidencing payment of a sum of Rupees ..... (Rupees ..... ) for the application.

I/We hereby undertake to abide by the conditions of the licence and the provisions of Bombay Prohibition Act, 1949, and rules, regulation and orders made thereunder from time to time.

I/We hereby further undertake to surrender the licence and agree to its cancellation, if considered necessary by the Government if it found at a subsequent stage that information furnished by me / us is false.

Dated .....

Signed before me

Notaries / Special Executive  
Magistrate /Tahsildar.

Signature of the applicant.

To,

The Collector,

..... District.]

1. Deleted by G.N. of 14-8-2006.

2. Inserted vide G.N. 28-12-2001.

**FORM F. L. W. - II.**

[See Rules 25B (2)]

No. ....

*Vendor's Licence for sale of Wines*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder, to . . . . . of . . . . . (hereinafter called "the licensee") on payment of a fee of Rs. .... and deposit of Rs. .... in advance, authorising him to sell wines and at his premises situated at ..... (hereinafter called "the licenced premises") during the period from ..... to ..... (both days inclusive), subject to the following conditions, namely :—

*Conditions*

1. The licensee shall carry on the business of selling wines at the licensed premises either personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* signed by himself and countersigned by a State Excise Officer not lower in rank than a Sub-Inspector :

Provided that any such Nokarnama signed by the licensee shall be valid unless and until such countersignature is refused. If for any reason the Collector shall order the withdrawal of any Nokarnama issued by the licensee, the Nokarnama shall be forthwith withdrawn. For every Nokarnama issued by him and countersigned the licensee shall pay a fee of Re. 10.00. No Nokarnama shall be issued to any person under 21 years of age.

2. The licensee shall, if required by the Collector, pay to the State Government in advance at the beginning of each quarter commencing from the date of this licence such cost of the staff appointed at the licensed premises for the purpose of excise supervision as may be fixed by the State Government.

3. Except with the permission of the Collector, the licensee shall not sell, transfer or sub-let his right of selling wine conferred upon him by this licence, nor shall he in connection with the said right enter into any agreement or arrangement which is of the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease the decision of the Collector on such question shall be final and binding on the licensee.

4. No person shall be recognised as partner of the licensee for the purposes of his licence, unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of the licence, unless the Collector agrees on application made to him to affix the licence and to add the name or names of the partner or partners in the licence :

Provided that, no name or names of the partner or partners shall be entered in the licence by the Collector, without the previous sanction of the State Government.

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1 Deleted by G. N. of 25-3-1981.

5. The licensee shall always display at the entrance of the shop, a signboard of the size of 60 centimetres by 90 centimetres bearing the following inscriptions in legible characters :—

1. Name of the licensee (s).
2. Licence No.
3. Location of the shop.
4. Authorised opening and closing hours of the shop.
5. No additional items shall be inscribed on the signboard.

6. The licensee shall abide by conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

7. The licensee shall comply promptly with all lawful orders and directions issued from time to time by the Commissioner, Collector or the Superintendent or Inspector of State Excise.

8. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licensee, in case of sale or transfer or the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

9. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

10. In case this licence is cancelled or suspended during the currency of the licence period or is not renewed on its expiry, the licensee shall surrender the whole stock of unsold wine forthwith to the Collector. The stock of wine so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the licensee.

Granted this ..... day of ..... 20

Seal of the

Collector

Collector of .....

<sup>2</sup>[FORM F.L./A-IC

[See Rules 44)

*Form of application for a licence for the sale at a hotel or restaurant of imported foreign liquor (Potable) and Indian-made foreign liquors (potable) on which excise duty has been paid.*

1. Name, and address of the applicant.
2. Names and address in full of the partners if any.
3. Name of the hotel or restaurant and its address in full, *i.e.* its exact location and the total number of rooms it has.

<sup>2</sup>[3A. Whether the hotel or restaurant is situated within a distance of seventy-five meters from any educational or religious institution or from any bus stand, station or depot of the Maharashtra State Road Transport Corporation, or from the boundary of any National or State Highway [Please refer to explanation under, sub rule (1C) of rule 45 of the Bombay Foreign Liquor Rules, 1953, for the definitions of educational institutions, religious institutions and the manner of measuring the distance from the hotel or restaurant to these places].

4. Whether the hotel or restaurant holds on the date of this application or held at any time in the past any hotel or restaurant licence for the sale of foreign liquor, and if so, the period during which it was held.
5. Average number of residents/boarders or visitors, as the case may be, during the last one year immediately before the date of the application.
6. The details of the total accommodation of the hotel or restaurant and the amenities provided therein.
7. The grade, if any, in which the hotel or restaurant is classified, and the authority for the such classification, if any.

7-A <sup>1</sup>[\* \* \*]

8. Proof of solvency of the applicant.
9. Whether any excise Police/municipal licence held by the applicant is or was suspended at

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1 Ins. by G. N. of 17-1-1973.

2 Ins. by G. N. of 5-1-1990.

3 Ins. by G. N. of 28-12-2001.

10. Whether any excise/police/municipal licence held by the applicant is or was cancelled at any time in the past, and if so, the reasons for such cancellation.
11. Whether the applicant is in excise arrears or in arrears of any other Government dues, such as sales tax, income tax, etc.

I hereby declare that the particulars given above are correct.

I hereby undertake to abide by the conditions of the licence and the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder from time to time.

Signature of the applicant.

Date :

To

The Collector of .....]

**FORM F.L. III**

(See rule 45)

No. ....

For the whole of the <sup>1</sup>[State of Maharashtra]*Licence for the sale at a hotel of imported foreign liquors (potable) and  
Indian made foreign liquors (potable) on which excise  
duty has been paid at special rates.*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter called "the licence") <sup>2</sup>[on payment of a fee (inclusive of consideration)] of Rs. .... and a deposit of Rs. .... in advance authorising him to sell the following foreign liquors during the period from ..... to ..... at his hotel situated at ..... subject to the following conditions, namely.

## Foreign Liquors

- (a) Wines
- (b) Fermented liquors
- (c) Spirits
- <sup>3</sup>[(d) Mild-liquors.]

*Conditions*

1. The licence shall not sell any foreign liquor for consumption on the licensed premises except in the Room No. .... assigned for that purpose. He shall not allow any drinking to continue in the said room outside the hours of sale. Any foreign liquor remaining in the said room unconsumed during unauthorised hours of sale shall be destroyed.

2. No foreign liquor other than that sold by the licensee shall be allowed to be consumed in the said room.

<sup>4</sup>[3. The licensee shall not sell foreign liquor except in accordance with the provision of rule 52, of the Bombay Foreign Liquor Rules, 1953].

- 
- 1. Subs by G. N. of 25-7-1963
  - 2. Subs by G. N. of 6-11-1981
  - 3. Ins. by G. N. of 25-4-1968
  - 4. Subs by G. N. of 30-12-1976



4. The licensee shall sell foreign liquor at a price not exceeding that <sup>1</sup>[prescribed by the state Government] from time to time.

5. The licensee shall pay to the State Government in advance at the beginning of each quarter commencing from the date of the licence such cost of the excise staff appointed at the hotel as may be fixed by the <sup>2</sup>[State Government.]

6. (a) The licensee shall give immediate information to the nearest Police Officer of every person visiting his hotel whom he suspects to have committed an offence under the Act and of every Act committed at the hotel lending to disturb the public peace.

(b) The licensee shall write daily in a bound book, paged and sealed with the Collector's seal, the name of every person, who comes to reside at the hotel with the dates of his arrival and departure. Such book shall always be open to inspection by any officer duly empowered under section 122 of the Act. If any person who comes to reside at the hotel refuses to give his name, information of the fact shall be given, in Greater Bombay to the Commissioner of Police, Bombay, any elsewhere to the District Superintendent of Police.

7. The licensee shall at all times keep the hotel and all appurtenances thereto in clean and decent condition and the licensee shall comply with any directions issued by the Collector in that behalf.

8. The licensee shall furnish such information in connection with his business under the licence as may be required by the Commissioner or Collector from time to time.

9. The licensee shall comply with all lawful orders and instructions issued to him by the Prohibition and Excise Officer not lower in rank than a Sub-Inspector of Prohibition and Excise.

10. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

11. In case this licence is cancelled or suspended during the currency of the licence period or is not renewed on its expiry, the licensee shall surrender the whole stock of unsold foreign liquor forth with to the Collector. The stock of liquor so surrendered be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the licensee.

Granted this the ..... day of .....20

Place :

Seal of the  
Collector

Collector.

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1. Subs by G. N. of 25-4-1968  
2. Subs by G. N. of 8-7-1969

**[FORM F. L. A-ID**

(See rule 47)

*Form of application for a licence for the sale at a club of imported foreign liquor (potable) and Indian-made foreign liquor (potable) on which excise duty has been paid.*

1. Name and address of the club.
2. Names and addresses in full of the Secretary and other office bearers of the club.
3. Exact location and full address of the club.
4. Whether the club holds on the date of this application or held at any time in the past any licence for the sale of foreign liquor and if so, the period during which it was held.
5. Average number per day of resident members or visitors, as the case may be, during the last one year immediately before the date of the application.
6. Number of members. . .
7. The details of the total accommodation of the club and the amenities provided therein, and the activities and objects of the club.
8. Rules of the club relating to the election of members, terms of subscription, entrance fee, if any, hours of opening and closing.
9. Number of rooms assigned for the sale of foreign liquor.
10. Whether any excise/police/municipal licence held by the club is or was suspended at anytime in the past, and if so, the period of suspension and, the reasons for such suspension.
11. Whether any excise/police/municipal licence held by the club is or was cancelled at anytime in the past, and if so, the reasons for such cancellation.

I hereby declare that the particulars given above are correct.

I hereby undertake to abide by the conditions of the licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder from time to time.

Signature of the applicant.

Date :

To

The Collector of .....

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1. Ins by G. N. of 17-1-1973.

**FORM F. L. IV**<sup>9</sup>[See rules 48 and 48 B]

*Licence for the sale at a club of imported foreign liquors (potable)  
and Indian-made foreign liquors (potable) on which excise duty has been  
paid at special rates.*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules regulations and orders made thereunder to ....., Secretary of the ..... Club (hereinafter referred to as the "Licensee"), on payment <sup>1</sup>[of a fee (inclusive of consideration)] of Rs. .... and a deposit of Rs. .... in advance, authorising him to sell the following foreign liquors during the period from ..... to .....<sup>10</sup>[or an special function applied for] here in after referred to as " the licensed premises ") subject to the following coalitions, namely :

*Foreign Liquors*

- (a) Wines
- (b) Fermented liquors
- (c) Spirits.
- <sup>2</sup>(d) Mild-liquors.]

*Conditions*

<sup>3</sup>[1. (1) The licensee shall not sell foreign liquor except in accordance with the provisions of rule 52 of the Bombay Foreign Liquor Rules, 1953.

(2) The licensee shall maintain a register of members who hold permits and state therein their permit number.]

<sup>4</sup>[2. The licensee shall not sell or serve foreign liquor except during the hours as prescribed by Government from time to time.]

3. (1)<sup>5</sup> \* \* \*

(2) The licensee shall not self foreign liquor to <sup>6</sup>[any person] who is insane or known to believed to be intoxicated.

4. No foreign liquor other than that sold by the licenee shall be allowed to be consumed in the said room.

5. (a) The licensee shall not receive as consideration or a part thereof for the sale of any foreign liquor any wearing apparel or ornaments or any other thing except coins currency note or cheques.

(b) The licensee or his agent or servant duly authorised in this behalf shall make out a cash memo in duplicate signed by himself or him agent or servant, as the case may be, and by the <sup>6</sup>[purchaser] in respect of foreign liquor sold to <sup>7</sup>[such] <sup>6</sup>[purchaser] and shall given the first copy of the memo to <sup>7</sup>[such <sup>6</sup>[purchaser]] and retain the such duplicate with himself.

(c) The cash memo shall clearly show the name of the club, the name of the <sup>6</sup>[purchaser], his permit number, details regarding the brand and quantity of foreign liquor sold and the amount charged.

(d) The duplicate copies of cash memos made out under clause (b) shall at all reasonable times be open to inspection by the Collector or the Commissioner of Police,

Bombay, District Superintendent of Police or any Prohibition and Excise Officer not lower in rank than a Sub-Inspector or any other officer empowered under section 122 of the Bombay Prohibition Act, 1949.

6. The licensee shall sell foreign liquor at a price not exceeding that <sup>7</sup>[prescribed by the State Government] from time to time.

7. The licensee shall pay to the State Government in advance at the beginning of each quarter commencing from the date of the licence such cost of the excise staff appointed at the club as may be fixed by the <sup>8</sup>[State Government].

8. (1) The licensee shall give immediate information to the nearest Police Officer of the every person visiting his club whom he suspects to have committed an offence under the Act and of every offence committed at the club tending to disturb the public peace.

(2) The licensee shall write daily in a bond book, pagged and sealed with the Collector's seal, the name of every person who comes to reside at the club with the dates of his arrival and departure. Such book shall always be open to inspection by any officer duly empowered under section 122 of the Act. If any person who comes to reside at the club refuses to give his name, information of the fact shall be given in Greater Bombay to the Commissioner of Police, Bombay and elsewhere to the District Superintendent of Police.

9. The licensee shall at all times keep the licensed premises and all appurtenances thereto in a clean and decent condition and the licensee shall comply with any directions issued by the Collector in that behalf.

10. The licensee shall furnish such information in connection with his business under the licence as may be required by the Commissioner from time to time.

11. The licensee shall comply with all orders and instructions issued to him by the Prohibition and Excise Officers not lower in rank than a Sub-Inspector of Prohibition and Excise.

12. It shall entirely be in the discretion of the Collector to renew or not to renew the licence at the expiration of the term for which it has been granted.

13. The licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

14. In case this licence is cancelled or suspended during the currency of the licence period or is not renewed on its expiry, the licensee shall surrender the whole stock of unsold foreign liquor forthwith to the Collector. The stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to State Government be returned to the licensee.

Granted this . . . . . day of . . . . . 20 . . . . .

Seal of the  
Collector.

Collector.

1. Subs by G. N. of 10.9.1985.  
3. Subs by G. N. of 30.12.1976.  
5. Deleted by G. N. of 30.12.1976.  
7. Subs by G. N. of 27.8.1964.  
9. Subs by G. N. of 30.8.1989.

2. Ins. by G. N. of 25-4-1968.  
4. Subs by G. N. of 8-8-1979.  
6. Subs by G. N. of 25-4-1968.  
8. Subs by G. N. of 8-7-1969.  
10. Ins. *ibid.*

[**FORM F. L. W. IV**]

[See rules 48C(2)]

*Licence for the sale of wine at a club temporarily*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder to ....., Secretary of the ..... Club (hereinafter referred to as “ the Licensee ”), on payment of a fee (hereinafter referred to as “ the Licensee ”) of Rs. .... and a deposit of Rs. .... in advance, authorising him to sell the wine during the period from ..... to ..... or a special function applied for (hereinafter referred to as “ the licensed premises ”), subject to the following conditions, namely :

*Conditions*

1. The licensee shall not sell or serve wine except in pegs or bottles in the the licenced premises, assigned for that purpose and approved by the licensing authority.
2. The licensee shall not sell or serve wine except during the hours as prescribed by Government from time to time.
3. (a) Wine required for a temporary club shall not be bought except from a person holding valid licence and shall not be transported from latter’s premises to temporary club premises except under a transport pass or valid documents.  
  
(b) The licensee shall not sell wine to any person who is insane or known to believed to be intoxicated.
4. (a) A club licensee shall not keep or sell in the licensed premises wine of any kind which he is not authorised to sell under the licence, nor shall he keep or sell wine in any place except in the licensed premises of such temporary club.  
  
(b) No adulterated, deteriorated or spurious wine of any kind shall be received sold or kept by the licensee.
5. (a) The licensee or his agent or servant duly authorised in this behalf shall make out a cash memo in duplicate signed by himself or his agent or servant, as the case may be and by the purchaser in respect of wine sold to such purchaser and shall given the first copy of the memo to such purchaser and retain the such duplicate with himself.

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1. Ins. by 30-7-2008.

(b) The cash memo shall clearly show the name of the club, the name of the purchaser, details regarding the brand and quantity of wine sold and the amount charged.

(c) The duplicate copies of cash memos made out under clause (b) shall at all reasonable times be open to inspection by the Collector or the Commissioner of Police, District Superintendent of Police or any Prohibition and Excise Officer not lower in rank than a Sub-Inspector or any other officer empowered under section 122 of the Bombay Prohibition Act, 1949.

6. The licensee shall sell wine at a price not exceeding that prescribed by the State Government from time to time.

7. The licensee shall at all time keep the licensed premises and all appurtenances thereto in a clean and decent condition and the licensee shall comply with any directions issued by the Collector in that behalf.

8. The licensee shall furnish such information in connection with his business under the licence as may be required by the Commissioner from time to time.

9. The licensee shall comply with all orders and instructions issued to him by the Prohibition and State Excise Officers not lower in rank than a Sub-Inspector, Prohibition and State Excise.

10. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

11. In case this licence is cancelled or suspended during the currency of the licence period or is not renewed on its expiry, the licensee shall surrender the whole stock of unsold wine forthwith to the Collector. The stock of wine so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to State Government be returned to the licensee.

Granted this ..... day of ..... 20 .. .

Seal of the  
Collector.

Collector ”.]

**FORM F. L./A-1**

[See rule 63(I)]

Application No.

*Application for a permit to possess and use foreign liquor for  
personal consumption by temporary resident*

1. Name in full Mr./Mrs./Miss ..  
(Surname first in block letters)
2. Residential address in full ..
3. Nationality ..
4. Place of birth ..
5. Place where brought up ..
- \*6. Country of domicile ..
7. Number of the passport and the  
authority which issued it.
8. Age ..
9. Occupation ..
10. Monthly income ..
11. Whether the applicant had applied  
for any permit in the past and if so,  
when and to whom.
12. Whether any member of the  
applicant's family has applied for  
foreign liquor permit/s. If so,  
details of each application/s should  
be given.
13. Number of units of foreign liquor  
required per month.
14. The date of arrival in India. ..
15. The period of residence or intended  
residence in India.

I hereby declare that—

- (a) I was born and brought up in/domiciled in . . . . . +;
- (b) I am ordinarily using or consuming foreign liquor;
- (c) I have been residing and intend to reside in India, temporarily;
- (d) I have a fixed and settled purpose of making my sole and permanent home in  
+ . . . . . which is outside India;
- (e) Foreign liquor is being generally used or consumed in + . . . . . where I was  
born and brought up or domiciled;
- (f) I do not hold any permit under sections 40, 40A, 41, 46 or 47 of the Act nor have I  
made any other application for a permit under any of these sections;

\* Quote registration number and the office of registration under the Registration of Foreigners Act, if  
the applicant is registered under the said Act.

+ State the names of the Country.

1 Ins. by 30-7-2008.

(ff) I have/have not been convicted on (dates) . . . . . at/any time of an/ any offence punishable under section/any provisions of the Bombay Prohibition Act, 1949.

There is a/is no prosecution under section/any provisions of the said Act pending against me in the/any Court in '[Maharashtra State].

(g) The particulars given above are correct.

I hereby undertake to abide by the conditions of the permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.

Dated Signature of the applicant.

To  
The Collector of  
District .....

-----  
*Form of Receipt*

S. No. ....

Received from \*  
Name in full \*  
Address in full \*  
an application for Temporary Resident's permit.

Signature of the Officer receiving  
the application and date.

The applicant is requested to present this receipt personally on . . . . .

-----  
\*To be filled in by the applicant.

-----  
[Reverse of the application Form F. L./A-1]  
(Not to be filled in by the applicant)

Action taken

Received the application.

Dated  
Called on

Date of Registration  
Permit prepared on  
Checked by  
Permit ready for delivery  
Received the permit No. on  
Signature of the applicant.

Seen  
Filed

Signature of the permit-issuing authority.

1. Subs. by G. N. of 25-7-1963.



**FORM F. L. V**

[See rules 63(3)]

Temporary Resident's Permit No.

*Temporary Residents Permit to possess and use Foreign Liquor  
for personal consumption*

Mr./Mrs./Miss .....  
 residing at .....  
 (hereinafter called the "permit-holder") having paid a fee of Rs. ....  
 only is hereby granted a permit subject to the provisions of the Bombay Prohibition Act,  
 1949, and the rules, regulations and orders made thereunder authorising him/her to buy,  
 possess, transport, consume and use foreign liquor within the <sup>1</sup>[State of Maharashtra].  
 during the period from ..... to ..... (both days  
 inclusive) subject to the following conditions, namely :

*Conditions*

1. The permit-holder shall not use more than ..... units of foreign liquor during any one month.
2. The quantity that may be possessed under the permit shall not exceed ..... units of foreign liquor at any one time.
3. The permit-holder shall not obtain foreign liquor required by him from any place other than a Government depot or a licensed hotel or club or a shop holding a vendor's licence except with the previous permission of the Commissioner. He shall not buy more than ..... units of foreign liquor in any one month.
4. The permit-holder shall not consume or use foreign liquor in a public place or in the rooms of a hotel or institution to which the public may have access.
- <sup>2</sup>[5. The permit-holder may allow the use of consumption of any part of the quantity of foreign liquor possessed by him under the permit to any other person who holds a permit under section 40, 40-A, 41, 46, 46-A or 47 of the Act.]
- 5-A Whenever the permit-holder leaves the State for more than one month during the currency of the permit period, he shall, before leaving the State deposit with the Collector his permit and the stock of foreign liquor held by him thereunder and obtain a receipt therefor.]
- <sup>3</sup>[6. This permit or the certificate shall accompany the whole or any part of the stock of foreign liquor held under this permit to any place where it is removed from the permit-holder's residence.]
7. The permit-holder shall abide by the conditions of this permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.
8. The permit-holder shall not get drunk in any public place and shall not be incharge of any vehicle or animal if he is drunk and incapable of taking care of the vehicle or animal.
9. The permit may be cancelled or suspended in accordance with the provisions of

1. Subs. by G. N. of 25.7.1963.  
 2. Subs. by G. N. of 24.3.1964.  
 3. Subs. by G. N. of 24.2.1956.

section 54 of the said Act.

10. In case this permit is cancelled or suspended during the currency of the permit period or is not renewed on its expiry, the permit-holder shall surrender the whole of the unconsumed stock of foreign liquor forthwith to the Collector. The stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the permit-holder.

Collector of .....

Seal of the District.  
Collector  
Place .....  
Specimen signature of the permit-holder .....

[CERTIFICATE]

This is certify that Mr./Mrs./Miss (Shri /Smt./Kumari) ..... whose specimen signature appears below holds a \* .....Permit No. .... dated ..... under rule + ..... of the Bombay Foreign Liquor Rules, 1953, valid up to ..... for the following quantity of foreign liquor :

Quantity

Specimen signature of the permit-holder .....  
Seal of the Collector  
Collector of .....  
Place .....  
Dated .....

\* please specify here the kind of permit.  
+ Here specify the relevant rule.

(Reverse of temporary resident's permit)

Details of purchases of foreign liquor

No. of units allowed P. M.

Date	Quantity purchased in units			Progressive total for the month in units (state Completed units and indicate fractions by signs)	Signature of (i) the holder of a Vendor's licence or (ii) Officer -in-charge of Govt. Depot or (iii) Hotel or Club licensee and name of the Depot, Hotel or Club or the shop holding vendor's licence, as the case may be	Remarks
	Spirits	Wines	Fermented liquors			
1	2	3	4	5	6	7

1. Ins. by G. N. of 24.2.1956.

<sup>1</sup>[FORM F. L. /A-2]

*(Deleted)*

<sup>1</sup>[FORM F. L. M. C.]

*(Deleted)*

<sup>1</sup>[FORM F. L. M. E.]

*(Deleted)*

<sup>1</sup>[FORM F. L. VI]

*(Deleted)*

---

1. Deleted by G. N. of 8.8.1979.

## FORM F.L./A-3

[See rule 67(1)]

Application No.

*Application for a permit to possess foreign Liquor for medicinal use on emergent occasions*

1. Name in full Shri/Smt./Kumari ..  
(Surname first in BLOCK letters)
2. Residential address in full ..
3. Nationality ..
4. Religion ..
5. Age ..
6. Occupation ..
7. Monthly Income ..
8. Kind of liquor required ..
9. Whether the applicant is head of household I declare that —
  - (a) I usually keep \* ..... for medicinal use.
  - (b) I have at present got stock of \* ..... as under :  
(Here state the stock)
  - (c) Neither I nor member of my house hold holds any Emergency Permit nor have I or any member of my household has applied for any such permit.
  - !(cc) I have +/have not been convicted on (date) +/- at any time of an +/-any offence punishable under sections +/-any provisions of the Bombay Prohibition Act, 1949.  
There is a +/-is no prosecution under sections +/-any provisions of the said Act pending against me in the +/-any Court in Maharashtra State.]
  - (d) The particulars given above are correct.

I hereby undertake to abide by the conditions of the permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.

Signature of the Applicant.

Dated

To.

The Collector of ..... District.

---

\* Here entername of liquor.  
+ Strike out whatever not applicable.  
1. Ins. by G. N. of 17.5.1955.

*Form of Receipt*

S. No.

Received from

‡  
‡

an application for an emergency permit for liquor.

Dated

Signature of the officer receiving  
the application.

The applicant is requested to present personally this receipt, on .....

\_\_\_\_\_

**FORM F. L./A-3**

(or Office use only)

Received the application

Date

Called on

Action taken —

Date of registration

Permit prepared on by

Checked by

Permit ready for delivery on

Received Permit No. on

Signature of the Applicant.

Seen.

Filed.

Signature of the permit-issuing authority.

\_\_\_\_\_  
Name and address in full to be filled by the applicant.

## FORM F. L. VII

[See rules 67(2)]

Emergency Permit No.

*Emergency Permit to possess liquor for medicinal use on emergent occasions*

Shri/Shrimati/Kumari.....  
 residing at ..... (hereinafter called  
 the "Permit-holder") having paid a fee of ..... only is hereby  
 granted a permit, under and subject to the provisions of the Bombay Prohibition Act,  
 1949, and the rules, regulations and orders made thereunder authorising him/her to buy,  
 transport, possess, use or consume \* ..... (hereinafter called "the  
 liquor") for medicinal use during the period from ..... to  
 ..... at his/her premises situated at .....  
 ..... and also at any other place within the <sup>1</sup>[State of Maharashtra].  
 subject to the following conditions, namely :

*Conditions*

1. (i) The permit-holder shall not use or consume \* .....  
 except for medicinal use on emergent occasions.

(ii) The permit-holder may use the liquor possessed under the permit for himself +  
 and the members of his household + :

Provided that the permit-holder may allow the use or consumption of liquor in respect  
 of which the permit has been granted to any other person who requires the use thereof for  
 medicinal purpose <sup>2</sup>[ on any emergent occasion subject to the condition that the quantity  
 of liquor that he may so allow to be used or consumed by such person does not exceed  
 the quantity that is necessary on such emergent occasion.]

<sup>3</sup>\* \* \*

2. (i) The quantity of the liquor that may be possessed at any one time under the  
 permit shall not exceed ..... of \* .....

(ii) The permit-holder may transport, possess, consume or use the liquor obtained or  
 possessed under this permit throughout the <sup>1</sup>[State of Maharashtra,] provided that the  
 quantity to be transported, possessed, consumed or used does not exceed the limit  
 specified in clause (i) <sup>4</sup>[and the permit or the certificate accompanies whole or any part of  
 the stock of liquor held under this permit to any place where it is removed from the permit-  
 holder's residence.]

3. The permit-holder shall obtain the liquor required by him from a Government Depot  
 or from a holder of a vendor's licence on presentation of this permit. He shall not buy, use  
 or consume more than <sup>5</sup>[750 millilitres] of champagne (if the permit is for champagne ) or more  
 than <sup>5</sup>[375 millilitres] of liquor (if the permit is for liquor other than champagne) within a  
 period of <sup>5</sup>[ three months] from the date of this permit or the date of last purchase.

4. The permit-holder shall abide by the conditions of this permit and the provisions of the  
 Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.

\* Here enter name of liquor, *i.e.* brandy, rum or champagne.

+ The words "and the members of his household" may be struck off, if the permit-holder is not the  
 head of household..

N. B.—This permit can be given only for any one kind of liquor, *i.e.* either brandy, rum or champagne.

1. Subs. by G. N. of 25.7.1963.

2. Subs. by G. N. of 18.9.1961.

3. Deleted, *ibid.*

4. Subs. by G. N. of 24.2.1956.

5. Subs. by G. N. of 28.1.1971.

5. The permit-holder shall not be in charge of any vehicle or animal if he is drunk and incapable of taking care of the vehicle or animal.

6. The permit may be cancelled or suspended in accordance with the provisions of section 54 of the said Act.

7. In case this permits cancelled or suspended during the currency of the permit period or is not renewed on its expiry, the permit-holder shall surrender the whole of the unconsumed stock of foreign liquor forthwith to the Collector. The stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the permit-holder.

Place :

Dated :

Collector of ..... District.

Seal of the  
Collector

Specimen signature of the permit-holder.

-----  
[CERTIFICATE]

This is to certify that Mr./Mrs./Miss .....  
Shri/Smt./Kumari  
of ..... whose specimen signature appears below  
holds a\* ..... Permit No. .... dated .....  
under rule + ..... of the Bombay Foreign Liquor Rules, 1953, valid  
upto ..... for the following quantity of foreign liquor :

*Quantity*

Specimen signature of the permit-holder .....

Seal of the  
Collector

Place : .....

Collector of .....]

Dated : .....

[Revers of Form F. L. VII]

*Details of purchases of liquor*

Kind of liquor allowed, *i.e.* brandy, rum or champagne.

Quantity allowed to be purchased within a period of six months.

Date	Quantity Purchased	Signature of the officer-in-charge of the Government Depot or the holder of a Vendor's licence and the name of the Depot or the shop of the holder of a Vendor's licence, as the case may be	Remarks
(1)	(2)	(3)	(4)

\* Please specify here the kind of permit.

+ Here specify the relevant rule.

1 Ins. by G. N. of 24.2.1956.

## FORM F. L./A-4

[See rules 68(1)]

*Application for a special permit for privileged personages to possess  
and use foreign liquor for personal consumption*

1. Name and address in full (surname first in BLOCK letters) ..
2. Whether the applicant is—
  - \* (a) a sovereign or Head of a Foreign State;
  - \* (b) an Ambassador or Diplomatic envoy of a Foreign State;
  - \* (c) a Consul, Honorary Consul or Trade, Commerce or other representative of a Foreign State ; or
  - \* (d) a member or the staff appointed by or serving under any person specified in clause (a), (b) or (c) and whether such member is national of a Foreign State or an Indian national; [Please state the official designation of the applicant and the name of the Foreign State, in each case, *i.e.* (a), (b), (c) or (d),] or
  - <sup>1</sup>[(d1) a member of a Foreign Government; or
  - \* (d2) a representative or officer of an international organisation to which privileges and immunities are given from time to time by or under the United Nations (Privileges and Immunities) Act, 1947; or]
  - \* (e) the consort of any person specified in clause (a), (b), (c), <sup>2</sup>[(d), (d1) or (d2)] (please state the name and official designation of such person); or
  - \* (f) any relation of any person specified in clause (a), (b), (c), [(d1) or (d2)] dependent upon him; and if so, what is the relationship and with whom (please state the name and official designation of such person).
3. Nationality ..
4. Religion ..
5. Age ..
6. Permanent address ..
7. Maximum number of units of foreign liquor desired to be possesses at a time.
8. Period for which the permit is required.

I hereby undertake to abide by the conditions of the permit and the provision of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.

Dated

Signature of the applicant and  
his designation.

---

\* Please strike off the unrequired items or words.

1. Added by G. N. of 18.9.1961.

2. Subs, *ibid.*



To,

The Collector of

(No fee is charged for this form)

*Form of receipt*

S. No.

Received from

of  
privileged personages.

an application for a Foreign Liquor Special Permit for

The permit will be ready on  
this office on presentation of this receipt.

when it may be obtained from

Signature

Dated

Designation

-----  
(Reverse of the Application Form F.L./A-4)

Received the application on

Permit to be ready on

Permit prepared by

on

Permit checked by

on

Received permit No.

on

Signature of the Applicant.

Seen.

Filed.

Signature of the permit-issuing authority.

## FORM F. L. VIII

[See rule 68(2)]

## SPECIAL PERMIT FOR PRIVILEGED PERSONAGES NO.

*Special Permit for Privileged Personages to possess and use  
Foreign Liquor for personal consumption*

Mr./Mrs./Miss .....  
permanently residing at .....  
(hereinafter called " the permit-holder") who is a .....  
of ..... State, having his  
office/official residence at .....  
(hereinafter referred to as the said residence) is here by granted a permit under and  
subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations  
and orders made thereunder authorising him/her to buy, possess, transport, consume  
foreign liquor within the <sup>1</sup>[State of Maharashtra] during the period from ..... to  
..... subject to the following conditions, namely :

*Conditions*

\*1. The permit-holder shall not use or consume foreign liquor exceeding .....  
units during any month :

<sup>2</sup>[Provided that where the permit-holder has not used or consumed the full quantity of  
foreign liquor which he is permitted to use or consume during any month, he may use or  
consume such unused or unconsumed quantity of liquor in any succeeding period dur-  
ing the currency of the permit, so however that the total quantity of foreign liquor used or  
consumed in any months does not exceed two months' quota of the permit-holder.]

\*2. The permit-holder shall not possess at any time foreign liquor in a quantity  
exceeding ..... units :

<sup>3</sup>[\* Provided ] that permit-holder may obtain and possess at any time foreign liquor not  
exceeding six times the limit specified in Condition 1.

3. The permit-holder shall not consume or use foreign liquor in a public place or in  
the rooms of a hotel or institution to which the public may have access.

<sup>4</sup>[4. The permit-holder may allow the use or consumption of any part of the quantity  
of foreign liquor possessed by him under the permit to any other person who holds a  
permit under section 40, 40-A, 41, 46, 46-A or 47 of the Act.]

5. The quantity of foreign liquor obtained by the permit-holder from time to time shall  
be duly entered in he permit by him or by he foreign liquor licensee concerned.

<sup>5</sup>[6. This permit or the certificate shall accompany the whole or any part of the stock  
of foreign liquor held under this permit to any place where it is removed from the permit  
holder's official residence.]

---

\* These conditions and proviso may be struck off where they are not applicable.

1. Subs by G. N. of 25.7.1963.
2. Added by G. N. of 9.8.1955.
3. Subs by G. N. of 30.3.1957.
4. Subs by G. N. of 24.3.1964.
5. Subs by G. N. of 24.2.1956.

7. The permit may be cancelled or suspended in accordance with the provisions of section 54 of the said Act.

<sup>1</sup>[8. If this permit is not renewed on its expiry or is suspended or cancelled during its currency, the permit-holder shall surrender forthwith the whole of the unused stock of foreign liquor to the Collector the stock so surrendered shall be disposed of by the Collector in such manner as the Commissioner may direct.]

Granted this ..... day of ..... 19 .. at .....  
 seal of the  
 Collector

Collector of .....

<sup>2</sup>[CERTIFICATE

This is to certify that Mr./Mrs./Miss (Shri /Smt./Kumari) .....  
 of.....  
 whose specimen signature appears below holds a \*.....Permit  
 No. .... dated ..... under rule † ..... of the  
 Bombay Foreign Liquor Rules, 1953, valid up to ..... for the following  
 quantity of foreign liquor :

*Quantity*

Specimen signature of the permit-holder .....

Seal of the  
 Collector

Collector of .....

Place .....  
 Dated .....

[ Reverse of the permit in Form F. L. VIII ]

*Details of receipts of foreign liquor by the permit-holder*

Quantity permitted for use or consumption

during a month                      Units.  
 3\*       \*       \*       \*       \*       \*

**Quantity obtained**

Quantity					
Date	Possessed on the date of the permit (in units)	From the permit-holder's stock in Customs bond (in units)	From the stock of a trade and import or any other foreign liquor licensee (in units)	Transport pass No. and date	Signature of the permit-holder or the foreign liquor licensee
(1)	(2)	(3)	(4)	(5)	(6)

\* Please specify here kind of permit.  
 1. Added by G. N. of 9.8.1955.  
 3. Deleted by G. N. of 8.7.1969.

† here specify the relevant rule.  
 2. Ins. by G. N. of 24.2.1956.

**FORM F.L./A-5**

[See rule 69(2)]

Application No.

*Application for a Visitor's Permit to possess and use Foreign  
Liquor for personal consumption*

1. Name in full (surname first in BLOCK letters).
2. Permanent address . . . . .
3. Temporary address in the <sup>1</sup>[State of Maharashtra]. . . . .
4. Date of arrival in the State of Maharashtra. . . . .
5. From where arrived and by which train/boat/ari service.
6. Period of temporary stay in the <sup>1</sup>[State of Maharashtra].
7. Proposed date of departure and place to which proceeding.
8. Dates and duration's of previous visits to <sup>1</sup>[Maharashtra State] during the last twelve months.
9. Nationality.
10. State/Country of domicile.
11. Age. . . . .
12. Occupation . . . . .
13. Quantity of foreign liquor required
14. Period for which the permit is required.
15. If there is Prohibition in the State/ Country where the applicant resides, he should state whether he holds there any permit to possess and consume foreign liquor, the nature of permit and the monthly quantity of foreign liquor allowed thereunder.

---

<sup>1</sup> Subs by G. N. of 25-7-1963.

I hereby declare that—

(a) I intend to reside in the State of Maharashtra for a temporary period only and that I am only a visitor to the <sup>1</sup>[State of Maharashtra].

(b) I am ordinarily using and consuming foreign liquor ;

(c) I do not hold any permit under section 40, 40-A, 41, 46, or 47 of the Act nor have I made any other application for a permit under any of these sections;

(d) the particulars given above are correct.

I hereby undertake—

(i) to abide by the conditions of the permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder;

(ii) to furnish such information or proof in support of my declaration as may be required now or hereafter.

Date

Signature of the applicant.

To

The Collector of .....

The Prohibition and Excise/Police/Customs Officer.

-----  
(Not to be filled in by the applicant)

Date of application  
Permit prepared by  
and issued on

-----  
Received the permit No.

on

Signature of the applicant.

Signature of the officer  
issuing the permit.

---

<sup>1</sup> Subs by G. N. of 25-7-1963.

## FORM F. L. IX

[See rules 69(3)]

Visitors Permit No.

*Visitor's permit to possess and use foreign liquor  
for personal consumption*

Shri/Smt./Kumari ..... of .....  
 (hereinafter called "the permit-holder" residing permanently at .....  
 ..... who is a visitor to the State of Maharashtra, having paid a fee of  
 Rs..... is hereby granted a permit under and subject to  
 the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders  
 made thereunder authorising him/her to buy, possess, transport, use and consume, within  
 the <sup>1</sup>[State of Maharashtra] foreign liquor during the period from ..... to  
 ..... (both days inclusive) subject to the following conditions,  
 namely :

*Conditions*

1. The permit-holder shall not use foreign liquor in quantity exceeding the quantity specified in condition 2 during any one week.
2. The quantity of foreign liquor that may be possessed at any one time under the permit shall not exceed ..... units. The permit-holder shall not buy more than ..... units of foreign liquor in any one week nor more than ..... units of foreign liquor in a month.
- <sup>2</sup>[3. The permit-holder shall not consume or use foreign liquor in a public place or in the rooms of a hotel or institution to which the public may have access. The permit-holder may allow the use or consumption of any part of the quantity of foreign liquor possessed by him under the permit to any other person who holds a permit under section 40, 40-A, 41, 46, 46-A, or 47 of the Act.]
- <sup>3</sup>[4. This permit or the certificate shall accompany the whole or any part of the stock of foreign liquor held under this permit to any place before it is removed.]
5. The permit-holder shall abide by the conditions of this permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulation and orders made thereunder.
6. The permit may be cancelled or suspended in accordance with the provisions of section 54 of he said Act.
7. In case this permit is cancelled or suspended during the currency of the permit period or is not renewed on its expiry, the permit-holder shall surrender the whole of the unconsumed stock on foreign liquor forthwith to the Collector. The stock of liquor so

---

1 Subs by G. N. of 25-7-1963.

2 Subs by G. N. of 24-3-1964.

3 Subs by G. N. of 24-2-1956.

surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the permit-holder.

Seal of the  
Collector or the  
officer issuing  
the permit

Signature of the Collector.....  
\_\_\_\_\_  
Officer issuing the permit (ad his designation)

Dated

Specimen signature of the permit-holder .....

<sup>1</sup>\* \* \* \* \*

*N.B.—Permit shall not be granted for a period of more than one week at a time in no case for a total period exceeding one month.*

<sup>2</sup>[CERTIFICATE

This is to certify that Mr./Mrs./Miss .....  
Shri/Smt./Kumari .....

.....  
whose specimen signature appears below holds a\* ..... permit  
No. .... date ..... under rule † ..... of the  
Bombay Foreign Liquor Rules, 1953, valid up to ..... for the  
following quantity of foreign liquor :

*Quantity*

Specimen signature of the permit-holder .....

Seal of the  
Collector

Place ..... Collector of .....

Dated .....

**[Reverse of Form F. L. IX]**

*Details of purchase of foreign liquor*

Units of foreign liquor allowed per week :

Date	Quantity purchased in units Spirits, wine, Permented Liquors	Progressive total (in units)	Signature of (1) Officer-in-charge of Government depot of (2) a holder of Vendor's licence, or (3) a hotel or club licensee and the name of the depot, shop holdig a vendor's licence, hotel or club, as the case may be	Remarks
(1)	(2)	(3)	(4)	(5)

\* Please specify here the kind of permit.

† Here specify the relevant "rule".

<sup>1</sup> Deleted by G. N. of 8-7-1969.

<sup>2</sup> Ins. by G. N. of 24-2-1956.

**FORM F. L./A-6**

[See rules 70(1)]

Application No.

*Application for an interim permit to possess and use foreign liquor  
for personal consumption.*

1. Name in full (Surname first in BLOCK letters.) ..
2. Permanent address ..
3. Temporary address in the <sup>1</sup>[State of Maharashtra,] if the applicant is not a permanent resident in the <sup>1</sup>[State of Maharashtra.]
4. Period of stay; in the <sup>1</sup>[State of Maharashtra,] if temporary.
5. Nationality ..
6. Place of birth ..
7. Place where brought up ..
8. Country of domicile ..
9. Number of passport and the authority which issued it, if the applicant is not a permanent resident in the <sup>1</sup>[State of Maharashtra].
10. Date of arrival in India if the applicant is a temporary resident or is a person falling under section 41 of the Act.
11. Period of residence or intended residence in India, if the applicant is a temporary resident or a person falling under section 41 of the Act.
12. Purpose of his visit to India, if the applicant is a temporary resident or a person falling under section 41 of the Act.
13. Age ..
14. Occupation ..
15. Religion ..
16. Number of units of foreign liquor required per month.

---

<sup>1</sup> Subs. by G. N. of 25-7-1963.



- 17. The kind of permit the applicant has applied or is applying for, that to say, whether a health permit, temporary resident's permit or special permit for privileged personages.
- 18. Period for which the interim permit is required.

I hereby declare that—

- \* (a) (i) I require foreign liquor for the preservation or/and maintenance of my health.
- \* (ii) I am a temporary resident ;
- \* (iii) I am eligible for a permit under section 41 of the Act ;
- \* (b) I am ordinarily using and consuming foreign liquor ;
- \* (c) Foreign liquor is being generally used or consumed in the country where I was born and brought up or domiciled ;
- (d) I do not hold any permit under section 40, 40-A, 41, 46, or 47 nor have I made any other application for an interim permit ;
- (e) The particulars given above are correct.

I hereby undertake to abide by the conditions of the permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.

Signature of the applicant.

Date :  
To,

The Collector .....  
The Prohibition and Excise/Police/Customs Officer-in-charge.

\* strike off clauses which are not applicable.

1 \* \* \* \* \*

**[Reverse of Form F. L./A-6]**  
*(For office use only)*

Date of application :

Registration No. :

Permit prepared by ..... and issued on .....

Received the permit No. ....  
on .....

Signature of the applicant.

Forwarded to the Superintendent of prohibition and Excise, for disposal.

Prohibition and Excise  
Police ..... Officer-in-charge.  
Customs.

1 Deleted by G. N. of 8-7-1969.

FORM F. L. X

[See rule 70(3)]

Interim Permit No.

Interim permit to possess and use foreign liquor for personal consumption

Shri/Smt./Kumari .....of
..... (hereinafter called "the permit-holder")
having paid a fee of ..... is hereby granted a permit under and
subject to he provisions of the Bombay Prohibition Act, 1949, and the rules, regulations
and orders made thereunder authorising him/her to by, possess, transport, use and
consume, foreign liquor within the <sup>1</sup>[State of Maharashtra] during the period from
..... to ..... (both days inclusive) subject to
the following conditions, namely :—

Conditions

- 1. The permit-holder shall no use more than ..... units of foreign
liquor during any one month.
2. The quantity that may be possessed under the permit shall not exceed
..... units of foreign liquor at any one time.
3. The permit-holder shall not obtain foreign liquor required by him from any place
other than a Government depot or a licensed hotel or club or a shop holding a vendor's
licence except with the previous permission of the Commissioner. he shall not buy more
than ..... units of foreign liquor in any one month.
4. The permit-holder shall not use or consume foreign liquor in a public place or in
the rooms of a hotel or institution to which the public may have access.
<sup>2</sup>[4-A. The permit-holder may allow the use or consumption of any part of the
quantity of foreign liquor possessed by him under the permit to any person who holds a
permit under section 40, <sup>3</sup>[ 40-A], 41, 46, 46-A, or 47 of the Act.]
4-B <sup>4</sup> \* \* \* \* \*
<sup>5</sup>[5. This permit or certificate shall accompany the whole or any part of the stock of
foreign liquor held under this permit to any place where it is removed.]
6. The permit -holder shall not get drunk in any public place and shall not be in charge
of any vehicle or animal if he is drunk and incapable of taking care of the vehicle or animal.
7. The permit may be suspended or cancelled in accordance with the provisions of
section 54 of the Act.
8. In case this permit is cancelled or suspended during the currency of the permit
period or is not renewed on its expiry, the permit-holder shall surrender the whole of the
unconsumed stock of foreign liquor forthwith to the Collector. The stock of liquor so

1 Subs. by G. N. of 25-7-1963.
2 Ins. by G. N. of 18-9-1961.
3 Ins. by G. N. of 24-3-1964.
4 Deleted, ibid.
5 Subs. by G. N. of 24-2-1956.

shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the permit-holder.

Place : Signature and designation of the  
 Dated Officer issuing the permit.  
 seal of the  
 officer issuing  
 the permit.  
 Specimen signature of the permit-holder .....  
 1 \* \* \* \* \*

*N.B.—Permit shall not be granted for any period exceeding two months.*

**⌈CERTIFICATE**

This is no certify that Mr./Mrs./Miss .....  
Shri/Smt./Kumari .....  
 .....of.....  
 whose specimen signature appears below holds a\* ..... Permit  
 No. .... date ..... under rule + ..... of the  
 Bombay Foreign Liquor Rules, 1953, valid up to ..... for the  
 following quantity of foreign liquor :

*Quantity*

Specimen signature of the permit-holder .....  
 Seal of the  
 Collector.  
 Place .....  
 Date ..... Collector of .....]

(Reverse of the permit in Form F. L. X)

*(Details of purchase of Foreign Liquor made by the permit - holder)*

Units of Foreign Liquor allowed per month :—

Date	Quantity purchased (in units) Spirits, Wines or Femented Liquors	Progressive total for the Month (in units)	Signature of the Officer-in- charge of the Government Depot and the name of the depot or of the holder of a vendor's licence or of the hotel or club licensee amd the name of the shop holding the vendor's licence or the hotel or club, as the case may be	Remarks
(1)	(2)	(3)	(4)	(5)

\* Please specify here the kind pemit.  
 1 Deleted by G. N. of 8-7-1969.

† Here specify the relevant "rule".  
 2. Ins. by G. N. of 24-2-1956.

## [FORM F. L/A-6-A]

[See rule 70A(1)]

Application No.

*Application for a tourist's permit to possess, consume, use and buy  
foreign liquor for personal consumption*

1. Name in full (Surname first in BLOCK letters.)
2. Permanent address ..
3. Temporary address in the <sup>2</sup>[State of Maharashtra].
4. Period of temporary stay in—
  - (1) The <sup>2</sup>[State of Maharashtra].
  - (2) India. ..
5. (a) Whether the applicant is a citizen of India.
  - (b) Name of the country where the applicant—
    - (i) Was born ..
    - (ii) Was brought up
  - (c) Name of the country in which the applicant is domiciled.
6. Number and date of passport, and Tourist Introduction Card or Tourist's visa and the authority which issued it.
7. Age. ..
8. Number of units of foreign liquor per week.

I hereby declare that—

- (a) I am a tourist.
- (b) I do not hold any permit under the Bombay prohibition Act, 1949, for the possession, consumption, use and purchase of foreign liquor in the state of Maharashtra nor have I made any other application for such permit.
- (c) The particulars given above are correct.

I hereby undertake to abide by the conditions of the permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.

---

1 Subs. by G. N. of 28-6-1956.

2 Subs. by G. N. of 25-7-1963.

I request that L may be granted a tourist's permit for ..... day

Date .....

Signature of the applicant.

To

The Collector of .....

The Prohibition and Excise .....  
Police Officer

1 \* \* \* \* \*

[Reverse of Form F. L./A-6-A]

(For office use only)

Date of application .....

Registration No. ....

Permit prepared by ..... and /issued on .....

Received the permit No. .... on .....

Signature of the applicant.

Superintendent of prohibition and Excise

Forwarded to the \_\_\_\_\_, .....

District Inspector of Prohibition and Excise, .....

for disposal.

This is no certify that Excise .....  
Police Officer

1 Deleted by G. N. of 8-7-1969.

## FORM F. L. X-A

[See rule 70-A(2)]

Tourist's Permit No.

*Tourist's permit to possess consume, use and buy foreign liquor  
for personal consumption*

Mr./Mrs./Miss. ....  
 (hereinafter called "the permit-holder") residing permanently at .....  
 and temporarily at ..... is hereby granted a permit under and  
 subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations  
 and orders made thereunder, authorising him/her to buy, possess, transport, use and  
 consume, foreign liquor within the State of Maharashtra, during the period from  
 ..... to ..... (both days inclusive) subject to the  
 following conditions, namely :—

*Conditions*

1. The permit-holder shall not use foreign liquor except for personal consumption.
2. (a) The quantity of foreign liquor that may be possessed at any one time under the permit shall not exceed <sup>1</sup>[two units].

<sup>1</sup>[(b) The permit-holder shall not buy more than two units of foreign liquor at any one time or more than six units during any month.]

3. Except as permitted by the Commissioner the permit-holder shall not obtain foreign liquor required by him from any place other than a Government depot or a licensed hotel or club or a shop in respect of which a vendor's licence has been issued under the Act. He shall not buy more than one unit of foreign liquor in any one week.

4. The permit-holder shall not use or consume foreign liquor in a public place or in the rooms of a hotel or institution to which the public may have access.

<sup>2</sup>[4-A. The permit-holder may allow the use or consumption of any part of the quantity of foreign liquor possessed by him under the permit to any other person who holds a permit under section 50]. <sup>3</sup>[40-A], 41, 46, 46-A or 47 of the Act.]

4-B. <sup>4</sup>\* \* \* \* \*

<sup>5</sup>[5. This permit shall accompany the stock of foreign liquor held thereunder to any place where it is removed from the permit-holder's residence.]

6. The permit-holder shall not get drunk in any public place and shall not be in charge of any vehicle or animal if he is drunk and incapable of taking care of the vehicle or animal.

7. The permit-holder shall abide by the conditions of this permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.

---

1. Subs. by G. N. of 15-5-1967.

2. Ins. by G. N. of 18-9-1961.

3. Ins. by G. N. of 24-3-1964.

4. Deleted, *ibid.*

5. Subs. by G. N. of 24-2-1956.

8. The permit may be cancelled or suspended in accordance with the provisions of Section 54 of the said Act.

9. In this case permit is cancelled or suspended during the currency of the permit period, the permit holder shall surrender the whole of the unconsumed stock of foreign liquor forthwith to the Collector. Stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to State Government, be returned to the permit holder.

Place .....

Dated .....

Signature of the issuing authority  
and his designation.

seal of the  
Officer issuing  
the permit

Specimen signature of the permit-holder .....

1\* \* \* \* \*

*N.B.—This permit shall not be granted for a period of more than one month in any case.*

**(Reverse of Form F. L. X-A)**

*Details of purchases of foreign liquor*

Date	Quantity allowed under the permit (units)	Quantity obtained in (units)	Progressive total in (units)	Signature of (1) officer-in-charge of Government Depot, or (2) Hotel or Club licensee or (3) Excise or Police Officer at ....and the name of the Hotel or Club, as the case may be	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Depot, or (2) Hotel or

and the name of the

1 Deleted by G. N. of 8-7-1969.

**FORM F. L./A-6-B]**

[See rule 70-D(2)]

Court Fee  
Stamp

Application No.

*Application for a permit for the purchase, possession, transport, use and consumption of Foreign Liquor and Country Liquor in the State of Maharashtra.*

- (1) Name in full Shri/Smt./Kum. ....  
(Surname first in Block letters)
- (2) Residential address in full .....
- (3) Age and date of birth .....
- (4) Details of proof of age produced with this application .....
- (5) Occupation .....
- (6) <sup>2\*</sup> \* \* \* \* \*

<sup>3</sup>[I hereby declare that I require foreign liquor and country liquor on grounds of health and in support of my application. I submit herewith the medical certificate in Form FL./M.C. I signed by Dr. ....  
Registered Medical Practitioner.]

I hereby undertake to abide by the conditions of the permit and the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder.

Place : Signature or thumb impression of  
Date : the Applicant.

To  
The Collector of .....  
(or authorised Officer.)]

**<sup>4</sup>[FORM F. L. X-B]**

(Deleted)

**<sup>5</sup>[FORM F. L./A. 6-C]**

(See rule 70-F)

Court Fee  
Stamp

Application No.

*Application for a permit for the purchase, possession, transport, use and consumption of mild liquor in the State of Maharashtra.*

- (1) Name in full .. Shri/Smt./Kumari .....  
(Surname first in block letters)
- (2) Residential address in full .. ..

1 Subs. by G. N. of 8-8-1979.  
3 Subs. *ibid.*  
5 Ins *ibid.*

2 Deleted by G. N. of 4-5-1982.  
4 Deleted by G. N. of 8-8-1979.



- (3) Age and date of birth .. .. .
- (4) Particulars of proof of age .. .. .  
produced with the application
- (5) Occupation .. .. .

\* I hereby declare that I require mild liquor for the preservation and maintenance of my health.

I submit herewith the medical certificate in Form F. L. M. C.-2 signed by Dr. ....  
..... Registered Medical Practitioner, in support of my application.

I hereby undertake to abide by the conditions of the permit and the provisions of the Bombay Prohibition Act, 1949 and rules, regulations and orders made thereunder.

Place :

Date :

Signature or thumb impression  
of the applicant.

To,

The Collector of .....  
(or authorised Officer).

\*[for applicants in Wardha District only].

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**<sup>1</sup>[FORM F. L./M.C-D1**

<sup>2</sup>[(See rule 70-D)]

Application Form F. L./A-6D No. ....

*Certificate of a Registered Medical Practitioner/Government Medical Officer  
recommending the grant of permit to possess and use foreign liquor  
and country liquor for personal consumption.*

This is to certify that Shri/Smt./Kum. .... of  
..... by his/her statement aged .....  
years and is apparently about ..... years of age and that he/she  
requires foreign liquor and/or country liquor for the preservation and maintenance of  
his/her health. The grant of the permit to him/her is recommended.

Signature or thumb impression  
of the applicant .....

Full address of the applicant :

Signature of the Registered Medical  
Practitioner and his name and  
registration number.

Station

Date :

Signature and Designation of a Govern-  
ment Medical Officer and his name.]

1. Ins. by G. N. of 8-8-1979.

2. Subs. by G. N. of 4-5-1982.

**<sup>1</sup>[FORM F. L. M. C.-2]**

(See rule 70-F)

(For applicants in Wardha District only)

Application Form F. L./A. 6-C No. ....

*Certificate of Registered Medical Practitioner recommending the grant of permit to possess and use mild liquor for personal consumption.*

This is to certify that Shri/Smt./Kum. .... of ..... by his/her statement aged ..... years and is apparently about ..... years of age and that he/she requires mild liquor for the preservation and maintenance of his/her health. The grant of the permit to him/her is recommended.

Signature or thumb impression of the applicant.

Full address of the applicant :

Station

Signature of the Registered Medical Practitioner and his name and

Date :

Registration No.

**<sup>1</sup>[FORM F. L. X-C]**

(See rule 70-D)

No.

Shri/Smt./Kum. .... age ..... residing at ..... is hereby permitted to purchase, possess, transport, use and consume foreign liquor and country liquor within the State of Maharashtra, subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder, during the period commencing on the date on which this permit is granted and ending on .....

Place :

Date :

Seal of the Office

Signature of Officer.

Specimen Signature or thumb impression of the permit-holder.

(To be filled in and handed over to the Officer issuing permit for grant of permit for subsequent period).

I declare that, I continue to require foreign liquor and country liquor for preservation and maintenance of my health.

Place :

Date :

Signature or thumb impression of permit-holder.]

1. Ins. by G. N. of 8-8-1979.

## [FORM F.L. X-D

(See rule 70-F)

No.

Shri/Smt./Kum. .... age ..... residing at  
 ..... is hereby permitted to purchase, possess,  
 transport, use and consume mild liquor within the State of Maharashtra, subject to the  
 provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders  
 made hereunder, during the period commencing on the date on which this permit is  
 granted and ending on .....

Place :

Date :

Signature of Officer.

Seal

Specimen signature or thumb  
 impression of the permit  
 holder.

(To be filled in and handed over to the Officer issuing permit for grant of permit for  
 subsequent period.)

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I declare that I continue to require mild liquor for preservation and maintenance of my  
 health.

Place :

Date :

Signature of thumb impression  
 of permit-holder.]

**FORM F.L. /A-7**

(See rule 71)

Application No.

*Application for a licence to possess and use brandy and rum by industrial, educational, scientific, research or such other institution or by a pilot of an air-craft or by a person in charge of ambulance or a first-aid station for rendering first-aid or for medicinal purpose in an emergency.*

1. Name, designation and address of the applicant in full. (Surname first in BLOCK letters.).

2. Name and address of the institution\*

No. of the ambulance and the name and address of the institution to which it belongs name and address of the 'first-aid station'\*

Name or No. of the Air-craft\* . .

3. Age.

4. Occupation.

5. Quantity of brandy and rum required during a month.

I hereby declare that the particulars given above are correct.

I hereby undertake to abide by the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions of the licence.

Date :

Signature of the applicant.

To,

The Collector of .....

---

\* Strike out where not applicable.

**FORM F. L. XI**

(See rule 72)

Licence No.

*Licence for the possession and use of brandy and rum, by industrial, educational, scientific, research or such other institution or by a pilot of an air-craft or by a person in charge of an ambulance or a first-aid station, for rendering first-aid or for medicinal purpose in an emergency.*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to Shri/Smt./Kumari ..... of ..... (hereinafter referred to as "the licensee") on payment of a licence fee of Rs. .... authorising him/her to purchase, transport, possess and use brandy and rum, for rendering first aid or for medicinal purpose in an emergency during the period from ..... to ..... at ..... (hereinafter referred to as "the licensed premises") or at any other place within the <sup>1</sup>[State of Maharashtra] where the ambulance/air-craft in charge of the licensee may proceed, subject to the following conditions namely.

*Conditions*

1. (a) The licensee shall not keep in his possession any quantity exceeding ..... each of brandy and rum, at any one time.  
(b) The licensee shall not purchase more than ..... quart bottle each of brandy and rum, during any calendar month.
2. The licensee shall maintain a register of use of brandy and rum as required by Rule 77 of the Bombay Foreign Liquor Rules, 1953.
3. The licensee may transport, possess and use the brandy or rum, obtained under this licence, throughout the State of Maharashtra provided that the quantity to be transported possessed or used does not exceed the limit specified in condition 1 (a) and the licence is produced for inspection on demand by an officer empowered under Section 77 of the Bombay Prohibition Act, 1949.
4. This licence shall accompany the stock of brandy and rum to any place where it is removed.
5. The licensee shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted.
6. This licence may be suspended or cancelled in accordance with the provisions of Section 54 or 56 of the Act.
7. In case this licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith surrender to the Collector the whole stock of unused brandy and rum remaining in balance with him on the date of such suspension, cancellation or expiration. The stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the licensee.

Place :

Date :

Seal of the  
Collector.

Collector of .....

---

<sup>1</sup> Subs. by G. N. of 25-7-1963.

**FORM F. L. XII**

[See rule 83 (10)]

Licence No.

*Licence for the dispensing of brandy and rum as one of the ingredients of any medicine on prescription*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter referred to as "the licensee") on payment of a licence fee of Rs. .... authorising him to dispense brandy or rum as one of the ingredients of a medicine at his shop/dispensary situated at ..... (hereinafter referred to as "the licensed premises") during the period from ..... to ..... on the following conditions, namely :

*Conditions*

1. (a) The licensee shall not keep in his possession any quantity exceeding ..... of brandy and rum, each at any one time.

(b) The licensee shall not purchase more than ..... quart bottles of brandy or rum, each during any calendar month.

2. The licensee shall not keep or dispense brandy or rum at any place other than the licensee premises. \*He shall not prescribe or dispense brandy or rum except as one of the ingredients of the medicine\*.

3. The licensee shall not keep in the licensed premises any intoxicants which he is not authorised to dispense under this licence or any other licence granted under any law for the time being in force.

4. This licensee shall keep affixed to the licensed premises a signboard showing the name of the licensed premises.

5. The licensee shall display the licence at a conspicuous place in the licensed premises.

6. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licensee in case of sale or transfer or the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

7. This licence may be suspended or cancelled in accordance with the provisions of Section 54 or 56 of the said Act.

8. In case this licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith surrender to the Collector the whole stock of unsold brandy and rum remaining in balance with him on

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\* Strike out where the licensee is not a registered medical practitioner.

the date of such suspension, cancellation or expiration. The stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the licensee.

Place :

Dated :

Collector of .....

Seal of the  
Collector

-----

**FORM 'A'**

[See rule 87 (6)]

*Cash Memo*

No.	Date
Name and address of the licensee	No. of the licence in Form (F. L. XII)
Name and address of the person to whom prescribed.	Name and address of the person to whom delivered.
Name and address of the Registered Medical practitioner by whom prescribed.	

Prescription		Foreign liquor prescribed		Amount received (5)
No. (1)	Date (2)	Kind (3)	Quantity (4)	

Rs. P. S.

Signature of the licensee or his  
authorised agent or servant.

**FORM F. L. XII**

[See rule 93 (2)]

Licence No.

*Licence for the sale of <sup>1</sup> [champagne, port-type wine, port-wine, wincarnis, vibrona, manola and buckfast tonic wine] on prescription*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter referred to as "the licensee") on payment of a licence fee of Rs. .... authorising him to sale <sup>1</sup>[champagne, port-type wine, port-wine, wincarnis, vibrona, manola, and buckfast tonic wine] on prescription at his premises situated at ..... (hereinafter referred to as "the licensed premises") during the period from ..... to ..... on the following conditions, namely ;

*Conditions*

1. The licensee shall not keep or sale <sup>2</sup>[Champagne and Port Wine] at any place other than the licensed premises.

2. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of the licensee in case of sale or transfer or the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

3. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act.

4. In case this licence is suspended or cancelled during the currency of the licence period or is not renewed on its expiry, the licensee shall forthwith surrender to the Collector the whole stock of unsold <sup>1</sup> [champagne, port-type wine, port-wine, wincarnis, vibrona, manola and buckfast tonic wine] remaining in balance with him on the date of such suspension, cancellation or expiration. The stock of liquor so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and any sum due to the State Government be returned to the licensee.

Place :

Date :

Collector of .....

Seal of the  
Collector

---

1 Subs. by G. N. of 30-6-1958.

2 Subs. by G. N. of 19-11-1957.



**FORM F. L. / A-9**

[See rule 94-B]

*Application for a pass for transport of foreign liquor within the State of Maharashtra*

- (1) Name and address of the applicant ..
- (2) Kind of licence/permit held by the applicant and its number and date and by whom granted.
- (3) Quantity and description of foreign liquor to be transported.

Kind of foreign liquor	Imperial proof gallons	Dozen quarts	Dozen pints	Dozen nips	Amount of fee paid		
					Transport Rs.	Special Rs.	Total Rs.
(i) Superior spirits							
(ii) Cheap spirits	..						
(iii) Wines	..						
(iv) Fermented liquors	..						

- (4) (a) The amount of fees paid, if any, ..
- (b) Name of the treasury in which paid and its chalan number and date.
- (5) Place to which foreign liquor is to be transported.
- (6) Route
- (7) Purpose for which foreign liquor is to be transported.
- (8) Name and address of the place from which foreign liquor is to be transported.
- (9) Kind of licence held in respect of the permits from which foreign liquor is to be transported and its number and date.
- (10) Period within which foreign liquor will be transported.

I request that a transport pass for the transport of the above mentioned quantity of foreign liquor may be issued to me.

I hereby undertake to abide by the conditions of the transport pass and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made there-under.

Signature of the applicant

To,

The Collector of .....

Through the District Prohibition and Excise Officer .....

**<sup>1</sup>[ FORM F. L. / A-10 ]**

[ See rule 42-A (1) ]

*Application Form for licence to sell beer <sup>2</sup> [or wine or both] in sealed bottles.*

1. Name and address of the applicant.
2. Names and addresses in full of the Partners, if any.
3. Name of the shop establishment and address in full with its exact location (if any).
4. Whether the applicant holds at present or held at any time in the past any licence for the sale of foreign liquor including mild liquor, and if so, the details thereof.
5. Whether the establishment has separate store room adjacent to the proposed licenced premises for storage of beer <sup>2</sup>[or wine or both.]
6. Details of Earnest Money Deposit deposited equivalent to annual licence fee of one year (Pay Order/D.D.), Name of the Bank and date.
7. Whether any excise/police/municipal licence held by the applicant was suspended or cancelled at any time in the past, and if so, the period of such suspension or cancellation and the reasons therefor.
8. Whether the applicant is in excise arrears or in arrears of any other Government dues such as dues under the Land Revenue Code, Sales Tax, Income Tax, etc.
9. Proof of solvency of the applicant.

I hereby declare that the particulars given above are correct.

I hereby undertake to abide by the conditions of the licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder from time to time.

Signature of the applicant

Date :

To,

The Collector of .....

---

1 Inserted by 19-8-2004.

2 Sub. by 14-8-2006.

[ **FORM F. L. / BR/II** ]

[See rule 42A(2)]

*Vendor's licence for sale of beer <sup>2</sup> [or wine or both] in sealed bottles for off consumption.*

Licence is hereby granted under and subject to the provision of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules, regulations and orders made thereunder, to ..... of ..... (hereinafter called "the licence") on payment of a fee (inclusive of consideration) of Rs. .... authorising him to sell beer or wine or both in sealed bottles at his licensed premises situated at ..... during the period from ..... to ..... (both days inclusive), subject to the following conditions, namely :—

*CONDITIONS*

1. The licensee shall carry on the business of selling beer or wine or both in sealed bottles at the licensed premises either personally or by an agent or servant duly authorised by him in this behalf by a written *Nokarnama* in Form F. L. XIV signed by himself and countersigned by Excise Officer not below the rank of a Sub-Inspector : provided that any such *Nokarnama* signed by the licensee shall be valid until countersigned in refused. If for any reason, the Collector orders the withdrawal of any *Nokarnama* issued by the licensees, the *Nokarnama* shall be forthwith withdrawn. For every *Nokarnama* issued by him and countersigned by the licensee shall pay a fee of Rs. 1 No. *Nokarnama* shall be issued to any person who is below 21 years of age and no such, *Nokarnama, if issued shall be valid.*

2. Except with the permission of the Collector, the licensee shall not sell, transfers of sub-let his right of selling beer <sup>2</sup>[or wine or both] in sealed bottles conferred upon him by this licence, nor shall he in connection with the said right enter into any agreement or arrangement which is of the nature of a sub-lease. If any question arises whether any agreement or arrangement is in the nature of a sub-lease the decision of the Collector on such question shall be final and binding on the licensee.

3. The licensee shall keep and sell beer <sup>2</sup>[or wine or both] in sealed bottles as obtained under the licence in Form FL- I.

4. No person shall be recognised as partner of the licensee for the purpose of his licence, unless the partnership has been declared to the Collector before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of the licence, unless the Collector agrees on application made to him to after the licence and to add the name or names of the partner or partners in the licence.

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1 Inserted by 19-8-04.

2 Sub. by 19-8-06.

5. The licensee shall always display at the entrance of the shop, a signboard of the size of 60 centimeters by 90 centimeters bearing the following inscriptions in legible characters :—

1. Name of the licensee(s).
2. Licence No.
3. Location of the shop
4. Authorised opening and closing hours of the shop.

No additional items shall be inscribed on the signboard.

6. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

7. The licensee shall comply promptly with all lawful orders and directions issued from time to time by the Commissioner, Collector or the Superintendent or Inspector of State Excise.

8. The licensee, his heirs, legal representative or assignees shall have no claim whatsoever to the continuance or renewal of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Collector to permit or not the assignee of licensee, in case of sale or transfer to the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

9. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

10. In case this licence is cancelled or suspended during the currency of the licence period or is not renewed on its expiry, the licensee shall surrender the whole stock of unsold beer <sup>2</sup>[or wine or both] forthwith to the Collector. The stock of beer or wine or both so surrendered shall be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government be returned to the licensee.

Granted this ..... day of ..... 2004.

Seal of the Collector.

Collector of ..... District'

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1. Inserted by 19-8-04.

2. Sub. by G. N. 14-8-2006.

**FORM 'C'**

[See rules 92, 93, 94 and 94A]

*Prescription of Registered Medical Practitioner for*<sup>1</sup>[*Port-wine/port-type wine/wincarnis/vibronal/monolal/buckfast/tonic wine/champagne*]

- |    |                                 |    |      |
|----|---------------------------------|----|------|
| 1. | Prescription No.                |    | Date |
| 2. | Registered Medical Practitioner |    |      |
|    | Name                            | .. | ..   |
|    | Address                         | .. | ..   |
|    | Registered No.                  | .. | ..   |
3. Name and address of the person in whose favour the prescription for portwine/port-type wine/wincarnis/vibrona/manola/buckfast tonic wine/champagne is issued.
  4. Nature of the persons illness or pain for which port-wine/port-type wine/wincarnis/vibrona/manola/buckfast tonic wine/champagne is prescribed.
  5. \*Quantity of port-wine/port type wine/wincarnis/vibrona/manola/buckfast tonic wine/champagne to be taken in day for the above illness or pain.
  6. Number of days for which port† wine/port type wine/wincarnis/vibrona/manola/buckfast tonic wine/champagne is to be taken.
  7. Total quantity of port-wine/port-type wine/wincarnis/vibrona/manola/buckfast tonic wine/champagne prescribed for the above period.

I hereby certify that, I am the family physician for more than a year of the above named.

Mr./Mrs./Miss  
Shri/Shrimati/Kumari

Signature of the Registered Medical Practitioner.

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\* The quantity may be so prescribed that it shall not exceed the rate of the one quart bottle in a week in the case of port-wine, port-type wine, wincarnis vibrona, manola and buckfast tonic wine or one pin bottle in a day in the case of champagne.

† This period should not in any case exceed thirty days in the case of port-wine, port-type wine, type wincarnis vibrona, manola and buckfast tonic wine or fifteen days in the case of champagne.

<sup>1</sup> Subs. by G. N. of 30-6-1958.

**<sup>1</sup>FORM F. L. XIV**

[See rules 21(2), 40(2) and 49]

*Form of Nokarnama*

Name of the License :

Licence No.

Location of the licensed premises/shop :

1. Subject to the provisions of the Bombay Foreign Liquor Rules, 1953, I/we

.....  
 Name : Licensee of the above named premises/  
 shop hereby authorise the servant/agent

Age :

Appointment from the 19 named and appointed for period  
 to the 19 mentioned in the margin to officiate

for me/us in respect of the functions, that is to say, namely :

(a) to officiate for me/us at my/our licensed premises/shop at ..... and

(b) to transport foreign liquor.

2. The said person is competent in my/our absence to conduct my/our above mentioned duties in accordance with the provisions of the said rules. He is of good character; and as far as I/We know, he has not been convicted of any offence under the Bombay Prohibition Act, 1949; nor has been convicted by a Criminal Court of Black listed in respect of excise licence, rendering him unfit for an appointment as Nokar.

3. I/We have explained to him personally all the conditions of my/our licence; and I/we hold myself/ourselves responsible personally/for any offences he may commit in the conduct of the business under my/our licence.

4. his Nokarnama shall become invalid on the suspension, cancellation or expiry of my/our licence or if a competent officer refuses counter signature thereon. The Nokarnama will also become invalid, if the Collector concerned issues me order to that effect. This Nokarnama shall be kept with the employee.

Signature of the licensee

Dated 19

The sum of Rs. 1 only as the fee prescribed for the issue of this Nokarnama has been paid, vide Chalan No. .... dated .....  
 Treasury/sub-Treasury/Reserve bank/State Bank—

Dated 19 Signature of the licensee.

1. The appointment of the above named Nokar is noted.

2. The Nokarnama shall be in operation till the ..... 19 but it is liable to cancellation for any breach, on the part of the nominee of the provisions of the Bombay Prohibition Act, 1949 or any rules made thereunder or for any other offence rendering him unfit to hold the appointment hereby made.

Signature and designation of  
Prohibition and Excise Officer.

Dated the 19

1. Added by G. N. of 4-5-1982.

2. Insert by 1-7-2005.

**FORM FL-F**

No. ....	Maharashtra State
Form FL-F	One Day Permit
One Day Permit (See Rule 70-G) (For Office use only)	For the purchase, possession, transport, use and consumption of Foreign Liquor in the State of Maharashtra.
(1) Date of issue of permit .....	
(2) Fee Rs. 5 (Rupees Five)	Form FL-F
(3) Signature and Seal of Licence holder issuing permit .....	(See Rule 70-G) No. .... (1) Date of issue of permit .....
	(2) Fee Rs. 5 (Rupees Five)
	(3) Signature and Seal of Licence holder issuing permit .....
This permit is valid from date of issue till sunrise of next day. The possession limit of 750 ml. liquor is valid on this permit.	This permit is valid from date of issue till sunrise of next day. The possession limit of 750 ml. liquor is valid on this permit.

**FORM CL-C**

No. ....	Maharashtra State
Form CL-C	One Day Permit
One Day Permit (See Rule 70-G) (For Office use only)	For the purchase, possession, transport, use and consumption of Country Liquor in the State of Maharashtra.
(1) Date of issue of permit .....	
(2) Fee Rs. 2 (Rupees Two)	Form CL-C
(3) Signature and Seal of Licence holder issuing permit .....	(See Rule 70-G) No. .... (1) Date of issue of permit .....
	(2) Fee Rs. 2 (Rupees Two)
	(3) Signature and Seal of Licence holder issuing permit .....
This permit is valid from date of issue till sunrise of next day. The possession limit of 750 ml. liquor is valid on this permit.	This permit is valid from date of issue till sunrise of next day. The possession limit of 750 ml. liquor is valid on this permit.

**{84} THE MAHARASHTRA DRAUGHT BEER  
(RETAIL SALE) REGULATIONS 1995**

The commissioner of prohibition and Excise Maharashtra State Mumbai's Notification No. FLR 1194/18904/504/VII, Date 26th October 1995. (M. G Pt. IV-C-Extra-ord P. 50)

In exercise of the powers conferred by clause (a) of sub-section (1) of section 144 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Commissioner of Prohibition and Excise, Maharashtra State, Mumbai hereby makes the following regulation to regulate the retail sale of Draught Beer in the State of Maharashtra, namely :—

1. *Short title.* —These regulation may be called the Maharashtra Draught Beer (Retail Sale) Rcgulations. 1995.

2. *Definitions.* —In these regulations unless context requires otherwise —

(i) 'Draught Beer' means unpasteurised Beer packed in sealed casks or kegs ;

(ii) 'Licensee' means a person holding a licence, in Form 'E' for sale of mild liquor prescribed under rule 5 of the Special Permits and Licences Rules, 1952; or in Form FL-III or FL-IV prescribed under rules 45 and 48 respectively, of the Bombay Foreign Liquor Rules, 1953.

3. *Retail Sale of Draught Beer.*—A licensee may sell Draught Beer, obtained from a person holding a licence in form FL-I prescribed under rule 5 of the Bombay Foreign Liquor Rules, 1953, to his customers provided he installs a compact Draught Beer dispensing unit connected with carbon di-oxide cylinder, cooling unit and dispenser, approved by the Superintendent of State Excise of the district in which his licence is located.

**{85} THE MAHARASHTRA FOREIGN LIQUOR (STORAGE IN BOND)  
RULES, 1964**

**G. N., H. D., FLR. 11062/22788-III, dated 11 th September 1964**

(M. G., Pt. IV-B., P. 1321)

1. Amended by G. N. H. D., No. FLR. 1062/22788-III, dated 19th August 1969 (M. G. Pt. IV-B. p. 1264).

2. Amended by G. N. H. D., No. SLC. 1069/73669-III, dated 21st March 1972 (M. G. Pt. IV-B. p. 452).

3. Amended by Corrig. H. D., No. SLC. 1069/73669-III. dated 21st March 1972 (M. G. Pt. IV-B. p. 453).

4. Amended by G. N. H. D., No. FLR. 1073/III. A dated 27th March 1973 (M. G. Pt. IV-B. p. 623).

5. Amended by G. N. H. D., BPA-.1088/III, PRO- 2, dated 16 th March 1988 (M. G. Pt. IV-B. p. 268).

6. Amended by G. N. H. D., No. FLR. 0473/I-III, dated 12th July 1975 (M. G. Pt. IV-B. p. 896).

7. Amended by G. N. H. D., No. BPA. 2079/247-III-PRO-6, dated 24th March 1979 (M. G. Pt. IV-B. p. 733).

8. Amended by G. N. H. D., No. FLR. 1079/4813/A-79/PRO-2, dated 13th September 1979 (M. G., Pt. IV-B. p. 1672).

9. Amended by G. N. H. D., No. FLR. 1979/11570-B/PRO-2, dated 28th September 1979 (M. G. Pt. IV-B. p. 1693).



10. Amended by G. N. H. D., No. BPA. 1081/21-(III) PRO-2, dated 6th November, 1981 (M. G. Pt. IV-B. p. 1937).

In exercise of the powers conferred by sub-section (1) and clause (b), (f), (2) and (3) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and of all other powers enabling it in this behalf, and in supersession of the Rules of published in Government Notification, Revenue Department, No. FLR. 1358/53169, dated the 30th April, 1959, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the section, 143, namely ;

#### Preliminary

1. *Short title*—These rules may be called the Maharashtra Foreign Liquor (Storage in Bond) Rules, 1964.

2. *Definitions*—In these Rules unless the context requires otherwise.—

- (1) “Act” means the Bombay Prohibition Act, 1949 ;
- (2) “bonded warehouse” means a place in respect of which a licence for the storage of foreign liquor without payment of duty is granted under these Rules;
- (3) “Excise supervision” means the supervision of foreign liquor in relation to its receipt, issues, transport and storage in bond by member of the staff of the Prohibition and Excise Department appointed in that behalf by the Commissioner.
- (4) “Foreign liquor” means potable foreign liquor of the following kinds, namely ;
  - (i) spirits,
  - (ii) wines, and
  - (iii) fermented liquors.
- (5) “Form” means a form appended to these Rules ;
- (6) “Licence” means a licence granted under rule 4 ;
- (7) “licensee” means a person holding licence under these Rules ;
- (8) “officer-in-charge” means an officer of the Prohibition and Excise Department appointed for the purpose of supervising the operations at a bonded warehouse;
- (9) “to store foreign liquor in bond” with its grammatical variations means to store, deposit or keep foreign liquor in a bonded warehouse without payment of excise duty or countervailing duty or other fees payable thereon.

3. *Application for licence*.—(1) Any person desiring to store foreign liquor in bond shall make an application for a licence in that behalf to the Commissioner through the Collector. The application shall <sup>1</sup>[be accompanied by a challan evidencing payment of a fee of, five hundred rupees for such application and shall contain the following particulars, namely :—

- (a) Name and address of the applicant (in case of a firm or company; the names and addresses of partners or Directors) ;
- (b) Name and address of the place where foreign liquor is to be stored in bond together with the description and the correct plan of the building or rooms to be used as a bonded warehouse in triplicate ;

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1. Ins by G. N. of 16-3-1988.

(c) The maximum quantity of each kind of foreign liquor required to be stored in bond at any one time ;

(d) Date from which the applicant desires to store in bond foreign liquor.

(e) Whether the applicant is prepared to deposit the amount of security provided in sub-rules (2) of rule 4 as guarantee for the observance of the provisions of the Act, and the rules, regulations and orders made thereunder :

(f) Whether the applicant holds a Trade and Import licence under the Bombay Foreign Liquor Rules, 1953.

(2) The applicant shall give an undertaking to the effect that he shall abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the licence and shall execute a bond in "Form B. W. A." for the payment of duty.

**4. Grant of licence.**— (1) on receipt of the application under rule 3, the Collector shall verify the particulars given therein and satisfy himself that the building or rooms of the bonded warehouse conform to the requirements of regulation 3 of the Maharashtra Foreign Liquor (Storage and Supply) Regulations, 1964. He may make such inquiries as he deems necessary <sup>1</sup>[in respect of *bona fides* of the applicant, whether the applicant is a fit person to hold the licence and is likely to abide by the provisions of the Bombay Prohibition Act, 1949 and the rules and orders issued thereunder] and if he sees no objection to permitting the applicant to store in bond foreign liquor at the place specified in the application, he shall forward the application to the Commissioner with his recommendation.

(2) <sup>2</sup>[If, on receipt of the application under sub-rule (1) the Commissioner is satisfied that the proper enquiries have been instituted by the Collector in respect of the request of the applicant and the applicant is fit person to hold the licence applied for] he may, with the previous sanction of the State Government, grant the applicant a licence in Form B. W. 1 on payment of <sup>3</sup>[a fee (inclusive of consideration) of Rs. 50,000] and of security deposit of Rs. 10,000.

(3) No licence under sub-rule (2) shall be granted for a period beyond 31st of March next following the date of the commencement of the licence.

<sup>4</sup>[4-A *Procedure for grant of licence for subsequent periods* : Where any licensee desires to continue to store foreign liquor in bond after the date of expiry of his licence and makes an applicant mentioned in rule 3 <sup>5</sup>[accompanied by a challan evidencing payment of the application fee of Rs. 25] at least thirty days before such date the provision of rule 4 shall *mutatis mutandis* apply to the grant of the licence with this modification that unless the state Government directs otherwise, it shall not be necessary for the commissioner to obtain the previous sanction of the State Government].

**5. Procedure after grant of licence.**— The Commissioner shall retain the originals of the description and plan referred to in rule 3, forward the duplicate thereof to the officer-in charge through the Collector and return the triplicate to the licensee.

**6. Transactions to be under excise supervision.**— All transactions pertaining to the receipt, transport, storage in bond and issues of foreign liquor shall be under excise supervision and in accordance with the provisions of the Maharashtra Foreign Liquor (Storage and Supply) Regulations, 1964.

1. Ins by G. N. of 19-8-1969.

2. Subs. *ibid*.

3. Subs. by G. N. of 16-3-1988.

4. Ins. by G. N. of 27-3-1973.

5. Ins. by G. N. of 16-3-1988.

Provided that except with the permission of the Collector the licensee shall not carry out any such transactions <sup>1</sup>[on Sunday] and public holidays notified under section 25 of the Negotiable Instruments Act, 1881.

7. *Appointment of staff.*— The Commissioner may appoint such staff at the bonded warehouse for excise supervision as he deems necessary and the cost of such staff shall be paid to the State Government by the licensee as provided by an order under section 58-A of the Act.

8. *Licensee to maintain accounts.*— The licensee shall maintain from day to day correct and true accounts of foreign liquor received in, issued from and held in balance at, the bonded warehouse. The accounts shall be maintained in a Register in Form B. W. R.

### Form “B. W. A.”

[See rule 3 (2)]

Form of bond to be executed by the licensee of foreign liquor bonded warehouse

*(Delete the letters and words not applicable)*

KNOW ALL MEN BY these presents that I/we ..... of ..... [ hereinafter called the obliger (s)] .....<sup>am</sup>..... held and firmly bound to the Governor of  
are jointly and severally

Maharashtra (hereafter called “the Government”) in the sum of Rupees to be paid to the Government for which payment well and truly to be made..... bind  
we jointly and severally

myself/ourselves and my/our heirs, executors and administrators by these presents.

WHEREAS the above bounded obliger(s) having applied to the Commissioner of Prohibition and Excise, Bombay for and obtained a licence for the storage in bond of foreign liquor at ..... the licence being entered in the records of the Commissioner of Prohibition and Excise, Bombay (hereinafter called “the Commissioner”) as licence No. ...., dated .....

AND WHEREAS the Commissioner has required the obliger(s) to deposit the amount of this bond, in cash ..... the Securities as hereinafter mentioned of a total face value of rupees ..... entered in the Commissioner’s favour, namely ..... And whereas the obliger(s) has/have deposited with the Commissioner the cash/securities as a aforementioned.

Now the condition of this Bond is that if the obliger (s) shall observe all the provisions of the Maharashtra Foreign Liquor (Storage in Bond) Rules, 1964 (hereinafter referred to as the said rules) and in particular shall deposit all foreign liquor brought into the bonded warehouse in a store room or other place of storage approved by the Commissioner (hereinafter referred to as “licensed premises”) and shall not remove or issue from the licensed premises, before the proper duty and fee have been paid, any foreign liquor except as provided for in the said Rules.

And if the obliger (s) pays/pay into the Government treasury all dues whether by way of excise duty or countervailing duty of fees payable by the obliger (s) under the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder.

1. Subs. by G. N. of 28-9-1979.

This obligation shall be void but otherwise and on breach in the performance of any part of this condition, the same shall be in full force.

And, it is hereby agreed and declared that the Government shall, at its option be competent to appropriate the said amount of security deposit in satisfaction of any claim for loss or damage or to recover the amount of such claim a revenue demand and to otherwise enforce its rights under the above written bond in any other manner.

I/We declare that this bond is given under the provisions of the said rules for the performance of an act in which the public are interested.

Place .....

Date .....

Signature(s) of the obliger(s)

Address (1)

Occupation

Address (2)

Occupation

Witness (1)

(2)

Accepted by me this ..... day of ..... 20 .. .

Commissioner of Prohibition and Excise, Bombay  
on behalf of the Governor of Maharashtra.

### Form "B. W. 1"

[See rule (4)2]

Licence No. ....

#### Licence authorising storage in bond of foreign liquor

Licence is hereby granted under the subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to ..... of ....., (hereinafter referred to as "the licensee") authorising him to store in bond foreign liquor at ..... in the district of ..... (hereinafter called "the licensed premises") during the period commencing on ..... and ending on ..... (both days inclusive), subject to the following conditions, namely:

#### Conditions

1. The licensee shall pay into the Government Treasury a sum of <sup>2</sup>[(50,000 as licence fee)] <sup>1</sup>[(inclusive of consideration)] and a sum of Rs. 10,000 as deposit.

2. This licence extends to the storage in bond of foreign liquor not exceeding \*litres/ millilitres in the aggregate at any one time.

\* To be filled in while granting licence.

1. Subs. by G. N. of 6-11-1987.

2. Subs. by G. N. of 16-3-1988.

3. The licensee shall pay to the State Government, in advance, at the beginning of each quarter commencing from the date of the licence, such cost of the staff appointed at the licensed premises for the purpose of excise supervision as may be fixed by the Commissioner from time to time.

4. (1) If the licensee desires to discontinue the bonded warehouse he shall give one month's previous notice in that behalf to the Commissioner.

(2) If the licensee fails to give such notice he shall be liable to pay the cost of the excise staff appointed at the bonded warehouse for excise supervision until it is withdrawn.

5. The expenses in respect of excise escort provided for the receipt or removal of foreign liquor shall be paid by the licensee to the State Government.

6. The licensee shall carry on the business at his licensed premises either personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* signed by himself and countersigned by a Prohibition and Excise Officer not lower in rank than a Prohibition and Excise Sub-Inspector, provided that any such *nokarnama* signed by the licensee shall also be valid unless and until countersignature is refused. If for any reason, the Collector orders the withdrawal of any *nokarnama* issued by the licensee, the *nokarnama* shall be forthwith withdrawn. For every *nokarnama* issued by him, the licensee shall pay such fee as may from time to time be prescribed for this privilege by rules made under the Act.

No *nokarnama* shall be issued to any person under 21 years of age, and no such *nokarnama* if issued, shall be valid.

7. (1) The licensee shall keep in the licensed premises a true and correct account of the quantity of foreign liquor received and held in balance at such premises. The account shall be plainly and correctly written up-to-date daily in a bound book, paged and sealed with the Collector's seal and with it shall be kept the passes and counterfoils of the passes covering the receipts and issue of foreign liquor. The account register and passes shall, at all times, be open to inspection by the Commissioner, the Collector, the Superintendent of Prohibition and Excise, Prohibition and Excise Inspector or any other officer deputed by the Commissioner, the Collector or the Superintendent of Prohibition and Excise to inspect them.

(2) The licensee shall furnish to the Officer-in-charge on or before the 7th day of each month a statement showing the quantity of foreign liquor received at, and issued from, his licensed premises during the preceding month and also the quantity of foreign liquor held in balance at the end of the preceding month and shall furnish such other information as the Collector or the Superintendent of Prohibition and Excise or the Office-in-charge may from time to time require.

8. The licensee shall keep a Visit Book at the licensed premises for the use of the inspecting officers. This book shall be paged and sealed with the seal of the Collector.

9. Without the permission of the Commissioner, the licensee shall not sell, transfer or sub-let the privilege of storing in bond foreign liquor granted to him by this license, nor shall be in connection with the exercise of the said right enter into any agreement or arrangement which in the opinion of the Commissioner is of a nature of a sub-lease. No person will be recognised as the partner of the licensee for the purpose of this licence, unless the partnership has been declared to the Commissioner before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after granting of the licence, unless the Commissioner agrees, on application made to him, to alter the licence and to add the name of partner in the licence.

<sup>1</sup>[10. No foreign liquor shall be removed by the licensee from the licensed premises for consumption within the State, except with previous permission of the Collector, in writing and on payment, of excise duty and fees, and under a pass granted under the Maharashtra Foreign Liquor (Storage and Supply) Regulations, 1964].

<sup>2</sup>[Provided that, foreign liquor may be removed in bond by the licensee from his licensed premises for supply to another licensee holding a B. W. I licence in the State, under a pass granted by the Collector under the Maharashtra Foreign Liquor (Storage and Supply) Regulations, 1964.]

11. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.

12. The licensee shall obey all lawful orders issued from time to time by the Commissioner, the Collector or the Superintendent of Prohibition and Excise.

13. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance <sup>3</sup>\* \* of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Commissioner to permit or not the assignee of the licensee, in case of sale or transfer, or the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

14. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

15. In case this licence is cancelled during the currency of the licence period <sup>4</sup>[or no fresh licence is granted] <sup>3</sup>\* \* on its expiry, the licensee shall forthwith surrender the whole stock of foreign liquor held in balance at the licensed premises to the officer-in-charge for disposal.

Granted this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Seal

Commissioner of Prohibition and Excise.

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1 Subs, by G. N. of 19-8-1969.

2 Added by G. N. of 12-7-1973.

3 Deleted by G. N. of 19-8-1969.

4 Ins. by G. N. of 21-3-1972.

**FORM B. W. R.**

(See rule 8)

**Register of accounts of foreign liquor stored in bond, issued and held in balance at the bonded warehouse  
of ..... for month of ..... 19**

Date	Pass Number	Received			Issued		
		Spirits Litres ML	Wines Litres ML	Fermented liquors Litres ML	Spirits Litres ML	Wines Litres ML	Fermented liquors Litres ML
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Balance of the month	..						
1.	..						
2.	..						
3.	..						
4.	..						
Upto 31st	..						
Total receive	..						
Opening balance	..						
Grand total	..						
<i>lessold</i>	..						
Closing balance	..						

Losses		Spirits Litres ML	Wines Litres ML	Fermented liquors Litres ML	Spirits Litres ML	Wines Litres ML	Fermented liquors Litres ML	Signature of the licensee or his authorised agent	Remarks
(9)	(10)								

*N. B.* — No erasure are allowed.

All corrections should be in red ink.



**{86} G.O.H.D. No. BPA/1089/VI/PRO-2, DATED 17th FEBRUARY, 1989****(M. G. PT. IV - B. P. 268)**

*Amended by G.O.H.D. No. BPA. 1089/VI/PRO-2, dated 29-6-1989 (Mt. Pt. IV-B. Pt. 869)*

In exercise of the powers conferred by clause (a) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (BOM. XXV of 1949), the Government of Maharashtra, hereby with effect from the date of publication of this Order in the *Official Gazette*, prohibits the grant, renewal or regrant of licences in Form B.W-1 granted under the Maharashtra Foreign Liquor (Storage in Bond) Rules, 1964, for authorising storage in bond of foreign liquor, throughout the State :

Provided that, nothing contained in this Order shall affect the grant, renewal or regrant of any licence of such kind to the Canteen Stores Department (India) for supplies of Indian Made Foreign Liquor to the defence services :

Provided further that, for the limited purpose of disposal of existing bonded stocks of Indian Made Foreign Liquor, the licence may be renewed beyond 1st April, 1989. <sup>1</sup>[for a minimum period of one quarter at a time subject to a maximum of two quarters] on recovery of proportional licence fee. No imports of Indian made Foreign Liquor shall be allowed during the extended period of the licence.

**{87} THE MAHARASHTRA FOREIGN LIQUOR (STORAGE AND SUPPLY)  
REGULATIONS, 1964**

The Commissioner of Prohibition and Excise, Bombay's Notification No. FLR. 1064/25358 (DQ-II), dated 26th September, 1964 (M. G. Pt. IV-C. p. 1176)

In exercise of the powers conferred by clauses (a) and (b) of sub-section 144 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of the Bombay Foreign Liquor (Storage in Bond) Regulations, 1959, the Commissioner of Prohibition and Excise makes the following regulation, namely :

1. *Short title.*—These regulations may be called the Maharashtra Foreign Liquor (Storage and Supply) Regulations, 1964 :

2. *Definitions.*— In these regulations, unless the context requires otherwise—

(1) “The Act” means the Bombay Prohibition Act, 1949.

(2) “bonded warehouse” means a place for which licence for the storage of foreign liquor without payment of duty is granted under these regulations;

(3) “foreign liquor” means potable foreign liquor of the following kinds, namely;—

(i) Spirits,

(ii) Wines, and

(iii) fermented liquors.

(4) “Licensee” means a person holding a licence in form B. W. I. under the Maharashtra Foreign liquor (Storage in Bond) Rules, 1964 :

(5) “Officer-in Charge” means an Officer of the Prohibition and Excise Department appointed for the purpose of supervising the operations at a bonded warehouse :

(6) “to store foreign liquor in bond” with its grammatical variation, means to store, deposit or keep foreign liquor in a bonded warehouse without payment of excise duty of countervailing duty or other fees payable thereon.

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<sup>1</sup> Subs, by G. O. of 29-6-1989.

3. *Construction of bounded warehouse.*—The building or rooms of the bonded warehouse shall be strongly constructed of masonry or brickwork. The windows of the building or room shall be fitted with malleable iron bars, not less than 19 millimetres in thickness, set not more than 102 millimetres apart, and fixed in the masonry or brickwork to a depth of at least 51 millimetres at each end. On the inside of each window there shall be securely fastened to the bars a stout wire netting, the apertures in which shall not exceed 25 millimetres in diameter. There shall be only one entrance to the building or main room of the warehouse and to each store room, respectively which must open into the warehouse enclosure, and the door of each shall be secured by an Excise ticket lock :

Provided that the Commissioner may, in special cases, relax any of the requirements laid down in this regulation on such conditions and to such extent as he may specify in that behalf.

4. *Manner in which foreign liquor shall be stored in bonded warehouse.*— The foreign liquor shall not, save with the permission of the Commissioner be stored, deposited or kept in the bonded warehouse, except in full crooked bottles duly sealed or capsuled.

5. *Licensee not to store foreign liquor in excess of permitted quantity.*—The licensee shall not store in the bonded warehouse at any one time, foreign liquor in excess of the quantity permitted by the Commissioner under the licence in form B. W. 1. granted under the Maharashtra Foreign Liquor (Storage in Bond) Rules, 1964.

6. *Foreign Liquor not to be removed except under pass.*— (1) No foreign liquor stored in the bonded warehouse shall be removed therefrom to any other place except under a pass granted in this behalf and unless the duty, if any imposed under the provisions of the Act, has been paid or a bond has been executed for the payment thereof.

(2) If the licensee wants to remove any quantity of foreign liquor from the bonded warehouse, he shall make an application to the Collector through the Officer-in-charge in that behalf.

7. *Receipt or removal of foreign liquor to be under excise escort.*—The receipt of foreign liquor at the bonded warehouse or removal thereof from the bonded warehouse to any other place shall be under such excise escort as the Collector may direct.

8. *Licensee to account for the loss of foreign liquor.*— Any loss in the foreign liquor stored in bond or issued therefrom shall be reported to the Commissioner and if it is not satisfactorily accounted for by the licensee it shall be liable to the excise duty and fees at the full rates payable thereon.

**{88} THE MAHARASHTRA FOREIGN LIQUOR (SALE ON CASH, REGISTER OF SALES, ETC.) RULES, 1969**

**G. N., H. D., No. FLR 1068/5945-III, dated 3rd July, 1969 (M. G., Pt. IV-B. P. 848)**

1. Amended by G. N., H. D., No. FLR. 1670-III, dated 6th January, 1970 (M. G. Pt. IV-B. p. 85).
2. Amended by G. N. H., DNo. FLR 1068/5945 - III, dated 6th June, 1970 (M. G., Pt. IV-B. p. 861).
3. Amended by G. N. H., D.No. FLR 2170/W - 105-III, dated 23rd March, 1971 (M. G., Pt. IV-B. P. 477).
4. Amended by G. N., H. D., No. FLR. 3171/34143 - III, dated 17th July, 1971 (M. G., Pt. IV-B. P. 990).
5. Amended by G. N. H. D., No. SLC. 1069/73669 - III, dated 21st March, 1972 (M. G., Pt. IV - B. p. 451).

6. Amended by G. N. H. D., No. SLC. 1069/73669 - III, dated 21st March 1972 (M. G., Pt. IV - B. p. 451).
7. Amended by Carrig., H. D., No. SLC. 11069/73669 - III, dated 21st March 1972 (M. G., Pt. IV - B. p. 452).
8. Amended by G. N., H. D., No. FLR. 0173/III - A (ii), dated 29th January 1973 (M. G., Pt. IV - B. p. 313).
9. Amended by G. N., H. D., FLR. 1173/III - A (ii), dated 13th July 1973 (M. G., Pt. IV - B. p. 1475).
10. Amended by G. N., H. D., No. FLR. 1078/1-28-PR, dated 22nd February 1978 (M. G., Pt. IV - B. P. 98).
11. Amended by G. N., H. D., No. SLC. 1078/PRO - II, dated 26th September 1978 (M. G., Pt. IV - B. p. 959).
12. Amended by G. N. H., No. FLR 1079/4813 - A-PRO-2, dated 7th July 1979 M. G., Pt. IV-B. p. 1398).
13. Amended by Corrig., H. D., No. FLR. 1079/4813/PRO-2, dated 4th August 1979 (M. G., Pt. IV-B. p. 1544).
14. Amended by G. N., H. D., No. FLR. 1079/4813/A-93/PRO-2, dated 13th September 1979 (M. G., Pt. IV-B. P. 1672).
15. Amended by G. N., H. D., No. FLR. 1079/105-A-PRO-2, dated 20th September 1979 (M. G., Pt. IV - B. P. 1680).
16. Amended by G. N. H. H., No. FLR. 1079/1570-A/PRO-2, dated 28th September 1979 (M. G., Pt. IV - B. p. 1692).
17. Amended by G. N., H. D., No. BPA. 1081/13/PRO-2, dated 4th May 1982 (M. G. Pt. IV-B. p. 507).
18. Amended by G. N., H. D. No. B. P. A. 1089/III/Pro-2. dated 17th February 1989. (M. G. Pt. IV-B. P. 316).
19. Amended by G. M. H. D. No. BPA1094/1259/IV/Exc-3 dated 24th January 1995. (M. G. Pt. IV-B, Extra Ord. P 15)
20. Amended by G. N. H. D. BPA. 1094/1259/4/Exc-3 dated 12th July 1999. (M. G. Pt. IV-B, P 1047)
21. Amended by G. M. H. D. No. BPA1099/01/II/Exc-3 dated 31st August 2001. (M. G. Pt. IV-B, p 1043-1044)
22. Amended by G. M. H. D. No. BPA1098/9/Exc-2 (FL-III) dated 5th February 2004. (M. G. Pt. IV-B, P 123-124)
23. Amended by G. M. H. D. No. BPA1098/9/Exc-2 (FL-II) dated 5th February 2004. (M. G. Pt. IV-B, P 126)
24. Amended by G. M. H. D. No. BPA1098/9/Exc-2 (Corrigendum) dated 8th March 2004. (M. G. Pt. IV-B, P 207)
25. Amended by G. M. H. D. No. BPA1106/CR-31/Exc-2 dated 13th September 2007. (M. G. Pt. IV-B, P 1322-1323)
26. Amended by G. M. H. D. No. BPA-0311/CR 75/Exc-2 dated 8th November 2011. (M. G. Pt. IV-B, P )

In exercise of the powers conferred by <sup>1</sup>[clause (b), (hl), (iii), (iv) and (vi), (k) and (l<sub>2</sub>) and (l<sub>3</sub>) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 143], namely :—

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1 Subs, by Corrig. of 21-3-1972.

**PART I****PRELIMINARY**

- [1. *Title.*— These rules may be called the Maharashtra Foreign Liquor (Sale on Cash Register of Sales, etc.) Rules, 1969.]
2. *Extent.*— These Rules extend to the whole of the State of Maharashtra.
3. *Definitions.*— In these Rules, unless the context requires otherwise,—
- (1) “Act” means the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) ;
  - (2) “Foreign Liquor Rules” Means the Bombay Foreign Liquor Rules, 1953 ;
  - (3) “Foreign liquor” has the meaning assigned to it in the foreign Liquor Rules ;
  - (4) “Form ” means a Form appended to these Rules ;
  - (5) “Licensee” means a person holding a licence for the purchase, possession, or sale of foreign liquor under the Foreign Liquor Rules ;
  - (6) “Licensing authority” means the authority empowered to grant licences under the Act ;
  - (7) “mild liquor ” has the meaning assigned to it in the Foreign Liquor Rules ;
  - (8) “permit-holder ” means a person who holds a permit under the Foreign Liquor Rules and who is authorised to purchase foreign liquor from a licensee under those rules ;
  - <sup>1</sup>[(9) “ purchaser ” means a person who is entitled to purchase mild liquor ;]
  - (10) “ Words and expressions” used in these Rules but not defined shall have meanings respectively assigned to them in the Foreign Liquor Rules.

**PART II****SALE ON CASH**

4. *Prohibition on sale of foreign liquor except for cash.*— A licensee shall not sell any foreign liquor except for cash :
- <sup>2</sup>[Provided that the holder of <sup>3</sup>[Trade and Import and Club licence] may sell foreign liquor on credit.]
5. *Duplicate cash memo to be made by the licensee, etc.*— A licensee or his authorised agent or servant shall make out a cash memo in duplicate which shall be signed by the licensee or his authorised agent or servant, as the case may be :
- <sup>4</sup>[Provided that, the licensee may make out the cash memos in such numbers exceeding two as may be required by him with the previous permission in writing of the licensing authority.]
6. *Cash memo to be handed over to permit-holder etc.*— The original copy of the cash memo shall be handed over to the permit-holder <sup>5</sup>[or purchaser, as the case may be,] <sup>6</sup>\* \* \* and the duplicate copy shall be retained by the licensee for his record. The triplicate and quadruplicate copies of cash memos shall be retained by the licensee for any purpose other than excise matters.

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1. Ins, by G. N. of 4-5-1982.

2. Added by G. N. of 6-6-1970.

3. Subs. by G. N. of 23-3-1971.

4. Subs. by G. N. of 21-3-1972.

5. Ins., *ibid.*

6. Deleted by G. N. of 7-7-1979.

<sup>1</sup>[7. Details of cash memo.— The Cash memo shall clearly show –

(i) the name of the licensee, his licence number and the nature of the licence held by him;

<sup>2</sup>[(ii) the name of the permit-holder, his address, his permit number and the nature of the permit held by him, when foreign liquor is sold to the permit-holder and the name, address and age of the purchaser, when mild liquor is sold to the purchaser ;

(iii) the details regarding the brand and the quantity of foreign liquor or mild liquor sold or of both ; and]

(iv) the amount charged in respect of the sale of such liquor :

<sup>3</sup>[ \* \* \* \* ]

8. *Inspection of cash memos.*— The duplicate copies of the cash memos shall at all reasonable times be open to inspection by the Prohibition and Excise Officer not lower in rank than a Sub-Inspector of Prohibition and Excise, or any Prohibition Officer duly empowered under section 122 of the Bombay Prohibition Act, 1949.

### PART III

#### WORKING HOURS AND DAYS

9. *Trade and import* <sup>4\*</sup> \* \* \* *licence.*— No licensed premises in respect of which a trade and import licence <sup>4\*</sup> \* \* \* has been granted for the sale of foreign liquor Rules shall be kept open for the sale of foreign liquor <sup>5</sup>[on Sunday] and public holidays notified under section 25 of the Negotiable Instrument Act, 1881. <sup>6</sup>[On other days, no licensed premises in respect of which a trade and import licence has been granted shall be kept open except during the hours <sup>7,13</sup>[from 10-00 a.m. to 8-00 p.m.] \* \* \*

<sup>8</sup>[Provided that no licensed premises in respect of which any such licence has been granted shall be kept open for the sale of foreign liquor on the 2nd of <sup>11</sup>[October every year and on such special occasions and in such area as the State Government may after giving notice of not less than seven days in the *Official Gazette*, and in any local newspaper having wide circulation in such area, specify in this behalf, and no licensee shall be entitled to any compensation for closure of his licensed premises on such day on such special occasion and days mentioned in clause (c) of sub rule (2) of rule 9A]

<sup>9</sup>[9A. *Vendor's licence.*— (1) Every licensed premises, in respect of which a vendor's licence has been granted for the sale of foreign liquor under the Foreign liquor Rules shall, subject to the provisions of sub-rules (2) and (3) of this rule, shall be kept open every day during the hours <sup>10,11,12,13</sup>[from 10.00 a.m. to 22.30 p.m.] for the sale of foreign liquor.

(2) No licensed premises in respect of which any such licence has been granted shall be kept open for the sale of foreign liquor on,

<sup>1</sup>[(a) The day on which the licensed premises is required to be kept closed under the

1. Subs. by G. N. of 13-7-1973.  
3. Deleted by G. N. of 7-7-1979.  
5. Subs. by G. N. of 13-9-1979.  
7. Subs. by G. N. of 13-9-1973.  
9. Subs. by G. N. of 7-7-1979.  
11. Subs. by 5-2-2004.  
13. Subs. by 13-9-2007.

2. Subs. by G. N. of 4-5-1982  
4. Deleted by G. N. of 13-7-1973.  
6. Subs. by G. N. of 17-7-1971.  
8. Added by G. N. of 23-3-1971.  
10. Subs. by G. N. of 5-4-82.  
12. Subs. by 8-3-2004.

Bombay Shops and Establishment Act, 1948 (Bom. LXXIX of 1948)] and the Licence premises is situated in the area where in the said Act is not in operation the holder of licence shall give one day paid weekly off to the employees.

(b) The following days during the year namely.—

- (i) 26th January (Republic Day),
- (ii) 30th January (Martyr's Day),
- (iii) 1st May (Maharashtra Day),
- (iv) Ashadi Ekadashi,
- (v) 15th August (Independence Day),
- (vi) Anant Chaturdashi,
- (vii) Two days in prohibition week that is to say the 2nd October and 8th October,
- (viii) Kartiki Ekadashi]

<sup>7,10</sup>[(C) (1) four eight hours ending with the hour fixed for the conclusion of the poll in relation to any general election or by-election to the House of People or the Maharashtra LegisAssembly is taken in the constituency in which such premises are located and on the counting day or days.”.]

<sup>7</sup>[(2) the day or days on which poll in relation to any general election or by-election to any local authority in the State is taken in the constituency in which such premises are located and a day immediately before such day of poll and on the counting days.”]

(d) Such special occasions and in such area as the collector may, after giving notice of nor less than seven days in the *Official Gazette* and in any local news paper having wide circulation in such area specify in this behalf.

(3) <sup>3</sup>\* \* \* \* \*

(4) For the purposes of <sup>4</sup>[sub-clause (vi) of clause (b) of sub-rule (2) of this rule the Collector shall, as far as possible, before the commencement of each licensing year, declare by a notification published in the *Official Gazette* and in any local newspaper having wide circulation in the area, the day or days of <sup>5</sup>[important fairs or, as] the case may be, of the pay day during which and the areas in which, the licensed premises shall remain closed :

Provided that, where such declaration is not made before the commencement of the licensing year the Collector shall make the declaration at any other suitable time thereafter but the notification in that behalf shall be published at least seven days before the day or days of such closure.

(5) No licensee shall be entitled to any compensation for closure of his licensed premises under sub-rule (2) and (3) of this rule.]

<sup>6</sup>[10. *Hotel licenses.*— (1) Every licensed premises in respect of which a hotel licence has been granted for the sale of foreign liquor under the Foreign Liquor Rules shall, subject to the provisions of sub-rule (2) of this rule, be kept open every day during the hours from <sup>9,10</sup>[11.30 a.m. to 23.30 p.m.] for the sale of foreign liquor :

<sup>8</sup>[" Provided that, such licensed premises situated within the jurisdiction of the Police Commissioner shall, subject to the provisions of sub-rule (2) of this rule, be kept open every day during the hours from 11.30 a.m. to 1.30 a.m. (after midnight) for the sale of foreign liquor :]

1. Subs. by G. N. of 17-2-1989.

3. Deleted by G. N. of 20-9-1979.

5. Subs. by G. N. of 4-8-1979.

7. Subs. by G. N. of 12-7-1999.

9. Subs. by G. N. of 13-9-12002.

2. Subs. by G. N. of 24-1-1995

4. Subs. *ibid.*

6. Subs. by G. N. of 7-7-1979.

8. Subs. by G. N. of 5-2-2004.

10. Subs. by G. N. of 8-11-2011.

Provided further that, the licensed premises in respect of hotels having three stars and above category may be kept open during the closure days except the provision of clause (c) of sub-rule (2) of rule 9A of the principal Rules, during the prescribed hours for the sale of foreign liquor".]

(2) The provisions of <sup>4</sup>[sub-rule (2)] (4) and (5) of rule 9A of these rules relating to the closure of licence premises in respect of which a vendor's licence has been granted under the Foreign Liquor Rules shall *mutatis mutandis* apply to the closure of licensed premises in respect of which a hotel licence has been granted for the sale of foreign liquor :

“ Provided that the licensed premises in respect which such a hotel licence has been granted may be kept open during the closer days solely to persons holding foreign passports during the prescribed hours.

<sup>3</sup>[ \* \* \* ]

**11. Club licence.** (1) Subject to the provisions of sub-rule (2), the licensed premises in respect of which club licence has been granted for the sale of foreign liquor under the Foreign Liquor Rules shall not be kept open except [during the hours from 11-30 to 11.30 p.m.] during all days.<sup>4</sup>[\* \* \*]

Provided that, the licensing authority may <sup>1</sup>[ \* \* \* ] permit a club licensee to change the working hours and closure days in relation to sale of foreign liquor on the licensed premises of the Club.

<sup>7</sup>[“Provided further that, such licensed premises situated within the jurisdiction of the Police Commissioner shall subject to the provisions of sub-rule (3) of this rule, be kept open every day during the hours from 11-30 a.m. to 1-30 a.m. (after midnight) for the sale of foreign liquor”];

<sup>2</sup>[(3) The provision of clause <sup>6</sup>[(c) (1) and (C) (2)] of sub rule (2) of rule 9A of these rules relating to closure of licensed premises in respect of which vendor licence has been granted under the Foreign Liquor Rules shall *mutatis mutandis* apply to the closure of licensed premises in respect of which club licence has been granted for sale of foreign liquor :]

#### PART IV

##### DEPOSIT PAYABLE BY THE LICENSEES

**12. Deposits :** The amount of security to be deposited by the holder of a licence specified in column 1 of the Schedule hereto annexed shall be as specified against it in column 2 thereof.—

##### Schedule

Nature of the licence (1)	Amount of deposit Rs. (2)
1. Trade and import licence .. .. .	10,000
2. Vendor's licence .. .. .	10,000
3. Hotel licence .. .. .	5,000
4. Club licence .. .. .	1,000

1. Deleted by G. N. of 17-2-1989.

3. Deleted *ibid*.

5. Subs. by 13-9-2007.

7. Ins by G.N. 13-9-2007

2. Subs. by G. N. of 24-1-1995.

4. Deleted by 13-9-2007.

6. Subs. by 12-7-1999.



**13. Treasury where security deposit shall be paid-** The amount of security deposit shall be paid in greater Bombay, in the Treasury of the Prohibition and Excise Department, situated on the first floor of the Old Custom House, Fort, Bombay-1 and elsewhere, at the nearest District or Taluka Treasury, or any bank authorised by Government for such acceptance.

## PART V

### REGISTERS TO BE MAINTAINED BY THE LICENSEES

**14. Maintenance of register etc., by a holder of licence.**— Every holder a trade and import licence shall

(i) maintain a register in Form F.L.R. 1, duly paged and sealed with the seal of the Collector in which he shall write every day before the close of the licensed premises, correct accounts of that day's transactions of foreign liquor at his licensed premises in a neat and legible manner ; and

(ii) submit to the Superintendent of Prohibition and Excise or the District inspector of Prohibition and Excise as the case may be, not later, than the 7th day of every month, a return in Form F.L.R. 2, showing the abstract of the accounts of transactions of foreign liquor at his licensed premises during the preceding month.

**15. Maintenance of Register etc.,—by a holder of vendar's licence etc.**-Every holder of a vendor's licence, a hotel licence and club licence shall.—

(i) maintain a register in Form F.L.R. 3, duly paged and sealed with the seal of the Collector in which he shall write everyday before the close of the licensed premises, correct accounts of that day's transactions of foreign liquor at his licensed premises in a neat and legible manner, and

(g) submit to the Superintendent of Prohibition and Excise the District Inspector of Prohibition and Excise, as the case may be, not later than the 7th day of every month, return in form F.L.R. 4, showing the abstract of the account of transactions of foreign liquor at his licensed premises during the preceding month.

(iii) (a) a holder of a vendor's licence shall keep a register in Form F.L.R. 5, duly paged and sealed with the seal of the Collector, in which he shall record every day before the close of the licensed premises, the names of the permit holders to whom foreign liquor is sold by him <sup>1</sup>[and their addresses, and permit numbers] ;

(b) A holder of a hotel or club licence, as the case may be, shall keep a register in Form F.L.R. 6, duly paged and sealed with the seal of the Collector, in which he shall record every day before the close of the licensed premises, the names of the permit holders to whom foreign liquor is sold by him <sup>1</sup>[and their addresses, and permit numbers]

Provided that in the case of sale of mild liquor to a purchaser only the names address and age of the purchaser and the quantity sold should be recorded in register F.L.R. 5 or F.L.R. 6 as the case may be, and the remaining columns of the said registers should be kept blank.

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1. Subs. by G. N. of 4-5-1982.



**16. Registers of sales of foreign on Liquor prescription.**— (1) The register regarding prescriptions prescribing brandy or rum to be maintained under sub-rule (1) of rule 88 of the Foreign Liquor Rules by a licensee, not being a registered medical practitioner, shall be in Form F.L.R. 7, duly paged and sealed with the seal of the Collector

(2) The register regarding prescriptions prescribing brandy or rum to be maintained under sub-rule (2) of rule 88 of the Foreign Liquor Rules by a licensee, who is a registered medical practitioner, shall be in Form F.L.R. 8, duly paged and sealed with the seal of the Collector.

(3) The register regarding the accounts of the quantity of brandy and rum dispense to be maintained under sub-rule (3) of rule 88 of the Foreign Liquor Rules, by a licensee holding a licence to dispense brandy or rum on prescription shall be in Form F.L.R. 9, duly paged and sealed with the seal of the Collector.

(4) The registers regarding prescriptions prescribing wines and accounts of such wines dispensed to be maintained under 93 of the Foreign Liquor Rules, by a licensee holding a licence to sell such foreign liquor on prescription shall be respectively in Forms F, L.R. 10 and F.L.R. 11, duly paged and sealed with the of the seal of Collector.

<sup>3</sup>[“ 16A. Every holder of a Trade and import Licence, vendor licence and Hotel or Club licence shall maintain additional register in form FLR-3A, in prescribed proforma, appended hereto, at his licensed premises. Register may be duly paged and sealed with the seal of Collector in which he shall write every day before the close of the licensed premises, correct brandwise stock and accounts of that day’s transactions of each brand of foreign liquor in stock at the licensed premises in a neat and legible manner.”]

#### [PART VIGENERAL]

**17. Prohibition of sale of foreign liquor to certain persons.**-- No person holding a licence for sale of foreign liquor under the Foreign Liquor Rules, shall sell foreign liquor to any person holding a permit or who is entitled to purchase mild liquor without a permit, under the said rules if such person is

- (1) a police officer in uniform ;
- (2) <sup>2</sup>[ Prohibition and Excise Officer on duty] ;
- (3) a railway servant on duty ;
- (4) an insane person ; or
- (5) a person who is intoxicated.

**18. Repeal.**— (1) (a) The Bombay Foreign Liquor (Deposits) Regulations, 1953, (b) the Foreign Liquor Licensees Registers Regulations, 1953, (c) the Bombay Foreign Liquor (Sale on Cash) Regulations, 1950, (d) the Foreign Liquor (Registers of sales on Prescription) Regulations, 1952, and

(2) (a) The Commissioner of Prohibition and Excise, Bombay’s Notification No. 51-25/50 (F.L.I.), date the 1st February 1951, and (b) Government Notification, Revenue Department, No. 10484/45, dated the 5th March 1953, are hereby repealed, except in respect of anything done or omitted to be done under those regulations or notifications.

1. Ins. by G. N. of 21-3-1972.  
3. Ins. by G. N. of 31-12-2001.

2. Subs. *ibid*.

**FROME, L. R. I**

[ See rule 14 (i) ]

Register of transactions of foreign liquor effected by ..... holder of the ordinary trade and import licence No. .... during the month of..... 19.

*N. B.- No erasures are allowed. All corrections should be in red ink.*

		Received														
		Spirits					Mild Liquors									
Date	Pass No.	Imported	Indian made	Wines	Fermented Liquors	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of casks/kegs					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(15A)	
		No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of casks/kegs	
		750ml. 180ml.	750ml. 180ml.	375ml. 180ml.	375ml. 180ml.	750ml. 180ml.	750ml. 180ml.	375ml. 180ml.	375ml. 180ml.	650ml. 325 ml.	650ml. 325 ml.	650ml. 325 ml.	650ml. 325 ml.	325 ml.	Bulk litres	
		(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(15A)	
Balance of the last month																
1.	..															
2.	..															
3.	..															
4.	..															
Upto 31st	..															
Total received	..															
Opening balance	..															
Grand total	..															
Less sold	..															
Closing balance	..															

**FROM F.L.R.I - Contd.**

		Sold											
		To licensees within the State											
		Spirits				Wines		[Fermented Liquors		Mild Liquors			
Date	Pass No.	Imported	Indian made	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of casks/kegs	No. of bottles of	No. of casks/kegs	No. of bottles of	Bulk litres	Bulk litres
(1)	(2)	375ml.	180ml.	750 ml.	375ml.	180 ml.	750 ml.	375 ml.	180 ml.	650ml.	325 ml.	325 ml.	Bulk litres
		(16)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)
		(28A)											
Balance of the last month													
1.	..												
2.	..												
3.	..												
4.	..												
Upto 31st	..												
Total received	..												
Opening balance	..												
Grand total	..												
Less sold	..												
Closing balance	..												

1 Subs. by G. N. of 29-1-1973

**FORM F. L. R. 1 -Contd.**

**Sold-Continued**

By export to person outside the State

**Spirits**

Date	Pass No.	Spirits		Wines		Fermented Liquors		Mild Liquors						
		Imported	Indian made	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of					
(1)	(2)	375ml. (30)	180ml. (31)	750ml. (32)	375ml. (33)	180ml. (34)	750ml. (35)	375ml. (36)	180ml. (37)	650ml. (38)	325ml. (39)	650ml. (40)	325ml. (41)	Bulk litres (41A)

Balance of the last month

- 1. ..
- 2. ..
- 3. ..
- 4. ..

Upto 31st

Total received

Opening balance

Grand total

Less sold

Closing balance

1. Subs. by G. N. of 29-1-1973.

## FORM F. L. R. 1 -contd.

## Closing Balance

Date	Pass No.	Spirits				Wines		Fermented Liquors		Mild Liquors		Signature of the licensee or his authorised servant	Remarks	
		Imported	Indian-made	No. of bottles of	No. of bottles of	No. of bottles of	No. of casks/ kegs	No. of bottles of	No. of casks/ kegs	No. of bottles of	No. of casks/ kegs			
(1)	(2)	750 ml. (42)	180 ml. (44)	375 ml. (45)	180 ml. (46)	750 ml. (47)	375 ml. (48)	180 ml. (49)	650 ml. (51)	325 ml. (52)	650 ml. (53)	325 ml. (54)	(55)	(56)
Balance of the last month														
1.	..													
2.	..													
3.	..													
4.	..													
Upto 31st	..													
Total received	..													
Opening balance	..													
Grand total	..													
Less sold	..													
Closing balance	..													

1 Subs. by G. N. of 29-1-1973



Received from 1st April to end of current month.

Sold to licensees within State during the month.

Sold by export persons outside the state during the month.

---

Total-Sales . .

---

Sold to licensees within the State from 1st April to end of current month.

Sold by export to persons outside the State from 1st April to end of current month.

Closing balance at the end of the month.

---

Signature of the licensee or his authorised servant.

**FORM F. L. R. 3**

[ See rule 15 (i) ]

*Register of transactions of foreign liquor effected by ..... holder of vendor's/hotel/club licence No. .... during the month of..... 19.*

*N. B. - No erasures are allowed. All corrections should be in red ink.*

Received															
Date	Spirits			Wines			[Fermented Liquors			Mild Liquors					
	Imported	Indian made		Imported	Indian made		Imported	Indian made		Imported	Indian made				
	No. of bottles of 180 ml.	No. of bottles of 375 ml.	No. of bottles of 750 ml.	No. of bottles of 180 ml.	No. of bottles of 375 ml.	No. of bottles of 750 ml.	No. of bottles of 180 ml.	No. of bottles of 375 ml.	No. of bottles of 750 ml.	No. of casks/kegs	No. of bottles of 325 ml.	No. of casks/kegs	No. of bottles of 325 ml.	Bulk litres	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(12A)	(13)	(14)	(14A)
750 ml.	375 ml.	180 ml.	750 ml.	375 ml.	180 ml.	750 ml.	375 ml.	180 ml.	750 ml.	325 ml.	650 ml.	325 ml.	650 ml.	325 ml.	Bulk litres
Balance of the Last month	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
1.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
2.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
3.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
4.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Upto 31st	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total received	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Opening balance	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Grand total	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Less sold	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Closing balance	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..



## FORME. L. R. 3-- contd.

		Sold													
		Spirits					Mild Liquors								
Date		Imported		Indian made		Wines		[Fermented Liquors		Mild Liquors					
		No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of casks/kegs	No. of bottles of	No. of casks/kegs	No. of bottles of	No. of casks/kegs			
		375ml.	180ml.	750ml.	375ml.	180ml.	180ml.	750ml.	375ml.	180ml.	650ml.	325ml.	325ml.	Bulk litres	Bulk litres
(1)		(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(27A)	(27A)
Balance of the last month															
1.	..														
2.	..														
3.	..														
4.	..														
Upto 31st	..														
Total received	..														
Opening balance	..														
Grand total	..														
Less sold	..														
Closing balance	..														

1 Subs. by G. N. of 29-1-1973

**FORM F. L. R. 3 -contd.**

Closing Balance															
Date	Spirits				Wines		Fermented Liquors		Mild Liquors		Signatures of the licences or his authorised servant	Remarks			
	Imported	Indian made	No. of bottles of		No. of bottles of		No. of casks/ kegs		No. of bottles of						
	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of bottles of	No. of casks/ kegs	No. of casks/ kegs	No. of bottles of	No. of bottles of	No. of casks/ kegs					
(1)	750 ml. (28)	180 ml. (30)	750 ml. (31)	375 ml. (32)	180 ml. (33)	750 ml. (34)	375 ml. (35)	180 ml. (36)	650 ml. (37)	325 ml. (38)	650 ml. (39)	325 ml. (40)	Bulk litres (40A)	(41)	(42)
Balance of the last month															
1.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
2.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
3.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
4.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Upto 31st	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total received	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Opening balance	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Grand total	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Less sold	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Closing balance	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

1 Subs. by G. N. of 29-1-1971



**FORM L. R. 3A**

[See condition 5(c) of licence in Form 'E']

Name of Licence :

Month : Year :

Kind of Licence and Number :

Date :

Name of the Brands	T. P. No.	Opening Balance	Receipt	Sale	Closing Balance.
(1)	(2)	1000, 500, 750, 650, 375, 330, 325, 180, 60 M.L. M.L. M.L. M.L. M.L. M.L. M.L. M.L. M.L. M.L. M.L.	1000, 500, 750, 650, 375, 330, 325, 180, 60 (4)	1000, 500, 750, 650, 375, 330, 325, 180, 60 (5)	1000, 500, 750, 650, 375, 330, 325, 180, 60 (6)

M. L.-Mililitre

Signature of the Licensee.]

**FORM F. L. R. 4**  
 [ See rule 15 (ii) ]

*Monthly return of transactions of foreign liquor effected by Vendor's/ club licensee*

*N. B. - No Erasures are allowed. All corrections should be in red ink.*

Name ..... Licence No. ....  
 Address ..... Month ..... Year .....

Spirits														
Imported		Indian made			Wines			Fermented Liquors		Mild Liquors				
No. of bottles of	750 ml.	180 ml.	375 ml.	180 ml.	750 ml.	375 ml.	180 ml.	650 ml.	No. of bottles of	No. of bottles of	No. of casks/kegs			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(14A)

Opening balance at the beginning of the month.

Received during the month

Total . . .

1 Subs. by G. N. of 29-1-1973

Received from 1st April ..... to end of the  
current month.

\*permit-holders  
Sold to ..... during the month.  
+non-permit holders

\*permit-holders  
Sold to ..... from  
+non-permit holders

1st April ..... to end of current month.

Closing balance at the end of the month.

- 
- \* Applicable to sale of spirits, wines and fermented liquors only.
  - + Applicable to sale of mild liquors only.

Signature of the licensee or his authorised servant.

**FORM F. L. R. 5**  
[ See rule 15 (ii) (a) ]

*Register of sales of foreign liquor in bottles to permit-holders by holder of vendor's licence No. ....*

N. B. No. erasures are allowed. All corrections should be in red ink.

Date	Name of the Permit-holder purchaser	Kind of permit	No. and date of permit and where granted	1 *	1 -*	Sold					
						Spirits	Indian made				
						Imported		No. of bottles of			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
						750 ml.	375 ml.	180 ml.	750 ml.	375 ml.	180 ml.
Sold-Contd.											
Wines		Fermented liquor's		Mild liquors		1 *		Signature of the licensee or his authorised agent		Remarks	
No. of bottles of		No. of bottles of		No. of bottles of		No. of bottles of					
750 ml. (13)	375 ml. (14)	180 ml. (15)	650 ml. (16)	325 ml. (17)	650 ml. (18)	325 ml. (19)	325 ml. (19)		(20)	(21)	(22)

1. Deleted by G. N. of 4-5-1982.

**FORM F. L. R. 6**

[See rule 15 (iii) (b)]

*Register of sales of foreign liquor in units to permit-holders by holder of  
hotel/ Club licensee No. ....*

N. B. No erasures are allowed. All correction should be in red ink.

Date	permit holder/ Name of the purchaser		Kind of permit	No. and date of the permit and where granted		1*	1*
(1)	(2)		(3)	(4)		(5)	(6)
RESIDENTS							
BOARDERS							
SPIRITS				SPIRITS			
Imported	Indian made	Wines	Fermented liquor	Mild liquors	Imported	Indian made	
(7)	(8)	(9)	(10)	(11)	(12)	(13)	
Lit.ml.	Lit.ml	Lit.ml	Lit.ml	Lit.ml	Lit.ml	Lit.ml	
Wines	Fermented liquors	Mild liquors	1*	1*	Signature of the licensee or his authorised servant	Remarks	
(14)	(15)	(16)	(17)	(18)	(19)	(20)	
Lit.ml	Lit.ml	Lit.ml					

1. Deleted by G. N. of 4/5/1982.



**FORM F. L. R. 7**  
[See rule 16 (1)]

*Register maintained by a licensee not being a registered medical practitioner showing full name and addresses of registered medical practitioners whose prescriptions prescribing brandy or rum are dispensed by the licensee and of persons in whose names such prescriptions were issued*

Licence No. ....		Name of the licensee .....			
Date	Prescription	Names of registered medical practitioners whose prescriptions prescribing brandy or rum are dispensed by the licensee	Names of persons in whose names prescription referred to in column 3 were issued	Quantity dispensed on prescription	Cash Memo No.
	No. Date	Full name Address	Full name Address	Brandy ml.	Rum ml.
(1)	(2)	(3)	(4)	(5)	(6)

**FORM F. L. R. 8**  
[See rule 16 (2)]

*Register maintained by a licensee being a registered medical practitioner showing full names and addresses of persons in whose names prescriptions prescribing brandy or rum are issued.*

Licensee No. .... Name of the licensee .....

Date	Prescription	Names of person in whose names prescriptions prescribing brandy or rum are issued	Quantity dispensed on prescription	Names of registered medical practitioners on whose prescriptions brandy or rum is dispensed
(1)	(2)	Full name Address (3)	Brandy ml. (4)	Full name Address Registration No. (5)

**FORM F. L. R. 9**

[See rule 16 (3)]

*Register of day-to day accounts showing quantity of brandy or rum dispensed  
and the balance held in stock by the licensee*

Licence No. .... Name of the licensee .....

Date	Opening balance		No. of the transport pass under which received	Quantity received	
	Brandy ml.	Rum ml.		Brandy ml.	Rum ml.
(1)	(2)			(3)	

Total		Quantity dispensed		Closing balance		Signature of the Licensee	Remarks
Brandy ml.	Rum ml.	Brandy ml.	Rum ml.	Brandy ml.	Rum ml.		
(4)		(5)		(6)		(7)	(8)

**FORM F. L. R. 10**

[See rule 16 (4)]

*Register showing full names and addresses of registered medical practitioners on whose prescription champagne. Port-type Wine, Port-Wine, Wincarnis, Vibonas, Manola and Bukfast Tonic Wine, were sold by the licensee and of the persons to whom they were sold.*

Licence No. ....			Name of the licensee .....						
Date	prescription		Name of registered medical practitioners on whose prescriptions Champagne, etc. is sold by licensee			Name of persons to whom Champagne or Port-wine is sold on prescription		Name and quantity of wine prescribed and sold	
	No.	Date	Full Name	Address	Registration No.	Full Name	Address	Name of wine	Quantity sold ml.
(1)	(2)			(3)			(4)		(5)

Cash memo No.	Name and total quantity of wine sold on prescriptions during the day		Whether the total quantity has been entered in the stock register of the licensee and if so, at what page	Signature of the licensee or his authorised servant	Remarks
	Name of wine ml.	Quantity ml.			
(6)		(7)	(8)	(9)	(10)



**{89} THE SPECIAL PERMITS AND LICENCES RULES, 1952**  
**G.N., R.D., No. 3015/51, dated 31st March 1952 (B. G., Pt. IV-B. p. 397)**

1. Amended by G. N., R. D., No. FLR. 1455/56883-C dated 10th August 1955 (B. G. Pt. IV- B. p. 1599).
2. Amended by G. N., R. D., No. FLR. 1455 (a), dated 30th March 1957 (B. G. Pt. IV-B. p. 1041).
3. Amended by G. N., H. D., No. BPA. 1059/55336-III, dated 25th July 1963 (M. G. Pt. IV- B. p. 1236).
4. Amended by G. N., H. D., No. FLR. 2170/42302-III, dated 23rd February 1971 (M. G. Pt. IV- B. p. 366).
5. Amended by G. N., H. D., No. FLR. 2171/C-3818-III, dated 1st December 1971. (M. G., 1972, Pt. IV- B. p.24).
6. Amended by Corrigendum, H. D., No. FLR. 2171/C-3818-III, dated 20th December 1971. (M. G., 1972, Pt. IV- B. p.-3).
7. Amended by G. N., H. D., No. FLR. 0173/III- (A) (i), dated 29th January 1973. (M. G., Pt. IV- B. p. 213).
8. Amended by G. N., H. D., No. FLR. 0173-III- (A) (ii), dated 27th March 1973. (M. G., Pt. IV- B. p. 622).
9. Amended by G. N., H. D., No. FLR. 0473/2-III, dated 8th April 1974. (M. G., Pt. IV-B. p. 524).
10. Amended by G. N., H. D., No. FLR. 1771/26858-III, dated 17th July 1974. (M. G., Pt. IV- B. p. 906).
11. Amended by G. N., H. D., No. BPA. 2076/2-XXVIII- PR, dated 30th December 1976. (M. G. 1977, Pt. IV- B. p.64).
12. Amended by G. N., H. D., No. BPA. 2076/2-XXVIII -PR, dated 30th March 1977. (M. G., Pt. IV- B. p. 323).
13. Amended by G. N., H. D., No. BPA. 2076/2-XXVIII -PR, dated 23rd June 1977. (M. G., Pt. IV- B. p. 574).
14. Amended by G. N., H. D., No. FLR. 1078/2/28-PR, dated 22nd February 1978. (M. G., Pt. IV- B. p. 99).
15. Amended by G. N., H. D., No. BPA. 2078/28-PR, dated 30th March 1978. (M. G., Pt. IV- B. p. 552).
16. Amended by G. N., H. D., No. SLC. 1078/PRO-2, dated 26th September 1978. (M. G., Pt. IV- B. p. 959).
17. Amended by G. N., H. D., No. BPA. 2078/267-II-PRO, dated 24th March 1979. (M. G., Pt. IV- B. p. 733).
18. Amended by G. N., H. D., No. BPA. 2079/PRO-2, dated 30th March 1979. (M. G., Pt. IV-B. p. 748).
19. Amended by G. N., H. D., No. BPA. 2079/2-PRO-2, dated 8th May 1979. (M. G., Pt. IV- B. p. 1560).
20. Amended by G. N., H. D., No. FLR. 1079/4814-PRO-2, dated 7th July 1979. (M. G., Pt. IV-B. p. 1403).
21. Amended by Corrigendum. H. D., No. FLR. 1079/4813-PRO-2, dated 4th August 1979. (M. G., Pt. IV- B. p. 1544).
22. Amended by G. N., H. D., No. FLR. 1079/105-B-PR)-2, dated 20th September 1979. (M. G., Pt. IV-B. p. 1681).

23. Amended by G N., H D., No. BPA. 2080/2-PRO, dated 13th March 1980. (M. G., Pt. IV-B. p. 238).
24. Amended by G N., H D., No. BPA. 2080/2-PRO, dated 11th July 1980. (M. G., Pt. IV-B. p. 565).
25. Amended by G N., H D., No. BPA. 2080/2-PRO-2, dated 6th September 1980. (M. G., Pt. IV-B. p. 885).
26. Amended by G N., H D., No. BPA. 2080/2-PRO, dated 26th September 1980. (M. G., Pt. IV-B. p. 962).
27. Amended by G N., H D., No. BPA. 2080/2-PRO-2, dated 27th October 1980. (M. G., Pt. IV-B. p. 1090).
28. Amended by G N., H D., No. BPA. 2080/2-PRO-2, dated 18th December 1980. (M. G., 1981 Pt. IV-B. p. 34).
29. Amended by G N., H D., No. BPA. 1081/II-PRO-2, dated 25th March 1981. (M. G., Pt. IV-B. p. 1941).
30. Amended by G N., H D., No. BPA. 1081/21-VII-PRO-2, dated 6th November 1981. (M. G., Pt. IV-B. p. 1941).
31. Amended by Corrigendum, H D., No. FLR. 1078/2/2-PRO-2, dated 17th January 1982. (M. G., Pt. IV-B. p. 99).
32. Amended by G N., H D., No. BPA. 1981/13 (i)-PRO-2, dated 4th May 1982. (M. G., Pt. IV-B. p. 508).
33. Amended by G N., H D., No. BPA. 1085/8 (367)/D/-PRO-2, dated 10th September 1985. (M. G., Pt. IV-B. p. 2378).
34. Amended by G N., H D., No. BPA. 1088/VI-PRO-2, dated 16th March 1988. (M. G., Pt. IV-B. p. 276-77).
35. Amended by G N., H D., No. BPA. 1089/I-PRO-2, dated 17th February 1989. (M. G., Pt. IV-B. p. 309-12).
36. Amended by G N., H D., No. BPA. 1093/III/Exc-3, dated 16th March 1993. (M. G., Pt. IV-B. p. 617).
37. Amended by G N., H D., No. BPA. 1094/1259/II/Exc-3, dated 24th January 1995. (M. G., Pt. IV-B. p. Extra Ordinary p.-13).
38. Amended by G N., H D., No. BPA. 1094/1259/2/Exc-3, dated 12th July 1999. (M. G., Pt. IV-B. p. 1041).
39. Amended by G N., H D., No. BPA. 1099/01/1/Exc-3, dated 31st August 2001. (M. G., Pt. IV-B. p. 1093-1040).
40. Amended by G N., H D., No. BPL. 1101/C.R. 59 (4)/Exc-3, dated 28th December 2001. (M. G., Pt. IV-B. p. 1500-1501).
41. Amended by G N., H D., No. BWR. 1101/CR-59(5)/Exc-3, dated 8th January 2002. (M. G., Pt. IV-B. p. 43-49).
42. Amended by G N., H D., No. BWR. 1093/CR-15/Exc-32, dated 27th July 2007. (M. G., Pt. IV-B. p. 1320-1322).
43. Amended by G N., H D., No. BPA. 0311/CR-75(3)/Exc-2, dated 8th November 2011. (M. G., Pt. IV-B. p. )

Whereas the Government of Bombay considers that the rules hereinafter appearing should be brought into force at once ;

Now, therefor, in exercise of the powers conferred by section 143 read with sections 52 and 53 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to make the following rules, namely :

1. A special permit or the possession and use of any intoxicant, mhowra flowers or molasses for medicinal, scientific research, educational and such other purposes <sup>1</sup>[shall be granted in Form 'A' in the Schedule hereto, on payment of a fee of one rupee in advance.]

<sup>2</sup>[1A. These rules may be called the Special Permit and Licences Rules, 1952]

2. Nothing in rule 1 shall apply to an intoxicant to which the provisions of section 30 or section 31 of the Act apply.

<sup>3</sup>[3. A permit authorising the possession of any stock of any intoxicant mhowra flowers, or molasses by a holder thereof who does not hold any licence or permit for such stock shall be in Form 'B' in the Schedule hereto. A fee of annas eight shall be paid, in advance, for such permit.]

<sup>4</sup>[4. A permit authorising the possession by the Head of a Consulate or a Trade Mission, of any stock of foreign liquor not covered by a permit granted under rule 1 or rule 3 or under the Bombay Foreign Liquor Rules, 1953, shall be in Form 'C' in the Schedule No fee shall be charged for such permit.]

<sup>5</sup>[4A. *Procedure for grant of licence for subsequent periods.*—Where any licensee desires to continue to sell mild liquor <sup>12</sup> [or wines or both] after the date of expiry of his licence and makes an application in Form 'D' at least thirty days before such date, the provisions, of sub-rules (2), (3) and (4) shall *mutatis mutandis* apply to the grant of the licence.

<sup>9</sup> [\* \* \* \* \*]

<sup>6</sup>[5. *Licence to sell mild liquor and provisions relating thereto-* (1) The person in charge of a hotel, restaurant or canteen, <sup>7</sup> \* \* \* or the Secretary of any club, duly authorised for the purpose desiring to sell mild liquor <sup>13</sup> [or wines or both] by retail to any person for consumption on the premises of such hotel, restaurant, canteen or club, shall apply to the Collector for a licence in Form 'D' of the Schedule <sup>8</sup>[accompanied by a chalan evidencing payment of a fee of <sup>10</sup>[ one hundred rupees]

<sup>11</sup> [“(2) Applications received under sub-rule (1), shall be considered by a Committee consisting of the following members, namely ;

- |  |                   |
|--|-------------------|
| (1) Collector of the District  | Chairman.         |
| (2) Commissioner of Police or his representative who is not below the rank of Deputy Commissioner of Police.   | Member            |
| (3) Superintendent of Police of the District except in Greater Bombay.   | Member.           |
| (4) Chief Executive Officer of the Zilla Parishad of the District and in case of Greater Bombay area the Municipal Commissioner or his representative not below the rank of Deputy Municipal Commissioner. | Member            |
| (5) Superintendent of Prohibition and Excise of the District.  | Member Secretary. |

1. Subs. by G. N. of 10-8-1955.

2. Ins. by G. N. of 1-12-1971

3. Ins. by G. N. of 10-8-1955

4. Ins. by G. N. of 30-3-1957

5. Ins. by G. N. of 27-3-1973

6. Subs. by G. N. of 1-12-1971

7. Deleted by G. N. of 25-3-1981

8. Such by G. N. of 16-3-1988

9. Deleted by G. N. of 17-2-1989

10. Subs ibid.

11. Subs by G. N. of 17-2-1989

12. Ins by 28-12-2001

13. Ins by 28-12-2001



(2A) On receipt of an application, the Collector shall place the application alongwith enquires report before the Committee for consideration of the same by the Committee..

(2AA) The Committee shall consider the suitability or otherwise of the applicant for the grant of licence and record its recommendation in that behalf.

(2AAA) The Collector shall in conformity with the Committee's recommendation and after satisfying himself that the premises proposed are in confirmity with the provisions of the rules and instructions issued in this behalf, by the State Government or the Commissioner, from time to time, and that there is no other objection to grant the licence applied for, may inform the applicant of the decision and grant the licence in Form E in the Schedule on payment of a deposit of Rs. 5,000 where the application is in respect of a hotel, restaurant or canteen and Rs. 1,000, where the application is in respect of a club and a fee (inclusive of consideration) as per the scale given in the Table below, namely ;

<sup>1</sup>[TABLE

	Rs.
(a) Town with population up to one lakh	15,000
(b) City with population of one lakh and above but below 10 lakhs	30,000
(c) City with population of 10 lakhs and above but below 20 lakhs.	40,000
(d) City with population of 20 lakhs and above	50,000]

<sup>2</sup>(3) No licence shall be granted (a) in respect of permises of any hotel, restaurant or centeen.

<sup>3</sup>(i) which is situated within a distance of seventy five meters from any educational or religious institution or from any bus stand, station, depot of the Maharashtra State Road Transport Corporation or from the boundary of any National or State Higway :

Provided that nothing contained in this sub-rule shall apply in case of an existing hotel, restaurant or a canteen for which licensee holds a valid licence in form 'E' the immediately before the coming in to force of the special permits and licenses (Amendment) rules 1990.]

(ii) which has no <sup>4</sup>[proper] accomodation which, in the opinion of the collector, is adequate and suitable for consumption of mild liquor <sup>5</sup> (or wines or both) so as to ensure that such consumption of mild liquor is not visible to outsider or passers by ; or

(iii) which in the opinion of the Collector or the Officer authorised by him in this behalf in writing are not suitable for the grant of a licence, for the reason to be recorded by him in writing, and having regard to the standard of cleanliness, nature of clientele or the service and amenities provided therein and such other factors ;

(b) to any person who in the opinion of the Collector is not having regard to his antecedents, suitable to hold the licence.

*Explanation*— For the purpose of his sub-rule—

(i) “religious institution” means an institution for the promotion of any religion such as a temple, *math*, mosque, church, synagogue, *agiary* or other place of public religious worship which is managed or owned by a public trust registered under the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950) and includes such other religious institution as the State Government may by order specify ;

(ii) “educational institution ” means any pre-primary, primary or secondary school managed or recognised by any local authority or the State Government or any college affiliated to any University established by law, but does not include private coaching institutions ;

(iii) the distance referred to in sub-clause (i) of clause (a) of this sub-rule shall be measured from the mid-point of the entrance of the hotel, restaurant or canteen along the nearest path by which a pedestrian ordinarily reaches,

(a) the mid-point of the nearest gate of the institution if there is a compound wall, and if there is no compound wall, the mid-point of the nearest entrance of the institution, or

1. Subs. by G. N. of 16-3-1993.

2. Subs. by G. N. of 25-3-1981

3. Subs. by G. N. of 5-1-1990

4. Subs. by G. N. of 17-2-1989

5. Ins. by 28-12-2001.

(b) the mid-point of the nearest gate of the bus stand, station or depot of the Maharashtra State Road Transport Corporation, if there is a compound wall and if there is no compound wall, the nearest point of the boundary of such bus stand, station or depot.]

<sup>8</sup>[(c) the boundary of National or State Highway,]

<sup>1</sup>[(3A), Any premise of a hotel, restaurant or canteen in respect of which a licence in Form 'E' has been granted shall not be deemed to be situated within the prohibited distance referred to in sub-clause (i) of clause (a) of sub-rule (3), if at any time after such licence is granted, any institution or bus stand, station or depot of the Maharashtra State Road Transport Corporation referred to in that sub-clause comes into existence within a distance of fifty meters from such premises.]

(4) The licence shall be granted for period up to 31st March next following the date of the commencement of the licence.

<sup>6</sup>[4.A. *Procedure for grant of licence for subsequent periods.*— Where any licensee desires to continue to sell mild liquor after the date of expiry of his licence and makes an application in Form 'D' <sup>7</sup>[accompanied by a challan evidencing payment of a fee of twenty five rupees] at least thirty days before such date, the provisions of sub-rules (2), (3) and (4) shall *mutatis mutandis* apply to the grant of the licence with this modification that unless the State Government directs otherwise, it shall not be necessary for the Collector to obtain the previous sanction of the State Government.]

(5) Mild liquor <sup>9</sup>[or wines or both] required for a licensed hotel, restaurant, canteen or club shall not be bought or obtained except from a person holding a Trade and Import Licence (*i.e.* licence for the wholesale sale of foreign liquor) or holding a vendor's licence, under this Act.

(6) A hotel, restaurant, canteen or club licensee shall not keep or sell in the licensed premises foreign liquor of any kind which he is not authorised to buy or keep or sell. The licensee also shall not receive, keep or sell any adulterated, deteriorated or spurious liquor of any kind.

<sup>2</sup>[(7) “ The licensee shall sell mild liquor <sup>10</sup> [or wines or both] for the purpose of consumption on the premises or for consumption ‘off’ the premises only to the persons who are not below the age of 21 years. ”

(8) <sup>3</sup>[Save with the permission of the Commissioner, mild liquor <sup>11</sup> [or wines or both] shall not be kept or sold or served for consumption at the licensed premises except in corked bottles sealed or capsuled.

<sup>4</sup>[(9) The holder of a licence in Form 'E' may keep his stock of mild liquor <sup>12</sup> [or wines or both] held by him for sale under such licence in a godown approved by the Collector.]

*Explanation I.*— In this rule “mild liquor” means any foreign liquor having alcoholic strength not exceeding five per cent alcohol by volume (*i.e.* equivalent to 8.75 percent of proof spirit.)]

<sup>13</sup>[*Explanation II.*—In this rule, “wine” means the “wine” as defined in clause (xxvii) of rule 2 of the Maharashtra Manufacture of Beer and Wine Rules, 1966;]

<sup>5</sup>[(10) (A) Every licensed premises, in respect of which a licence in Form 'E' in the Scheduled hereto has been granted for the sale of mild liquor <sup>14</sup> [or wines or both] shall subject to the provisions of clauses (B) and (C) of this sub-rule, be kept open every day during the hours from 9-00 a. m. to 12 midnight for the sale of mild liquor <sup>15</sup>[or wines or both.]

1. Ins. by 25-3-1981.

3. Subs. by G. N. of 29-1-1973

5. Ins. by G. N. of 7-7-1979.

7. Ins. by G. N. of 16-3-1988.

9. Ins. by 28-12-2001.

11. Ins. by 28-12-2001.

13. Ins. by 28-12-2001.

15. Ins. by 28-12-2001.

2. Subs. by G. N. of 17-2-1989

4. Deleted by G. N. of 17-7-1974

6. Ins. by G. N. of 27-3-1973

8. Added by G. N. of 5-1-1990.

10. Ins. by 28-12-2001.

12. Ins. by 28-12-2001.

14. Ins. by 28-12-2001.

(B) No licensed premises in respect of which any such licence has been granted shall be kept open for the sale of mild liquor on <sup>5</sup>[for wines or both.—]

<sup>2</sup>“(a) the day on which the licensed premises is required to be kept closed under the Bombay Shops and Establishments Act, 1948 (Bom. LXXIX of 1948) and if the licensed premises is situated in the area wherein the said Act is not in operation, the holder of licence shall give one day paid weekly off to the employees ;

(b) the following days during the year, namely :—

- (i) 26th January (Republic Day),
- (ii) 30th January (Martyr’s Day),
- (iii) 1st May (Maharashtra Day),
- (iv) Ashadi Ekadashi,
- (v) 15th August (Independence Day),
- (vi) Anant Chaturdashi,
- (vii) Two days in Prohibition Week that is to say, the 2nd October and the 8th October.
- (viii) Kartiki Ekadashi.”]

<sup>1,4,7</sup>“(c) (1) forty eight hours, ending with the hours fixed for the conclusion of the poll in relation to any general election or by-election to the House of people or the Maharashtra Legislative Assembly is taken in the constituency in which such premises are located and on the counting day or days.”

(2) the day or days on which poll in relation to any general election or by-election to any local authority in the State is taken in the constituency in which such premises are located and a day immediately before the day of poll and on the counting day.”]

(d) such special occasions and in such area as the Collector may, after giving a notice of not less than seven days in the *Official Gazette*, and in any local newspaper having wide circulation in such area, specify in this behalf.

(C) Notwithstanding anything contained in sub-clause (a) of clause (b) of this sub-rule, the Collector may, in consultation with the concerned authorities of a neighbouring State declare by a notification published in *Official Gazette*, and in any local newspaper having wide circulation in such area being adjacent to a neighbouring State, as may be specified in the notification, two days of closure excluding Wednesday and Thursday or either of them, and on such declaration the licensed premises in such adjacent areas and in respect of which any such licence has been granted shall remain closed every week on the two days so declared.

(D) For the purposes of <sup>3</sup>[paragraph (vi) in sub-clause (b) of clause (B) of this sub-rule the Collector shall, as far as possible, before the commencement of each licensing year, declare by a notification published in the *Official Gazette*, and in any local newspaper having wide circulation in the area, the day or days of important fairs or, as the case may be, of the pay day during which, and the area in which, the licensed premises shall remain closed :

Provided that, where such a declaration is not made before the commencement of the licensing year, the Collector shall make the declaration at any other suitable time thereafter but the notification in that behalf shall be published at least seven days before the day or days of such closure.

(E) Notwithstanding anything contained in clauses (B) and (C) of this sub-rule, the licensed premises in respect of which a licence in Form ‘E’ in the Schedule hereto has been granted may be kept open during the closure days for serving mild liquors <sup>5l</sup> or wines or both ] solely to persons holding foreign passports during the prescribed hours.

1. Ins. by G. N. of 24-1-1995.

3. Subs. by G. N. of 20-9-1974

5. Ins. by 28-12-2001.

7. Subs. by G. N. 8-11-2011.

2. Subs. by G. N. of 17-2-1989

4. Subs. by 12-7-2001.

6. Ins. by 28-12-2001.

(F) No licensee shall be entitled to any compensation for closure of his licensed premises under clauses (B) and (C) of this sub-rule.]

<sup>1</sup>[5A. *Licence to sell wine and provisions relating thereto.*— (1) The person <sup>1</sup>[ \* \* \* ] desiring to sell wine by retail to any person holding permit for in Form FLX-C issued under rule 70D of the Bombay Foreign Liquor Rules, 1953, for consumption on the premises <sup>2</sup>[ \* \* \* ] shall apply in Form “E-1” of the Schedule to the Collector for a licence in Form “E-2” of the Schedule appended to these rules, accompanied by a chalan evidencing payment of an application fee of one hundred rupees.

(2) On receipt of an application, the Collector shall place the application alongwith enquiry report before the Committee prescribed under sub-rule (2) of rule 5, for the consideration of the same by the Committee.

(3) The Committee shall consider the suitability or otherwise of the applicant for the grant of licence and record recommendation in that behalf.

<sup>3</sup>“(4) No licence under rule 5 A shall be granted in respect of the premises,—

(a) which is less than sixteen square metres in area and which, in the opinion of the collector or the officer authorised by him in this behalf, in writing, is not adequate for storage and consumption of wine and where such consumption is visible to outsiders and passer-by ; or

(b) which is situated in areas within the jurisdiction of any Municipal Corporation of ‘A’ Class or ‘B’ Class Municipal Council, is within a distance of fifty meters and, if situated elsewhere, one hundred metres from any educational or religious institution ; or

(c) which is situated within a distance of one hundred metres from any bus stand, station or depot of the Maharashtra State Road Transport Corporation ; or

(d) which is not duly approved by the collector or the officer authorised by him in this behalf and is not, for reasons to be recorded in writing, certified by him to be otherwise suitable also for locating the shop before the grant of the licence :

Provided that nothing contained in this sub-rule shall apply in respect of an existing shop for which the licensee holds a *valid* licence in Form E-2 immediately before the coming into force of the Special Permits and Licence (Amendment) Rules, 2007.

*Explanation* :—For the purpose of this sub-rule,—

(i) “ educational institution ” means any pre-primary, primary or secondary school managed or recognised by any local authority or the State Government or the Central Government and any college affiliated to any University established by law, but does not include any private coaching institution ;

(ii) “ religious institution ” means an institution for the promotion of any religion and includes a temple, math, mosque, church, synagogue, agiary or other place of public religious worship which is managed or owned by a public trust registered under the Bombay Public Trust Act, 1950 (Bom. XXIX of 1950) and includes such other religious institutions as the State Government may by order specify in this behalf ;

(iii) the distance referred to in clause (b) or (c) of this sub-rule shall be measured from the mid-point of the entrance of the shop along the nearest path by which pedestrian ordinarily reaches,—

(a) the mid-point of the nearest gate of the institution if there is a compound wall and if there is no compound wall, the mid-point of the nearest entrance of the institution, or

1. Ins. by G.N. 8-1-2002.

2. deleted by G.N. 27-7-2007.

3. Subs. by G.N. 27-7-2007.

(b) the mid-point of the nearest gate of the bus stand, station or depot of the Maharashtra State Road Transport Corporation if there is a compound wall and if there is no compound wall, the nearest point of the boundary of such bus stand, station or depot.”

“(4-A) Any premises in respect of which a licence in Form E-2 has been granted shall not be deemed to be situated within the prohibited distance referred to in clause (b) or (c) of sub-rule (4) if at any time after such licence is granted,—

(a) any institution referred to in clause (b) of sub-rule (4) comes into existence within a distance of fifty metres or as the case may be, one hundred metres, from that premises, or

(b) if any bus stand, station or depot referred to in clause (c) of the said sub-rule (4) comes into existence within a distance of one hundred metres from that premises.”

“(4 B) The distance between any two shops should not be less than 200 metres.”]

(5) The Collector after duly considering the Committee’s recommendations and after satisfying himself, that the premises where it is proposed to sell wine are in conformity with the provisions of Sub-rules <sup>1</sup>[(4), (4-A), (4-B)] of the rule and instructions issued in this behalf, by the State Government or the Commissioner, from time to time, and that there is no other objection to grant the licence applied for, may grant the licence in Form “E-2” in the Schedule, on recovery of a deposit of Rs. 1,000 and on recovery of licence fee as per the scale given in the Table below, namely :—

TABLE	Rs.
(a) Town having population upto one lakh	10,000 per annum
(b) Town having population one lakh and above but below 10 lakhs	25,000 per annum
(c) Town having population of 10 lakhs and above but below 20 lakhs	30,000 per annum
(d) Town having population of 20 lakhs and above.	37,500 per annum

The above rates of licensee fee shall not be revised till the end of the year 2006-2007.

(6) Wine required for a <sup>1</sup>[licence holder] shall not be bought or obtained except from a person holding a Trade and Import licence issued under the Bombay Foreign Liquor Rules, 1953 or BRL (Winery) licence issued under the Maharashtra Manufacture of Beer and Wine Rules, 1966.

(7) A <sup>2</sup>[\* \* \*] licensee shall not keep or sell in the licensed premises Foreign Liquor of any other kind which he is not authorised to buy or keep or sell. The licensee shall also not receive, keep or sell any adulterated, deteriorated or spurious liquor of any kind.

(8) The licensee shall sell wine only to the persons holding permit in Form FLX-C issued under rule 70D of the Bombay Foreign Liquor Rules, 1953.

(9) The provisions of sub-rule (10) of rule 5 of these rules relating to working hours and closure of licensed premises shall *mutatis mutandis* apply to the licensee holding licence in Form ‘E-2’.

(10) The licence shall be granted for a period upto 31st March next following the date of the commencement of the licence.

5B. *Procedure for renewal of licence for subsequent period.*—(1) Where any licence desires to continue to sell wine after the date of expiry of his licence shall make an application in Form “E-1” accompanied by chalan evidencing a payment of fee of twenty five rupees at least thirty days before such date.

1. Subs. by G. N. 27-7-2007.

1. Deleted. by G. N. 27-7-2007.

(2) Any licence granted under sub-rule (5) of rule 5A may be renewed by the Collector for a period not exceeding one year at a time on recovery of fee prescribed under the said sub-rule (5).

5C. *Maintenance of cash memo and accounts.*—The licensee shall maintain a separate cash memo for the sale of wine and shall maintain proper accounts as may be prescribed by the Commissioner. The cash memo books and account shall always be opened to inspection by any officer duly empowered under section 122 of the Act.]

<sup>3</sup>[6. *Licence to manufacture and sell liquor chocolates and provisions relating thereto.*— (1) Any person desiring to manufacture liquor chocolates and to sell them to permit-holders (being holders of permits for the possession, use and consumption of foreign liquor), shall apply to the State Government through the Commissioner of Prohibition and Excise for a licence in Form 'F' of the Schedule, Every such application shall be accompanied by a chalan evidencing payment of a fee of <sup>4</sup>[fifty rupees.]

(2) On receipt of an application and after making such enquires for verification of the details stated in the application as also such other enquires as he deems necessary including enquires regarding the suitability of the applicant for the grant of a licence, regard being had to his standing in the trade or otherwise, the commissioner shall forward the application to the State Government with his remarks. If the State Government is satisfied that there is no objection to grant the licence applied for, it may grant the applicant a licence in Form 'G' in the Schedule on payment of a fee of <sup>3</sup>[Rs. 1,000] and a deposit of Rs. 5,000 in advance.

(3) The licence shall be granted for a period upto 31st March next following the date of the commencement of the licence.

(4) Foreign liquor required by the licensee for manufacturing liquor chocolates shall not be bought or obtained except from a person holding a foreign liquor vendor's licence in Form F. L. II under the Bombay Foreign Liquor Rules, 1953 (being a licence for the retail sale of foreign liquor). Such liquor shall be purchased in quarts of 750 ml. only.

(5) The licensee shall not keep in the licensed premises foreign liquor of any kind which he is not authorised to buy or keep. He shall also not receive or keep any adulterated, deteriorated or spurious liquor of any kind.

(6) The licensee shall put a lable on the liquor chocolate, showing the following details :—

1. Name of the manufacture.
2. Batch No.
3. Liquor contents.

(7) The licensee shall sell liquor chocolates only to permit-holders holding premits for the possession, use and consumption of foreign liquor granted under the Bombay Foreign Liquor Rules, 1953, or to those who are exempted from such permits.

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3. Added by G. N. of 8-4-1974.

4. Sub. by G. N. of 16-3-1988.

5. Ins. by 28-12-2001.



(8) All sales of liquor chocolates shall be made on cash only. The licensee shall prepare a separate bill or cash memo in respect of the liquor chocolates sold on the licensed premises.

(9) A licensee or his authorised agent or servant shall make out a cash memo in duplicate which shall be signed by the licensee or his authorised agent or servant, as the case may be, provided that the licensee may make out the cash memos in triplicate or quadruplicate as required by him with the previous permission of the licensing authority. In no case, the cash memos shall be made out in more than quadruplicate.

(10) The original copy of the cash memo shall be handed over to the permit-holder or purchaser, as the case may be, and the duplicate copy shall be retained by the licensee on his record. The triplicate and quadruplicate copies if any of cash memos shall be retained by the licensee for any purpose other than excise matter for a period of one year.

(11) The cash memo shall clearly show,—

- (a) The name of the licensee, his licence number and the nature of the licence held by him ;
- (b) the name of the permit holder, his permit number and address ;
- (c) the details regarding the number of liquor chocolates sold; and their batch Nos.;
- (d) the amount charged in respect of sale of liquor chocolates.

(12) The duplicate copies of cash memos shall, at all reasonable times, be open to inspection by the Prohibition and Excise Officer not lower in rank than a Sub-Inspector of Prohibition and Excise or any Prohibition Officer duly empowered under section 122 of the Bombay Prohibition Act, 1949.

(13) The licensee shall, if so required, obtain the necessary licence for the manufacture of liquor chocolates from the appropriate authority of the Food and Drugs Administration, Maharashtra State, Bombay.

(14) The licensee shall maintain registers in Forms 'H', 'I', 'J', and 'K' duly paged and sealed with the seal of the Collector, in which he shall write every day, before the close of the licensed premises, correct accounts of that day's transactions of foreign liquor used for manufacturing liquor chocolates at his licensed premises in a neat and legible manner.

(15) The licensee shall submit to the Superintendent of Prohibition and Excise concerned, not later than 7th day of every month, a return in Form 'L' showing the subtracts of the accounts of transactions of foreign liquor used or manufacturing liquor chocolates and the liquor chocolates manufactured at his licensed premises during the preceding month.]

**SCHEDULE****<sup>1</sup>[ FORM 'A' ]**

*Special permit for the possession and use of\* ..... for Medicinal,  
Scientific, Research, Educational and such other purposes.*

Permit No.

Permit is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and order made thereunder, to ..... of ..... (hereinafter referred to as the "Permit-holder") authorising him to possess and use \* ..... at his premises situated at ..... during the period from ..... to ..... (both days inclusive) subject to the following conditions, namely :—

*Conditions*

1. The permit-holder shall not have in his possession\* ..... in quantity ..... exceeding at any one time.
2. Unless as otherwise permitted by the Commissioner, the permit-holder shall not obtain\* ..... except from a person holding a licence for its/their sale under the Bombay Prohibition Act, 1949.
3. The permit-holder shall not obtain\* ..... in ..... quantity exceeding ..... during any calendar month.
4. The permit-holder shall not use\* ..... possessed by him under this permit except for the purpose of .....
5. This permit is non-transferable.
6. In case the permit is suspended or cancelled during its currency or is not renewed on its expiry, the whole stock\* ..... in balance with the permit holder on the date of such suspension, cancellation or non-renewal, shall forthwith be surrendered by him to the Collector.
7. The permit-holder shall comply with all lawful orders issued to him by the Collector or the Superintendent<sup>2</sup> [or District Inspector of Prohibition and Excise] of his district.
8. The permit-holder shall abide by the conditions of this permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.

Granted this ..... day of ..... 19.

Seal of the  
Collector

Collector.

\* Here specify the name of the intoxicant mhowra flowers or molasses as the case may be.

1. Ins. by G. N. of 10-8-1955.

2. Ins. by G. N. of 25-7-1963.



<sup>1</sup>[ FORM 'B' ]

Special permit for the possession of\* .....

Permit No.

Permit is hereby granted, under and subject to the provision of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to ..... of.....

..... (hereinafter referred to as the [Permit holder authorising him to possess..... [herein after referred to as the "articles"] as shown in the] Appendix hereto annexed at his premises situated at ..... during the period from ..... to ..... (both days inclusive), subject to the following conditions, namely-

*Conditions*

1. The permit-holder shall not possess under this permit any articles other than those specified in column (1) of the Appendix or in quantities exceeding those specified against each of them in column (2).
2. The permit- holder shall keep all such articles in his custody until they are disposed of within the time and in the manner permitted by the Collector in that behalf. The articles while in the custody of the permit-holder shall be kept sealed with the seal of the Collector.
3. The permit-holder shall exercise all due and reasonable precautions to ensure that the seal of the Collector is not broken, removed or otherwise tampered with except by a person duly authorised in that behalf by the Collector.
4. The permit- holder shall not dispose of the articles in a manner other than that permitted by the Collector in writing.
5. This permit is non-transferable.
6. The permit-holder shall comply with all lawful orders issued to him by the Collector or the Superintendent or District Inspector of Prohibition and Excise of his district.
7. The permit-holder shall abide by the conditions of this permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.
8. The permit may be suspended or cancelled in accordance with the provisions of section 54 of the Bombay Prohibition Act, 1949.
9. In case the permit is suspended or cancelled, the stock of the articles in the possession of the permit-holder on the date of such suspension or cancellation shall forthwith be surrendered by him to the Collector.

*Appendix*

Articles	Quantity
Granted this ..... day of ..... 19.	

Seal of the  
Collector

Collector.]

\* Here specify the articles held by the permit-holder without any licence, permit, pass or authorisation before such holding was rendered unlawful.

1. Added by G.N. of 10-8-1955.

## [ FORM 'C' ]

*Special permit for the possession of Foreign Liquor by the head of a Consulate or a Trade Mission*

Permit No.

Permit is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter referred to as "Permit-holder") authorising him to possess foreign liquor at his premises situated at ..... during the period from ..... to ..... (both days inclusive), subject to the following conditions, namely, :—

1. The permit-holder shall not possess under this permit foreign liquor exceeding ..... units.
2. The permit-holder shall keep all stock of foreign liquor held under this permit in his custody.
3. The permit-holder shall not dispose of the stock of the foreign liquor or any part thereof except as permitted by the Collector in writing.
4. This permit is not-transferable.
5. This permit-holder shall comply with all lawful orders issued to him by the Government, the Commissioner, the Collector or the <sup>2</sup> [Superintendent or District Inspector of prohibition and Excise of his district.]
6. The permit-holder shall abide by the conditions of this permit and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and shall give an undertaking to that effect.
7. The permit may be suspended or cancelled in accordance with the provisions of section 54 of the Bombay Prohibition Act, 1949.
8. In case the permit is suspended or cancelled the entire stock of foreign liquor in the possession of the permit-holder on the date of such suspension or cancellation shall forthwith be surrendered by him to the Collector.

Granted this ..... day of ..... 19.

Seal of the

Collector Collector of .....]

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1. Added by G. N. of 30-3-1957.

2. Subs. by G. N. of 25-3-1963

<sup>1</sup>[ **FORM 'D'**

(See rule 5)

*Form of application for a licence to sell <sup>6</sup>mild liquor, or <sup>6</sup>[wines or both]*

1. Name and address of the applicant .
2. Names and addresses in full of the partners, if any.
3. Name of the Hotel/Restaurant/Club/Canteen and its address in full, *i.e.* its exact location.
- <sup>2</sup>4. Whether the hotel, restaurant or canteen is within a distance of seventy five meters from any educational or religious institution or from any bus stand, station or depot of the Maharashtra State Road Transport Corporation.]
5. Whether the applicant holds at present or held at any time in the past any licence for the sale of foreign liquor including mild liquor, and if so, the period during which it was held.
6. Average number of residents/boarders/ members or visitors, as the case may be, during the last one year immediately before the date of the application.
- <sup>3</sup>7.(a) The details of amenities provided at the hotel/restaurant/canteen/club and in the case of a club the objects and activities thereof,]
- (b) <sup>4</sup>\* \* \*
- <sup>5</sup>[(c) Carpet area of hotel/restaurant/canteen where consumption of mild liquor will be allowed and how many persons are/can be provided with sitting accommodation at a time,

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1. Ins. by G. N. of 1-12-1971.

2. Subs. by G. N. of 25-3-1981

3. Subs. by G. N. of 30-12-1976.

4. Deleted by G. N. of 25-3-1981.

5. Subs. by G. N. of 30-3-1977.

6. Ins. by 28-12-2001.

- (d) What is the carpet area of the hotel/ restaurant/canteen excluding kitchen, clock-room, etc., which is not used for customers ?
- (e) Whether the establishment has a separate kitchen, and attached clock-room providing wash-basin & urinal facilities ;
- (f) Whether the establishment has provision for serving snacks, eatable *etc.*;
- (g) Whether the establishment has separate store room adjacent to the proposed licensed premises for storage of mild liquor <sup>2</sup>[or wines or both.]
8. The grade, if any, in which the hotel/ restaurant/club/canteen is classified and the authority for such classification, if any.
- 8A.    1\*    \*    \*    \*    \*    \*
9. Proof of solvency of the applicant.
10. Whether any Excise/Police/Municipal Licence held by the applicant was suspended or cancelled at any time in the past, and if so, the period of such suspension or cancellation and the reasons therefor.
11. Whether the applicant is in Excise arrears or in arrears of any other Government dues, such as Sales Tax, Income Tax *etc.*

I, hereby declare that the particulars given above are correct.

I, hereby undertake to abide by the conditions of the licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder from time to time.

Date :

Signature of the applicant

To

The Collector of .....]

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1. Deleted by G. N. of 25-03-1981.

2. Ins. by 28-12-2001.

<sup>1</sup> [ FORM<sup>2</sup>E’]

(See rule 5)

No. ....

<sup>3</sup>[Licence for sale of Mild Liquor <sup>11</sup>[or wines or both] <sup>9</sup>[(Beer and wine) “on” inverted commas “and” “off” the premises] of a hotel/restaurant/canteen/club].

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders, made thereunder, to..... of ..... (hereinafter called the “the licensee”) on payment of a <sup>3</sup>[fee (inclusive of consideration) (<sup>8</sup>[at the rates given in the table in rule 5] in advance authorising him to sell Mild Liquor [or wines or both] during the period from ..... to ..... at his\* ..... situated at ..... (hereinafter referred to as “the Licensed premises”), subject to the following conditions, namely :

*Conditions*

<sup>4</sup>[1. No mild liquor <sup>12</sup>[or wines or both] shall be sold by a licensee under this licence except <sup>10</sup>[\* \* \*] during the hours and on the days as prescribed in or under sub-rule (10) or rule 5 of the Special Permits and Licences Rules, 1952.]

2. No foreign liquor other than mild liquor <sup>13</sup>[or wines or both] sold by licensee shall be allowed to be consumed <sup>5</sup>[in the licensed premises].

3. The licensee shall sell mild liquor <sup>14</sup>[or wines or both] only to <sup>6</sup>[persons who are not below the age of 21 years].

4. The licensee shall sell mild liquor <sup>15</sup>[or wines or both] at a price not exceeding that fixed by the Commissioner from time to time.

5. <sup>7</sup>\* \* \* \* \*

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\* Here state name of canteen of any other place.

1. Ins. by G. N. of 23-2-1971.

2. Referred by G. N. of 1-12-1971.

3. Subs. by G. N. of 6-11-1981.

4. Subs. by G. N. of 7-7-1979.

5. Subs. by G. N. of 1-12-1971.

6. Subs. by G. N. of 4-5-1982.

7. Deleted. by G. N. of 1-12-1971.

8. Subs. by G. N. of 10-9-1985.

9. Subs. by G. N. of 17-2-1989.

10. Deleted *ibid.*

11. Ins. by 28-12-2001.

12. Ins. by 28-12-2001.

13. Ins. by 28-12-2001.

14. Ins. by 28-12-2001.

15. Ins. by 28-12-2001.

<sup>1</sup>[5] (a) The licensee shall give immediate information to the nearest [Police Officer on duty] of every person visiting his licensed premises, whom he suspects to have committed an offence under the Act and of every act committed thereat tending to disturb the public peace.

(b) The licensee shall maintain a separate cash memo book, for the sale of mild liquor <sup>4</sup>[or wine or both] <sup>3</sup>[Beer or Wine] and shall maintain proper accounts as may be prescribed by the Commissioner and such cash memo books and accounts shall always be open to inspection by any officer duly empowered under section 122 of the Act.]

<sup>6</sup>[(c) The licensee, shall maintain an additional register in Form FLR-3A, in prescribed proforma appended hereto, at his licensed premises. The register may be duly paged and sealed with the seal of Collector in which he shall write the correct brandwise stock and accounts of that day's transactions of each brand at his licensed premises in a neat and legible manner."]

<sup>1</sup>[(6) The licensee shall at all times keep the licensed premises and all appurtenances thereto in clean and decent condition, and the licensee shall comply with any directions issued by the Collector in that behalf.

<sup>1</sup>[7] The licensee shall furnish such information in connection with his business under the licence as may be required by the Commissioner or Collector from time to time.

<sup>1</sup>[8] The licensee shall comply with all lawful orders and instructions issued to by the Prohibition and Excise Officer not lower in rank than a Sub-Inspector of Prohibition and Excise.

<sup>1</sup>[9] This licensee may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

<sup>1</sup>[10] In case this licensee is cancelled or suspended during the currency of the licence or is not renewed on its expiry, the licensee shall surrender the whole stock of unsold mild liquor forthwith to the Collector. The stock of mild liquor or wine or both so surrendered be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government, be returned to the licensee.

11. <sup>2\*</sup> \* \* \* \* \*

Granted this the ..... day of .....19

Place .....

Seal of the Collector

Collector.

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1 Renumbered by G. N. of 1-12-1971.  
 2. Deleted *ibid*.  
 3. Subs. by G. N. of 17-2-1989.  
 4. Ins. by 28-12-2001.  
 5. Ins. by 28-12-2001.  
 6. Ins. by 31-8-2001.

<sup>1</sup>[FORM E-1

(See rule 5A)

*Form of application for a licence to sell wine.*

1. Name and address of the applicant.
  2. Names and addresses in full of the partners, if any.
  3. The address in full of the premises where wine would be sold.
  - <sup>2</sup>“4. Whether the proposed premises referred to at item 3 above are—
    - (a) within 50 meters from any educational or religious institution, if they are within the jurisdiction of any Municipal Corporation or ‘A’ Class or ‘B’ Class Municipal Council and 100 metres if situated elsewhere.]
    - (b) within 100 metres from any bus stand, station or depot of the Maharashtra State Road Transport Corporation.”]
  5. Whether the applicant holds at present or held at any time in the past any licence for the sale of foreign liquor including mild liquor or wine and if so, the period during which it was held.
  - “6. <sup>2</sup>[Carpet area of the proposed licence where consumption of wine will be allowed and sitting capacity provided at a time.”
  - <sup>2</sup>“7. Whether the establishment has separate store room within proposed licensed premises for storage of wine and its area.”]
  - <sup>2</sup>[8. Total area of the proposed licensed premises.]
  9. Proof of solvency of the applicant.
  10. Whether any Excise/Police/Municipal Licence held by the applicant was suspended or cancelled at any time in the part, and if so, the period of such suspension or cancellation and the reason therefor.
  11. Whether the applicant is in Excise arrears or in arrears of any other Government dues, such as Sales Tax, Income Tax, etc.
- I, hereby declare that the particulars given above are correct.
- I, Hereby undertake to abide by the conditions of the licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made there under from time to time.
- Date : \_\_\_\_\_ Signature of the applicant.
- The Collector of .....]

1 Ins. by G. N. of 8-1-2002.

2. Sub. by 27-7-2007.

**FORM E-2**  
(See rule 5A)

Lic. No. ....

*Licence for sale of Wine in the premises of a [licensee]*

Licence is hereby granted under and subject to the provision of the Bombay Prohibition Act, 1949. (B-XXV of 1949), and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter called "the licensee") on recovery of a fee and a deposit as prescribed under rule 5A authorising him to sell wine during the period from ..... to ..... at his [licensed premises] situated at ..... subject to the following conditions, namely :—

- (1) The licensee shall not sale any wine which has not been legally obtained either from the holder of BRL winery licence in the State or from the F. L. I. licence issued under the Bombay Foreign Liquor Rules, 1953.
- (2) The licensee shall not sale wine in the premises which has not been duly approved by the Collector.
- (3) The licensee shall not sale wine except to the person holding permit in Form FLX-C issued under rule 70 D of the Bombay Foreign Liquor Rules, 1953.
- (4) (a) The licensee shall given immediate information to the nearest Police Officer on duty of every person visiting his licensed premises, whom he suspects to have committed an offence under the Act and of every act committed thereat tending to disturb the public peace.  
(b) The licensee shall maintain a separate cash memo book, for the sale of Wine and shall maintain proper accounts as may be prescribed by the Commissioner and such cash memo books and accounts shall always be open to inspection by any officer duly empowered under section 122 of the Act.
- (5) The licensee shall at all times keep the licensed premises and all appurtenances thereto in clean and decent condition, and the licensee shall comply with any directions issued by the Collector in that behalf.
- (6) The licensee shall furnish such information in connection with his business under the licence as may be required by the Commissioner or Collector from time to time.
- (7) The licensee shall comply with all lawful orders and instructions issued to by the Prohibition and Excise Officer not lower in rank than a Sub-Inspector of Prohibition and Excise.
- (8) This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.
- (9) In case this licence is cancelled or suspended during the currency of the licence period or is not renewed on its expiry, the licensee shall surrender the whole stock of unsold wine forthwith to the Collector. The stock of wine so surrendered shall be sold by the Collector and the proceeds of the sale shall after deducting the expenses and sum due to the State Government be returned to the licensee.

Granted this the ..... day of .....20

Place :



Collector.



## [FORM 'F']

[(See rule 6 (1)]

*Application for a licence to manufacture and sell liquor chocolates*

To,

The Secretary to Government,  
Home Department,  
Sachivalays, Bombay.

Through the Commissioner of Prohibition and Excise, Maharashtra State Bombay.

- (1) Name and full address of the applicant.
- (2) Names and addresses in full of the partners, if any.
- (3) Name of the confectionery and its address in full *i.e.* its exact location.
- (4) Monthly requirements of Indian Made Foreign Liquor required to manufacture and sell liquor chocolates (in terms of quarters of 750 ml.)
- (5) Whether the applicant holds at present or held at any time in the past any licence for the sale of foreign liquor including Mild Liquor and if so, the period during which it was held.
- (6) Details of the total accommodation of the room where foreign liquor will be stored for the manufacture of liquor chocolates.
- (7) Proof of solvency of the applicant.
- (8) Whether the applicant holds a licence from Food and Drug Administration Department, if such licence is necessary, for the manufacture of chocolates and if so its number and the period of validity.
- (9) Whether any Excise/Police/Municipal/Drugs Prevention of Food Adulteration licence held by the applicant was suspended or cancelled at any time in the past, and if so, the period of such suspension or cancellation and the reasons therefor.

- (10) Whether the applicant is in Excise arrears or in arrears of any other Government dues such as Sales Tax, Income Tax.

I, hereby declare that the particulars given above are correct. I, hereby undertake to abide by the conditions of the licence and provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder, from time to time.

Date :

Signature of the applicant.

**[FORM 'G']**  
(See rule 6 (2))

No. ....

*Licence for the manufacture and sale of liquor chocolates on the premises of a confectionery.*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), (hereinafter referred to as "the said Act") and the rules, regulations and orders made thereunder to ..... of ..... (hereinafter called the 'Licensee' on payment of a fee<sup>1</sup> ["and deposit at the rates given in sub-rule(2) of rule '6'."] in advance, authorizing him to manufacture and sell liquor chocolates during the period from ..... to ..... at his manufactory..... situated at ..... (hereinafter referred to as "the licensed premises), subject to the following conditions, namely :—

*Conditions*

1. (1) No liquor chocolates shall be manufactured by the licensee under this licence except for sale on the licensed premises to the permit holders holding permits for the possession, use and consumption of foreign liquor under the Bombay Foreign Liquor Rules, 1953 during the hours of 9.00 a.m. to 8.00 p.m. on any day including Sunday and Public Holiday other than the 2nd day of October and on any special occasions referred to in clauses (2) of this condition.

(2) No licensed premises shall be kept open for the sale of liquor chocolates on 2nd October every year and on such special occasions and in such areas as the State Government may, after giving notice of not less than 7 days in the *Official Gazette* and in local newspapers having wide circulation in such area, specify in that behalf, and the licensee shall not be entitled to any compensation for closure of his licensed premises on such day or on such special occasions.

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<sup>1</sup> Subs by G. N. of 16.3.1988.

2. The licensee shall purchase his monthly requirements of foreign liquor not exceeding. .... quarts bottles per month from the Foreign liquor vendor's licensee only holding a licence in Form F. L. II to the Bombay Foreign Liquor Rules, 1953. No foreign liquor other than that purchased from the foreign liquor Vendor's licensee shall be kept in the licensed premises and chocolates manufactured therefrom.

3. (1) The licensee shall give immediate information to the nearest Police Officer on duty of every person visiting his licensed premises, whom he suspects to have committed an offence under the said Act, and of every act committed there attending to disturb public peace.

(2) The licensee shall maintain a separate cash memo book for the sale of liquor chocolates and shall maintain proper accounts as prescribed in sub-rule (13) of rule of the Special Permits and Licences Rules, 1952 and such cash memo books and accounts shall always be open to inspection by any officer duly empowered under section 122 of the said Act.

4. The licensee shall at all time, keep the licensed premises and all appurtenants thereto clean and in a decent condition and the licensee shall comply with any directions issued to him by the Collector in that behalf.

5. The licensee shall furnish such information connection with his business under the licence as may be required by the Commissioner or Collector from time to time.

6. The licensee shall comply with all lawful orders and instructions issued to him by Prohibition and Excise Officer not lower in rank than that of a Sub-Inspector of Prohibition and Excise.

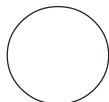
7. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

8. In case the licence is cancelled or suspended during the currency of the licence period or is not continued till its expiry, the licensee shall surrender the whole stock unused foreign liquor to the Collector. The Stock of Foreign liquor so surrendered may be sold by the Collector and the proceeds of the sale shall, after deducting the expenses and any sum due to the State Government be returned to the licensee.

Granted this the ..... day of ..... 19 .. .

Place :

Seal :



Secretary to Government,  
Home Department.

**FORM 'H'**

[ See rule 6(4) ]

*Stock Register of foreign liquor used for the manufacture of liquor chocolates by .....* Holder of

*Licence No. .... in Form 'G.'*

Month and Date	In hand		Received		Total in hand and received		Expended	
	Spirits	Wines	Spirits	Wines	Spirits	Wines	Spirits	Wines
(1)	750 ml. (2)	750 ml. (3)	750 ml. (4)	750 ml. (5)	750 ml. (6)	750 ml. (7)	750 ml. (8)	750 ml. (9)

**FORM 'I'**

[See rule 6 (4)]

*Register showing the liquor chocolates manufactured by ..... holders of  
Licence No. .... in Form 'G'*

Month and Date	Quantity of Spirit received from Stock Register in Form 'H'		Quantity of Spirit Expended	
	Spirits 750ml.	Wines 750ml.	Spirits 750ml.	Wines 750ml.

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Number of chocolates manufactured from

Spirit				Wine			
Batch No.	Size of No.	Size of No.	(Additional columns according to No. of sizes)	Batch No.	Size of No.	Size of No.	(Additional columns according to No. of sizes)

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**FORM 'J'**  
 [ See rule 6 (14) ]  
*Register of liquor chocolates sold and manufactured by ..... of Licence No. .... in Form 'G'*

Month and Date	Opening Balance No.		Fresh manufacture taken in stock No.		Closing Balance No.
	Size of	No.	(Additional columns for No. of sizes)	Total No.	

**FORM 'K'**  
 [ See rule 6 (14) ]  
*Register showing the daily sales of liquor chocolates to permit holders by ..... Holder of Licence No. .... in Form 'G'*

N. B.—Separate page should be used for the manufacture of liquor chocolates from Spirits and Wines.

Month and Date	Name of the Permit Holder and his permit No.	Address	Quantity of Liquor chocolates manufactured for variety of Foreign Liquor sold		Initial of the licensee		
			Spirits	Wines			
			Size of	No.	Size of	No.	(Additional columns for No. of sizes)

**FROM 'L'**  
 [ See rule 6 (15) ]  
*Monthly return of Transactions of Foreign Liquor effected by Licensee for manufacturing Liquor chocolates*

Name :

Address :

Licence No.

Month Year

Spirits		Wine		Liquor chocolates manufactured from	
No. of Bottles of 750 ml.	No. of Bottles of 750 ml.	No. of Bottles of 750 ml.	No. of Bottles of 750 ml.	Spirits	Wine
				Size of	Size of
				No.	No.

Opening Balance at the beginning of the month.

Received during the month.

Received from 1st April to end of current.

Used for manufacturing liquor chocolates during the month.

Used for manufacturing liquor chocolates from 1st April to end of current month.

Closing Balance at the end of the month.

Signature of the Licensee or his authorised servant.

{90}

**THE MAHARASHTRA FOREIGN LIQUOR****(IMPORT AND EXPORT) RULES, 1963**

G N., H. D., No. FLR. 1060/22146-III, DATED 16TH MAY, 1963

(M. G., Pt. IV-B, P. 506)

1. Amended by G N., H. D., No. FLR. 1060/22146-111, dated 8th September, 1965 (M. G. Pt. IV- B. p. 1619).
2. Amended by G N., H. D., No. DNS 1362/1516-111, dated 7th July, 1971 (M. G. Pt. IV- B. p. 987).
3. Amended by G N., H. D., No. DNS. 0872/64-111, dated 13th November, 1973 (M. G. Pt. IV- B. p. 1821).
4. Amended by G N., H. D., No. DNS. 1065/40114-111-A (III), dated 30th March, 1974 (M. G. Pt. IV- B. p. 606).
5. Amended by G N., No. DNS. 2077-(3)-28-PR, dated 30th March, 1978 (M. G. Pt. IV- B. p. 552).
6. Amended by G N., H. D., No. BPA. 2081/7-111-PRO-2, dated 4th November, 1981 (M. G. Pt. IV- B. p. 1934).
7. Amended by G N., H. D., No. BPA. 2081/7-(IV)-PRO-2, dated 18th November, 1981 (M. G. Pt. IV- B. p. 1963).
8. Amended by G N., H. D., No. BPA. 2081/7-(IV)-PRO-2, dated 22nd May, 1982 (M. G. Pt. IV- B. p. 547).
9. Amended by G N., H. D., No. BPA. 2082/(III)-PRO-2, dated 12th November, 1982 (M. G. Pt. IV- B. p. 1098).
10. Amended by G N., H. D., No. BPA. 1086/77-(I)-PRO-2, dated 14th January, 1987 (M. G. Pt. IV- B. p. 174).
11. Amended by G N., H. D., No. BPA. 1086/77-(IX)-PRO-2, dated 17th July, 1987 (M. G. Pt. IV- B Extra Ordinary p. 226).
12. Amended by G N., H. D., No. BPA. 1088/XXI-PRO-2, dated 16th March, 1988 (M. G. Pt. IV- B. p. 297).
13. Amended by G N., H. D., No. BPA. 1088/(8)-PRO-2, dated 10th August, 1988 (M. G. Pt. IV- B. p. 675-76).
14. Amended by G N., H. D., No. BPA. 2089/(IV)-PRO-2, dated 17th February, 1989 (M. G. Pt. IV- B. p. 317-20).
15. Amended by G N., H. D., No. BPA. 1090/III-PRO-3, dated 21st May, 1990 (M. G. Pt. IV- B. p. 720-22).



16. Amended by G. N., H. D., No. BPA. 1090/II-PRO-3, dated 8th June, 1990 (M. G. Pt. IV-B. p. 766).
17. Amended by G. N., H. D., No. BPA. 1090/(IV)-PRO-3, dated 1st December, 1990 (M. G. Pt. IV- B. p. 2854).
18. Amended by G. N., H. D., No. BPA. 1090/III-PRO-3, dated 8th March , 1991 (M. G. Pt. IV- B. p. 339).
19. Amended by G. N., H. D., No. BPA. 1091/3014-III-PRO-3, dated 21st June, 1992 (M. G. Pt. IV- B. p. 1750).
20. Amended by G. N., H. D., No. BPA. 1093/II/EXC-3, dated 17th March, 1993 (M. G. Pt. IV- B. Extra or a p. 142-43).
21. Amended by G. N., H. D., No. MLS. 1094/1/EXC-2, dated 9th February, 1994 (M. G. Pt. IV- B. p. 300).
22. Amended by G. N., H. D., ARM. 1096/21/6/EXC-3, dated 18th October, 1996 (M. G. Pt. IV- B. p. 1263-1264).
23. Amended by G. N., H. D., BPA. 1096/2435/1/EXC-2, dated 28th April, 1997 (M. G. Pt. IV- B. p. 483).
24. Amended by G. N., H. D., ARM 1096/21/Part-3/EXC-d, dated 8th December, 1998 (M. G. Pt. IV- B. p. 919).
25. Amended by G. N., H. D., ARM 1096/Part-III/3/EXC-3, dated 22nd January, 1999 (M. G. Pt. IV- B. p. 7).
26. Amended by G. N., H. D., MLS 1098/27/6/EXC-2, dated 26th April, 2000 (M. G. Pt. IV- B. p. ).
27. Amended by G. N., H. D., MPL 5201/CR-21/EXC-3, dated 4th February, 2003 (M. G. Pt. IV- B. p. 197).
28. Amended by G. N., H. D., MIS 1199/1689/CR-28/1/EXC-3, dated 8th September, 2003 (M. G. Pt. IV- B. p. ).
29. Amended by G. N., H. D., BPA 1000/609/CR-3/EXC-2, dated 13th August, 2004 (M. G. Pt. IV- B. p. 823).
30. Amended by G. N., H. D., VIKAK 0206/CR-2/6/EXC-2, dated 28th December, 2006 (M. G. Pt. IV- B. p. 1968).
31. Amended by G. N., H. D., MIS 1107/CR-40/11/EXC-3, dated 24th July, 2008 (M. G. Pt. IV- B. p. 757).
32. Amended by G. N., H. D., MIS 1109/CR-273/EXC-3, dated 23rd August, 2010 (M. G. Pt. IV- B. p. 7).

In exercise of the powers conferred by clause (b) of sub-section (2) of section 143 read with sections 11, 26 (d) and 53 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the said section 143 namely :—

1. Title.—These rules may be called the Maharashtra Foreign Liquor (Import and Export) Rules, 1963.

2. Extent.—They shall extend to the whole of the State of Maharashtra.

3. Definitions.—In these rules, unless the context requires otherwise,—

(1) “Act” means the Bombay Prohibition Act, 1949 ;

(2) “bonded warehouse” means a place appointed by the State Government as a bonded warehouse for the storage in bond of Indian made foreign liquor and includes a bonded laboratory ;

(3) “duty” means “excise duty” or “countervailing duty” as defined in clause (14) of section 2 of the Act;

(4) “duty paid imported foreign liquor” means liquor of all kinds imported into India on which duty leviable under the Indian Tariff Act, 1934, or <sup>1</sup>[the Customs Act, 1962] has already been paid, but does not include denatured spirit and articles to which section 24-A of the Act applies;

<sup>1</sup>[(4A) “duty paid Indian made foreign liquor” means Indian made foreign liquor on which the excise, or as the case may be, countervailing duty under the Act has been paid and includes Indian made foreign liquor which is exempted from payment of such duty;]

<sup>2</sup>[(5) “Exporting place” means any place in India outside the State of Maharashtra from which foreign liquor is to be brought into the State of Maharashtra ;]

(6) “Form” means a form appended to these Rules;

(7) “Import pass” includes a requisition or indent countersigned by the Collector of the importing place or the place of import, as the case may be;

<sup>2</sup>[(8) “Importing place” means any place in India outside the State of Maharashtra to which foreign liquor is to be sent from the State of Maharashtra;]

(9) “Indian made foreign liquor” means any country liquor which is declared to be foreign liquor for the purposes of the Act by a notification under the provision to clause (17) of section 2 of the Act, but does not include Indian made denatured spirit and medicinal and toilet preparations containing alcohol;

<sup>3</sup>[(9A) Mild liquor means.—

(a) mild beer having alcoholic strength not exceeding 5 per cent. v/v which is equivalent to 8.75 per cent of proof spirit;

(b) any foreign liquor other than mild beer having alcoholic strength not exceeding 5 per cent. v/v which is equivalent to 8.75 per cent of proof spirit;]

(10) “place of export” means the place in the State of Maharashtra from which foreign liquor is exported;

(11) “place of import” means the place in the State of Maharashtra in which foreign liquor is imported;

(12) “Warehouse Officer” means an officer-in-charge of a bonded warehouse;

(13) Words and expressions not defined in these rules shall have the meaning respectively, assigned to them in the Act.

1. Ins. by G. N. of 7-7-1971.

2. Subs. by G.N. of 8-9-1965.

3. Inse. by 4-2-2003.

**CHAPTER II****PROCEDURE FOR THE IMPORT OF DUTY-PAID IMPORTED  
FOREIGN LIQUOR**

4. *Importer to apply for import pass.*—Any person who holds a licence or permit under the Act for the sale or possession of duty-paid imported foreign liquor <sup>1</sup>\* \* \* \* and who desires to import into the State of Maharashtra (hereinafter referred to as the “importer”) any duty-paid imported foreign liquor shall apply in Form A, for an import pass to the Collector.

5. *Issue of pass.*—On receipt of the application made under rule 4, the Collector shall make such inquiries as he may deem necessary and if he sees no objection and on being satisfied that the fees prescribed under the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954, have been paid, he may grant the applicant an import pass in Form B. He shall mention in such pass the name of the Officer who shall examine the consignment of foreign liquor to be imported on its arrival at the place of import. He shall then hand over Part II of the pass together with the form “Certificate-I” annexed there to the applicant and retain Part I with himself for his own record.

6. *Procedure to be followed by the importer at the exporting place.*—As soon as the consignment of foreign liquor to be imported is ready for dispatch from the exporting place, the importer, or his agent shall obtain from the excise officer at the exporting place a certificate in form “CERTIFICATE-I” annexed to Part II of the pass.

7. *Procedure in transit.*—Part II of the pass shall be sent along with the consignment while in transit and shall be produced for inspection on demand made by any Prohibition and Excise or Police Officer not below the rank of a sub-Inspector, or any Revenue Officer not below the rank of an Aval Karkun.

8. *Procedure to be followed at the place of import.*—The importer or his agent shall, on arrival of the consignment at its destination, produce Part II of the import pass and the certificate in form “Certificate-I” before the officer appointed to examine the consignment and named in the pass. Such officer shall examine the consignment and satisfy himself that the seals on the various receptacles and packages are intact and that the number of receptacles and packages tallies with that shown in the Certificate. If the seals are found to have been tampered with, the examining officer shall open the packages and verify whether the contents thereof are in accordance with the particulars shown in the Certificate. If the examining officer finds, on examination of the consignment, that the fees referred to in rule 5 have not been paid in full, he shall direct the importer to pay the difference, and report the matter to the Collector. The certificate will then be detached from Part II of the pass by the examining officer and forward to the Collector for record with Part I in his office. Part II will be returned to the importer for keeping it on his record after taking a copy thereof and of the certificate.

9. A pass under rule 5 shall be granted on the understanding that the importer shall comply with the laws regulating the export of duty-paid imported foreign liquor in force at the exporting place.

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<sup>1</sup> Deleted by G. N. of 8-9-1965.

**<sup>1</sup>CHAPTER II-A****PROCEDURE FOR REGISTRATION OF INDIAN MADE FOREIGN LIQUOR/BEER MANUFACTORIES SITUATED IN OTHER STATES**

9A. *Registration of Exporters of Indian Made Foreign Liquor and Beer.*—Any manufacturer of Indian Made Foreign Liquor or beer having such manufactory or brewery located in a State other than Maharashtra, desires to export Indian Made Foreign Liquor or beer in the State of Maharashtra shall make an application, addressed to the Commissioner for registration. Such application for registration shall contain the following particulars namely :-

(1) Name and address of the applicant. In case of an applicant which is a firm or a company, the name and address of the partners and Commissioners of such applications shall be accompanied with an attested copy of registered partnership deed, Articles of Association and Memorandum of Association (latest).

(2) Number, date and validity period of the manufactory or brewery licence, with an attested copy thereof.

(3) Name of the brand, stating whether such brand is a registered trade mark and the number and date of trade mark registration with a copy of trade mark registration with a copy of certificate or registration.

<sup>3</sup>["(3) (i) Manufacturing cost and maximum retail price <sup>6</sup>[(inclusive of all taxes and duties)] <sup>4,8</sup>[\* \* \*] of different packs and brands applied for registration.

<sup>5</sup>["*Explanation.*—Sales tax on potable liquor excluding country liquor sold through FL-II Vendor's licence issued under Rule 25 of the Bombay Foreign Liquor Rules, 1953 levied *vide* Government Notification, finance Department, No. STA-1097/CR-1/Taxation-2, dated 8th December 1998 is also recoverable over and above MRP on such potable liquor manufactured prior to the 9th December 1998 and sold on or after the 9th December 1998."]

<sup>7</sup>["(ii) Name and address of the agent in the State of Maharashtra with his trade and import licence number and validity".]

["(iii) Statutory Warning 'Consumption of Liquor is injurious to health' shall be printed on every label.".]

(4) An undertaking to the effect that the manufacturer undertakes to abide by the conditions of the certificate of registration and the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and rules, regulations and orders made thereunder.

9B. <sup>2</sup>[*Grant of certificate of registration*] : On receipt of an application made under this rule, the Commissioner shall make such equires as he deems necessary and on being satisfied that there is no objection to grant the registration applied for, he may grant the certificate of registration in From 'K' on payment of fees (inclusive of consideration) of rupees Fifty thousand.

<sup>2</sup>[9B1. *Approval of brands*—The holder of certificate of registration granted under rule 9A shall apply to the Commissioner for approval of the brands of each kind of liquor intended to be exported for import in the State of Maharashtra. On receipt of such

1. Ins. by G. N. of 17-2-1989.

3. Ins. by G. N. of 18-10-1998

5. Ins. by G. N. 22-1-1999

7. Add. by on 23-8-2010.

2. Ins. by G. N. of 21-5-1990.

4. Ins. by G. N. of 8-10-1998.

6. Sub. by G. N. of 24-7-2008.

8. Deleted by G. N. 8-12-1998.

application the Commissioner shall make such equires as he deems necessary and on being satisfied that there is no objection to approve the brands he may grant the approval thereof on payment of fees as shown below, namely :—

	Rs.
(i) Every brand of I.M.F.L. having ex-manufactory price upto Rs. 30 per litre	5,000
(ii) Every brand of I.M.F.L. having ex-manufactory price above Rs. 30 and below Rs. 70 per litre	7,500
(iii) Every brand of I.M.F.L. having ex-manufactory price of Rs. 71 and above, per liter.	10,000
(iv) Every brand of Beer and Wine	5,000

**Note :** This rule came in force from 22-7-1990

9C. *Duration of registration* :— <sup>1</sup>[No certificate registration issued under rule 9B and approval of brands under rule 9B1] shall be granted for a period beyond 31st day of March, next following the date of grant of the said certificate.

9D. *Procedure for grant of certificate of registration* <sup>2</sup>[and approval of brands] for subsequent period.

Any holder of the certificate granted under rule 9B, who desires to continue such registration after the day of expiry may, make an application as provided in rule 9A atleast 30 days before the date of expiry of the certificate and the provisions of rules 9A and 9B. <sup>3</sup>[and approval of brands under rule 9B1] shall, *mutatis mutandis* apply to the grant of certificate of registration for subsequent period.

9E. *Import of Foreign Liquor in the State and Payment of Excise Duty*:— Only such foreign liquor or beer products as are manufactured by the holders of certificate of registration issued by the Commissioner shall be allowed to be imported in the State of Maharashtra on payment of excise duty and fees, prescribed in this behalf, from time to time, in the State.

9F. *Suspension and Cancellation of Certificate of Registration*:—The Certificate of Registration may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Act.”

[NOTE :—Chapter II A came in force from 1st April 1989]

### CHAPTER III

#### PROCEDURE FOR THE IMPORT OF INDIAN-MADE FOREIGN LIQUOR

10. *Importer to apply for import pass*:—Any person who holds a licence or permit under the Act for the sale or possession of Indian-made foreign liquor<sup>3</sup>. \* \*

\* \* and who desires to import (hereinafter referred to as “importer”) any Indian-made foreign liquor into the State of Maharashtra shall apply, in Form A, for an import pass to the Collector.

<sup>4</sup>[“(2) Application shall be accompanied by statement in quadrauplicate showing the particulars relating to the size of the container, the package and brands of the liquor to be imported with manufacturing cost and maximum retail price of each size and pack.”]

1. Subs. by G. N. of 21-5-1990.  
3. Deleted by G. N. of 8-9-1965.

2. Ins. *ibid*.  
4. Ins. by G.N. 18-10-96.

11. *Issue of pass* (1) On receipt of the application made under rule 10, the Collector shall make such inquiries as he may deem necessary and if he sees no objection he may,—

(a) where the foreign liquor is to be imported in bond, require the importer to execute a bond, in Form C, with two sureties, for the payment of the amount of duty leviable on the foreign liquor to be imported or a general bond, in Form D which would remain in force for a period of three years, along with two sureties for the payment of a sum sufficient to cover the amount of duty leviable on the total quantity of foreign liquor which may be imported by him from time to time during the period of three years, and on the execution of the bond grant an import-in-bond pass in Form E, <sup>5</sup>[on recovery of import fee at the rate of <sup>2</sup>[rupees seven per bulk litre for spirits, wines, malt liquor] and <sup>1</sup>[rupees two per bulk litre for import of rectified spirit and extra neutral alcohol for potable purpose from other States]” and <sup>2,9</sup>[rupees four per bulk litre] for ale <sup>7</sup>[ mild liquor] beer porter cider and other fermented liquor].

Provided that the execution of the bond under this clause may be dispensed with by the Collector in the case of any importer of known good standing who has deposited with the Collector a sum which in the opinion of the Collector is sufficient to cover the amount of duty payable by him.

<sup>6</sup>[(b) where the foreign liquor is to be transported on pre payment of duty in the State Maharashtra grant of an import pass in form ‘F’ on recovery of import fee at the rate of Rs. 7 per litre for spirits, wines, malt liquor and Rs. 3 per bulk litre for ale, <sup>7</sup>[mild liquor,] beer, porter, cider and other fermented liquor.

Provided that the duty leviable under the Act on the foreign liquor to be imported has been paid]

(2) Every pass granted under sub-rule (1) shall show the designations of the officers by whom, and the places at which, the consignment of liquor to be imported is to be inspected *en route* under the rule 15 and examined on arrival at the place of import under rule 16. In cases of import by road, one of the inspecting officers shall be the Prohibition and Excise Officer-in-charge of the taluka in which the place where the consignment enters the limits of the State is situated. In cases of import by rail direct to the place of import, one of the inspecting officers shall be the Prohibition and Excise Officer-in-charge of the place where the railway station to which the consignment is to be booked is situated.

(3) Every pass granted under sub-rule (1) shall be in four parts. Part I shall be retained on the records of the officer issuing the pass ; Parts II and III shall be sent by post to the Excise Officer at the exporting place with a request to endorse on Part III the quantity of foreign liquor in litres and proof litres issued to the importer and, thereafter to return Part III to the officer issuing the pass. Part IV shall be handed over to the importer or his agent together with the Form “Certificate-2” annexed thereto.

(4) No pass under sub-rule (1) shall be granted unless the foreign liquor is to be exported to the place of import from a distillery, brewery or bonded warehouse in the exporting place. <sup>5</sup>[having certificate of registration granted <sup>4</sup>[and every brand of I.M.F.L. beer and wine approved] by the commissioner.]

12. *Procedure to be followed at the exporting place:*—As soon as the consignment of foreign liquor to be imported is ready for dispatch from the exporting place, the importer, or his agent shall obtain from the Excise Officer at the exporting place a certificate in the form “Certificate-2” annexed to Part IV of the pass.

1. Del. by G. N. of 8-9-1965.  
3. Add. by G. N. of 14-1-1987.  
5. Ins. by 17-12-1989.  
7. Ins. by 4-2-2003.  
9. Sub. by 8-9-2003.

2. Subs. by G. N. of 21-6-1992.  
4. Subs. by G.N. 14-3-1993.  
6. Ins. by G. N. 17-3-1993.  
8. Ins. by G. N. 28-12-2006.



13. *Procedure in transit*:—Part IV of the pass and the certificate shall be sent along with the consignment while in transit and shall be produced for inspection on demand made by any Prohibition and Excise Officer or Police Officer, not below the rank of a Sub-Inspector, or any Revenue Officer not below the rank of an Aval Karkun.

14. *Timely intimation of arrival of consignment to be given to inspecting and examining officers*:—The importer or his agent shall give to the inspecting and examining officers name in the pass at least three day's previous intimation of the date and hour when the consignment will be ready for inspection or examination, as the case may be, at the places appointed for the purpose and shown in the pass. On receipt of such intimation, the officer concerned shall proceed himself or depute another officer to proceed to the place appointed for inspection or examination, as the case may be, to inspect or examine the consignment. The inspection and examination shall be made in accordance with the procedure prescribed in rule 15 and 16 respectively.

15. *Inspection consignment en route*— On arrival of the consignment at the appointed place of inspection, the importer shall produce Part IV of the pass and the certificate to the Inspecting Officer named in the pass. The Inspecting Officer shall compare the numbers, marks and other particulars on each receptacle or package forming part of the consignment with those shown in the certificate issued by the Excise Officer at the exporting place, and in the Railway receipt in the case of consignments sent by rail, and satisfy himself that the seals on such receptacles or packages are intact and that they have not been tampered with in transit. If, on inspection, any receptacle or package is found to have been tampered with, or otherwise damaged, the inspecting officer shall ask the importer to get it securely packed in his presence and after this has been done, the inspecting officer shall rescal such preceptacle or package with his own seal and allow the consignment to proceed, after making necessary remarks on the pass and the certificate and noting thereon the impression of the seal with which such receptacle or package has been re-sealed by him. He shall then hand over to the importer Part IV of the pass and the certificate.

16. *Examination of the consignments at the place of import*:— (1) The importer shall on arrival of the consignment at the place appointed for its examination and shown in the pass produce Part IV of the pass and the certificate before the Examining Officer named in the pass. The Examining Officer shall examine the consignment and satisfy himself that—

(a) the numbers, marks and other particulars shown on each receptacle or package forming part of the consignment tally with those shown in the certificate issued by the Excise Officer at the exporting place and the note made by the Inspecting Officer ;

(b) the seals on each such receptacle or package are intact and that they have not been tampered with in transit;

(c) the quantity contained in each receptacle or package as gauged by him tallies with that shown in the aforesaid certificate and the note made by the Inspecting officer ;

(d) the number of bottles contained in the receptacles or packages in correct and that they are intact ; and

(e) except in cases in which liquor is being imported in bond or on which no duty is leviable under the Act in the foreign liquor imported and the fees thereon prescribed under the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954, have been correctly paid.

(2) If the examining officer finds on examination of the consignment under sub-rule (1) that the quantity contained in each receptacle or package is less than that shown in the aforesaid certificate ; and the deficiency exceeds the quantity which is allowed as wastage in the State from which the consignment has been imported, the Examining Officer shall ascertain from the Excise Officer at the exporting place the amount of duty leviable on such deficiency.

(3) The examining officer shall also—

(a) in the case of foreign liquor the real alcoholic strength of which can be ascertained by hydrometer draw samples and examine the strength of the foreign liquor contained in each cask, drum or other receptacle ; and

(b) in the case of Indian-made foreign liquor the real alcoholic strength of which cannot be ascertained by hydrometer, draw samples and send them to the Chemical Analyser to Government for checking the strength.

17. *Drawing of samples and their disposal*— The following procedure shall be observed in drawing samples and sending them to the Chemical Analyser to Government for the purposes mentioned in sub-rule (3) of rule 16 :

(a) two samples shall be drawn from each drum, cask or other receptacle or if the consignment consists of bottles two samples of each kind of foreign liquor ;

(b) a sample shall, be not less than 114 millilitre ;

(c) each bottle of sample shall be properly corked and sealed with the examining officer's own seal and labelled as shown below :

No. of import pass .....

Date of import pass .....

Description of foreign liquor .....

No. and date of forwarding letter .....

(d) the sample shall be drawn and sealed in the presence of the importer or his agent; and

(e) the duplicate samples shall be kept under lock until such time as the result of analysis has been received provided that they may be forwarded to the Chemical Analyser if he requires them for replacing the samples sent to him or for a further analysis. The duplicate samples when no longer required shall be returned to the importer or his agent ;

(f) all samples required for analysis under this rule shall be supplied free of cost, by the importer.

18. *Deposit of consignment in, and withdrawal from the bonded warehouse in the case of import in bond*—(1) Where the foreign liquor is imported in bond, the consignment shall, after it is examined under rule 16, be sent to the bonded warehouse together with Part IV of the pass and the certificate. Particulars of the consignment shall be entered by the Officer-in-charge of such warehouse in the register of deposits and withdrawals which shall be kept in such form as the Commissioner may direct. Where the consignment is of rectified spirit imported for use in a bonded laboratory it shall be allowed to be removed to the bonded laboratory and the Prohibition and Excise Officer-in-charge of such laboratory shall after entering particulars about it in the register



of receipts verify its quantity and strength,. On receipt of the Chemical Analyser's report, the Officer-in-charge of the bonded warehouse or laboratory shall fill in the various columns on the reverse of Part IV of the pass. The consignment shall then be allowed to be removed from the bonded warehouse under a transport pass on payment of—

(a) the duty leviable under the Act, on the foreign liquor imported.

(b) the fees prescribed under the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954, and

(c) other charges, if any, payable in respect of the consignment.

The Officer-in-charge of the bonded warehouse shall then prepare a copy of the Part IV of the pass and forward it to the Collector for record with Part I of the pass in his office.

(2) The whole consignment of the foreign liquor imported into and stored in the bonded warehouse under these rules shall be removed from the warehouse at one and the same time and within a fortnight from the date of receipt in the warehouse. If any liquor remains in the warehouse for a longer period than a fortnight, warehouse rent at the rate of <sup>1</sup>[one paisa] per week, per litre, or at such other rate as may from time to time be fixed by the Commissioner shall be charged, but in no case shall a consignment or any part thereof be allowed to be kept in bond for a period exceeding one month.

19. *Release of consignment after examination in cases of imports of Indian Indian-made foreign liquor on pre-payment of duty:*—(1) Where the foreign liquor is imported on prepayment of duty in this State, the examining Officer shall note the result of his examination under rule 16 on the reverse of Part IV of the pass and on the certificate. He shall then allow the consignment to be removed if he is satisfied that the full amount of duty on the foreign liquor imported and the fees leviable under the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954, have been paid or that the importer has agreed in writing to pay any excess amount of duty or fees that may be found to be due from him on the result of the examining officer's examination or on receipt of the report of the Chemical Analyser to Government. He shall then hand over Part IV of the pass to the importer after making a note thereon in this respect and keeping a copy of Part IV of the pass. A similar note shall also be made on the certificate which shall be kept by the examining officer.

(2) On result of his examination or on receipt of the Chemical Analyser's report, as the case may be, the examining officer shall calculate the amount of duty and the aforesaid fees due on the consignment and forward the copy of Part IV of the pass to the Collector stating what excess amount of duty or fees, if any, is recoverable from the importer. The Collector shall then take the necessary steps to recover the amount from the importer. The copy of Part IV of the pass shall be recorded by the Collector with Part I of the pass keeping note thereon as to the excess amount of duty or fees paid by the importer.

20. *Importer to bear all costs and risks of conveyance*—The cost of conveying the consignment to the place of import and all risks incidental to such conveyance shall be borne by the importer and the storage of the consignment in the bonded warehouse shall also be at the risk of such importer.

**CHAPTER IV**  
**PROCEDURE FOR THE EXPORT OF INDIAN-MADE**  
**FOREIGN LIQUOR**

21. *Exporter to obtain a permit from the Excise Officer at importing place:*—Any person who holds a licence or permit under the Act for the sale or possession of Indian-made foreign liquor or is permitted to possess or sell foreign liquor under the Act and who desires to export any Indian-made foreign liquor (hereinafter referred to as the “exporter”) to any other part of India shall first obtain a permit from the Excise Officer at the importing place authorising him to export such liquor to that place.

22. *Application for export pass:*—On receipt of such permit, the exporter shall apply in Form G for an export pass to the Collector <sup>1,2</sup>[or any other officer authorised to issue such pass] along with the said permit.

23. <sup>2</sup> *[Issue of export pass:*—(1) On receipt of the application under rule 22, the Collector or the officer issuing the pass shall make such inquiries as he may deem necessary; and if all duties and fees leviable under the Act, have been paid in respect of the Indian Made Foreign Liquor to be exported or if the exporter has deposited with him a sum which in his opinion is sufficient to cover the amount of duty and fees or if the applicant has executed a bond in Form H with two sureties for the payment of the duty and fees leviable on the quantity of Indian Made Foreign Liquor to be exported, he shall grant him the export pass in Form I on recovery of export fee at the following rates :—

<sup>1</sup>[(a) Indian made Foreign Liquor except spirits, wines, malt liquor, ale, beer, porter, cider and other fermented liquors ;

<sup>2</sup> [(i) (a) Rectified spirit, when issued for ..... <sup>3,7</sup>[Rupees <sup>7</sup> two per Bulk litre.]  
manufacture of potable liquor.

(b) Extra Neural alcohol or silent spirit, <sup>7</sup>[ Rupees two per bulk litre.]  
when issued for manufacture of  
potable liquor.

(ii) When issued for industrial and other <sup>2</sup>[ Rupee one and fifty paise  
purpose. per bulk litre]

<sup>8</sup>[(b) (i) Spirits, Wine, Malt Liquor for Supply Rupee One, per bulk litre  
to Canteen Stores Department.

(ii) Spirits, Wine, Malt Liquor for Supply Rupee One, per bulk litre  
other than to Canteen Stores Depart-  
ment, having maximum retail sale price  
less than Rs. Five Hundred.

(iii) Spirits, Wine, Malt Liquor having Rupee Five per bulk litre.  
maximum retail sale price more than  
Rs. Five Hundred.

(iv) Grape spirits Fifty Paise, per bulk liter.

(v) Spirits and wines manufactured Exclusively from grape spirit.] Fifty Paise, per bulk liter.

(c) Ale, Beer, Porter, cider and other <sup>2,9</sup> [Rupee one per bulk litre.]  
fermented liquors.

1. Subs. by G. N. of 14-1-1987

3. Subs. by G. N. of 9-2-1994

5. Subs. by G. N. of 21-6-1992

7. Subs. by G. N. of 20-4-2000

9. Subs by G. N. of 8-9-2003.

2. Subs by G. N. of 1-12-1990

4. Subs by G. N. of 8-6-1990

6. Subs by G. N. of 7-7-1971

8. Subs. by G. N. of 18-11-1981

10. Subs. by G. N., dt. 13-11-1973.

Provided that, if the applicant is not a resident of the place of export, his agent at such place who is approved by the Collector or the officer issuing the pass may act for him, and in such case, both the applicant and his agent shall be jointly and severally liable under the bond for the amount of duty and fees which may ultimately fall due.]

(2) *Disposal of four parts of the pass.*—Every pass granted under this rule shall be in four parts which shall be dealt with as under :

*Part I* shall be retained on the records of the officer issuing the pass ;

*Part II* shall be sent by post to the Excise Officer at the importing place;

*Part III* together with the permit received with the application, shall be forwarded to the Prohibition and Excise Officer-in-charge of the distillery, brewery <sup>1</sup>[bonded warehouse or shop] from which the foreign liquor to be exported is to be issued, and

*Part IV* shall be handed over to the application or his agent.

(3) Every pass shall show the designation of the officer by whom the consignment of liquor to be exported is to be inspected under rule 25. In cases of export by road, one of the Inspecting Officers shall be the Prohibition and Excise Officer-in-charge of the taluka in which the place where the consignment leaves the limits of the State is situated. In cases of export by rail, one of the Inspecting Officers shall be the Prohibition and Excise Officer-in-charge of the place where the railway station from which the consignment is to be booked is situated.

(4) No pass under this rule shall be granted unless the foreign liquor is to be exported direct from a distillery, brewery <sup>1</sup>[bonded warehouse or shop.]

24. *Issue of Indian-made foreign liquor for purposes of export.*—The exporter or his agent shall present Part IV of the export pass to the Office-in-charge of the distillery, brewery <sup>1</sup>[ bonded warehouse or shop] from which liquor is to be exported. Such officer shall, after comparing Part IV with Part III and the permit forwarded to him under sub-rule (2) of rule 23, and if he sees no objection, issue the foreign liquor form the distillery, brewery <sup>1</sup>[bonded warehouse or shop]. He shall seal with his official seal each receptacle or package containing foreign liquor to be exported which shall also bear, for the purpose of identification, the number of the export pass, the serial number of the receptacle or package, the kind, quantity and the strength of the foreign liquor contained therein, the name of the importing place and the name of the place of export. He shall fill in the particulars under the heading “Advised” on the reverse of Parts III and IV of the export pass, complete the endorsements thereunder, hand over Part IV to the exporter and forward Part III, with a copy thereon of the impression of the seal used in sealing the receptacles or packages, to the Prohibition and Excise Officer who is to inspect the consignment under rule 25. He shall then, if the exporter has paid all the charges, if any, payable, by him, allow the consignment to be removed from the distillery, brewery, <sup>1</sup>[bonded warehouse or shop] at the exporter’s risk and expense. The consignment shall be exported within a week from the date of such clearance direct to the importing place subject to such rules as may be in force in the State in which such place is situated;

25. *Inspection of consignment en-route.*—(1) The exporter shall give to the Inspecting Officer named in the pass at least one day’s previous intimation of the date and hour at which the consignment to be exported will be ready for inspection. He shall also

1. Subs. by G. N. of 7-7-1971

present Part IV of the pass to such officer, Such Officer shall proceed to the place of inspection at the time fixed, compare Part IV of the pass with Part III sent to him direct under rule 24 and verify that the number and description of the receptacles or packages to be exported correspond with those shown in the export pass and that the receptacles or packages are properly secured and sealed with the seal of the Officer who issued the foreign liquor. He shall then, if he sees no objection, allow the consignment to be despatched. He shall return Part IV of the export pass to the exporter and forward Part III by post to the Excise Officer at the importing place. If the consignment is booked by rail, the exporter shall present the railway receipt to the Inspecting Officer who shall return it to him after satisfying him self that the whole consignment has been despatched.

(2) The Inspecting Officer shall forward by post Part III of the pass to the Excise Officer-in-charge at the importing place with a request to endorse thereon the quantity of Indian-made foreign liquor in bulk <sup>1</sup>[litres] and proof <sup>1</sup>[liters] received at the importing place and to return it to the Officer-in-charge of the distillery, brewery, bonded warehouse <sup>2</sup>[or shop] from which the foreign liquor was exported.

(3) The exporter shall, on the consignment of the foreign liquor reaching its destination obtain a certificate in form "Certificate C" annexe to Part IV of the pass from the Excise Officer at the importing place and deliver it immediately to the Officer-in-charge of the distillery, brewery, bonded warehouse, <sup>2</sup>[or shop] from which the Indian-made foreign liquor was exported but in no case shall he fail to produce such certificate before the latter officer within three months from the date of the <sup>2</sup>[issue of the export pass in Form I].

(4) <sup>2</sup>[Where no duties or fees have been paid on the Indian-made foreign liquor exported from the distillery, brewery, bonded warehouse or shop, the Officer-in-charge of such distillery, brewery, bonded warehouse, or shop] shall, on receipt of Part III as stated in sub-rule (2) or the certificate as stated in sub-rule (3), calculate the dues i.e. the amount of duty and fees at the rates in force in the place of export on the quantity of Indian-made foreign liquor not delivered at the importing place after deducting an allowance due to loss on account of wastage, dryage and leakage in transit not exceeding <sup>3</sup>[0.3 per cent. for every hundred kilometers <sup>3</sup>[but not exceeding one percent in aggregate or actual loss whichever is less] and send a report to the Collector about the above amount of duty and fees and other charges, if any, to be recovered from the exporter together with Part III and the certificated after keeping copies thereof for his record. The Collector shall then verify the calculations and demand from the exporter the amount due from him recover it and on recovery of the full amount cancel the bond, if any, executed by the exporter and inform him and the above-said Officer-in-charge accordingly. He shall then send Part III and the certificate for record with Part I of the pass in his office or in the office of the Officer who issued the export pass.

<sup>2</sup>[“Provided that, no loss in transit of foreign liquor as defined in the Bombay Foreign Liquor Rules, 1953 shall be allowed”.]

(5) The amount of duty and fees shall be recovered under sub-rule (4) from the exporter irrespective of the fact that a similar amount may be collected on the same excess deficiency at the importing place.

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1. Subs by G. N. of 1965.

2. Subs. by G. N. of 7-7-1971.

3. Subs. by 28-4-1997.

4. Ins. by G. N. 28-4-1997.

(6) (a) In the event of the exporter failing to deliver the consignment of the Indian-made foreign liquor mentioned in the export pass at the importing place or in the even of a breach by him of any of the rules under this chapter or of any of the conditions of the export pass, the Collector may levy on such consignment the full duty and fees <sup>1</sup>[at the rates in force in the State] at the time, the export pass was issued and may also refuse to grant him more passes in future.

(b) Nothing in this sub-rule shall affect an further liability of the exporter to punishment under and of the provisions of the Act for the said failure of breach.

## CHAPTER V

### PROCEDURE FOR THE EXPORT OF DUTY-PAID IMPORTED

#### FOREIGN LIQUOR

26. *Exporter to apply for export pass.*—(1) Any person who holds a licence or permit under the Act for the sale or possession of duty paid imported foreign liquor or is permitted to possess or sell such foreign liquor under the Act and who desires to export duty paid imported foreign liquor (hereinafter referred to as the “exporter”) shall apply in Form G for an export pass to the Collector.

(2) Such application shall be accompanied by an import pass or no objection certificate granted by the Collector or Excise Officer of the importing place.

27. *Issue of export pass.*—(1) If the Collector, after making such inquiries as he deems necessary, is satisfied that there is no objection to grant the pass, he may grant such pass in the Form J.

(2) Every pass issued under this rule shall be in four parts and shall be dealt with as under :

*Part I* shall be retained on the record of the office of the Collector or the Officer granting the pass.

*part II* shall be handed over to the applicant.

*Part III* shall be handed over to the applicant who shall send it along with the consignment to the person receiving duty paid imported foreign liquor at the importing place,

*Part IV* shall be sent by Post to the Collector or the Excise Officer of the importing place with a request to endorse thereon the quantity of duty paid imported foreign liquor in litres and Proof liters received at the importing place and to return it to the Collector.

28. *Removal of foreign liquor under excise escort.*—Where duty paid imported foreign liquor which is to be exported is removed whether wholly or partly by road through the limits of the State of Maharashtra, the holder of the pass shall, on being required by the Collector or the aforesaid officer so to do, remove such liquor through such limits under excise escort and shall pay in advance the cost of the escort fixed by the Collector or the aforesaid officer in his behalf.

29. The exporter shall, on the consignment of the foreign liquor reaching its destination, obtain a certificate in Form “Certificate-4” annex to Part II of the pass from the Excise Officer at the importing place and deliver it immediately to the Collector.

30. (1) The Collector shall, on receipt of Part IV as stated in rule 27(2), or the certificate as stated in rule 29, calculate the amount of fees mentioned in the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954, on the quantity of the foreign liquor not delivered at the importing place <sup>1</sup> [and] recover it from the exporter, and then record the said Part IV and the certificate with Part I of the pass in his office.

(2) Nothing in this rule shall affect any further liability of the exporter to punishment under any of the provisions of the Act for the failure to deliver the full quantity of foreign liquor mentioned in the export pass or for the breach of any of the rules in this Chapter or any condition of the export pass.

## CHAPTER VI

### GENERAL

31. *Theses rules not to apply to through transport of foreign liquor.*—Nothing contained in these rules shall apply in relation to any foreign liquor conveyed from any place beyond the limits of the State to any other place beyond the limits of the State if it is conveyed in accordance with the Maharashtra Through Transport Rules, 1962.

31. On the commencement of these rules the following notifications, that is to say:

(i) Government Notification, Revenue Department, No. 1652-C, dated 9th August 1922 ;

(ii) Government Notification, Revenue Department, No. 1652-C, dated 10th April 1931 ;

(iii) Government, Revenue Department, No. 9692/24, dated 3rd July 1931 ;

(iv) Government Notification, Revenue Department, No. 524/33, dated 27th August 1935 ;

(v) Government Notification, Revenue Department, No. 524/33 (a), dated 27th August 1935 ;

(vi) Government Notification, Revenue Department, No. 10484/45, dated 28th March 1950 ;

(vii) and all other rules corresponding thereto and in force in any part of the State; shall stand repealed, except as respects things done or omitted to be done before such repeal and every pass granted under any of the rules so repealed shall be deemed to have been granted in accordance with the provisions of these rules.

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1. Sub. by 28-4-1997.  
[ . . . . . } Sub.

**FORM-A**  
(See rules 4 and 10)

Application for pass to import duty-paid imported foreign liquor  
Indian-made foreign liquor

Place .....  
Date .....

To,  
The Collector of .....

Sir,  
I/We ..... of .....  
holding licence/permit No. .... valid up to .....  
under the Bombay Prohibition Act, 1949, for possession and/or sale of duty-paid  
imported and/or Indian-made foreign liquor, request you to grant] me/us a pass for the  
import of the undermentioned kind and quantity of duty-paid imported foreign liquor from  
Indian-made foreign liquor  
the shop/house situated at ..... in the district of .....  
distillery  
bre wery  
warehouse

..... in the State of .....  
to my/our shop or house No. .... situated at ..... in Creater Bombay of\* .....  
bonded warehouse the District  
..... in bond/\* ..... on payment of duty in the State of Maharashtra.

Kind of foreign liquor	Quantity and alcoholic strength			Remarks
	Quantity	Strenegh	Proof litres	

I/we furnish the requisite information as follows, namely :—

- (1) Route by which foreign liquor is to be imported .....
- (2) Name and address of my/our agent, if any, at the exporting place .....
- (3) Purpose for which foreign liquor is to be imported .....
- (4) Period of validity of the pass required .....

1. Subs. by G. N. of 8-9-1965.

I/We agree to abide by the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder, and the conditions on which the pass may be issued to me/us.

Yours faithfully,

(Signature of the applicant).

\*Strike off the words which is not applicable

**FORM-B**  
(see rule 5)

*Counterfoil*

*Pass for the import of duty-paid imported foreign liquor*

**PART-I**

No. ....

Dated .....

..... of .....  
is/are hereby authorised to import the undermentioned description and quantity of duty paid imported foreign liquor from ..... of .....  
in the district of ..... in the State of ..... to his/  
their premises at ..... in the district of .....  
in the State of Maharashtra for the purpose of .....

*Kind and quantity of foreign liquor*

Number and description of each kind of receptacle or package (1)	Description of foreign liquor (2)	Quantity contained in each receptacle or package (3)	Strength (4)	Amount of fees paid	
				Transport fee (5)	*Special fee (6)
				Rs.	Rs.



*Conditions*

1. The above said consignment of foreign liquor shall be conveyed by rail and/or road to its destination direct *via* .....
2. The consignment shall not be broken in transit.
3. It shall on arrival be examined at ..... by .....
4. This pass shall remain in force up to ..... a.m./p.m. of ..... 19 ..

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949., the rules, regulations and orders made thereunder and the conditions specified above.

Seal of the

Collector.

Collector .....

\* Strike out if unnecessary [*see* rule 5 of Bombay Foreign Liquor and Rectified Spirit Transport Fees Rules, 1954].

**FORM B**

(*See* rule 5)

Pass for the import of duty-paid imported foreign liquor

**PART II**

No .....

Dated .....

Mr./Mrs./Miss. .....

Messrs.

of ..... is/are hereby authorised to import the undermentioned description and quantity of duty-paid imported foreign liquor from ..... of ..... in the district of ..... in the State of ..... to his /their premises at ..... in the district of ..... in the State of Maharashtra for the purpose of .....

*Kind and quantity of foreign liquor*

Number and description of each kind of receptacle or package	Description of foreign liquor	Quantity contained in each receptacle or package	Strength	Amount of fees paid	
				Transport fee	*Special fee
				Rs.	Rs.

Conditions

- 1. The above said consignment of foreign liquor shall be conveyed by rail and/or road to its destination direct *via* .....
- 2. The consignment shall not be broken in transit.
- 3. It shall on arrival be examined at ..... by .....
- 4. This pass shall remain in force up to ..... a.m./p.m. of ..... 19 ..

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949., the rules, regulations and orders made thereunder and the conditions specified above.

Collector,

\* Strike out if unnecessary [see rule 5 of Bombay Foreign Liquor and Rectified Spirit Transport Fees Rules, 1954].

FORM "CERTIFICATE-1"

(See rule 6)

No. ....  
Dated .....

Certified that Mr./Mrs. Miss/Messrs..... of ..... who has/have been granted an import pass No. .... dated ..... by ..... has/have been issued duty-paid imported foreign liquor from the shop of ..... of ..... as shown below :

Description of duty paid imported foreign liquor	No. and description of each kind of receptacle	Marks and Numbers on packages or receptacles	Capacity of each receptacle or packages	Actual contents litres	Strength	Proof litres

and that the receptacle and packages containing the said foreign liquor are securely packed in my presence and sealed with my official seal.

Place .....

Signature and Designation of the Excise Officer at the exporting place.

**FORM C**

[See rule 11 (1) (a)]

*Form of a Bond for payment of duty, to be executed by an importer before pass is granted to him to import in bond indian-made foreign liquor from other parts of India*

Whereas I/we ..... residing at ..... in the ..... taluka of the ..... district have made and application on ..... to ..... for a pass authorising me/us to import in bond Indian-made foreign liquor as specified in the said application form ..... to ..... I/We hereby bind myself/ourselves that I/we shall cause the consignment of the foreign liquor on arrival at the place of import to be conveyed direct to the Bonded Warehouse at ..... for examination and detention, pending payment of the duty and fees that may be leviable under the Bombay Prohibition Act, 1949, on the foreign liquor imported and thereafter on demand shall pay to the officer-in-charge of the said warehouse the amount of the said duty and fees and any other charges which may be recoverable from me/us in connection with the said foreign liquor, and in the case of my/our making default in the payment of the said duty, fees or the said charges, I/we bind myself/ourselves to forfeit to the Governor of Maharashtra the sum of rupees .....

Place .....

Dated this ..... day of ..... 19 ..

In the Presence of—

1. ....
2. ....

Signature of the Principal.

We (1) ..... (2) ..... residing at ..... in the ..... taluka of ..... district, do hereby declare ourselves sureties for the above named ..... that he/they shall do and perform all that he/they has/have undertaken to do and perform, and in case his/their making default therein, we hereby bind ourselves, jointly and severally, to forfeit to the Governor of Maharashtra the sum of rupees .....

Place .....

Dated this ..... day of ..... 19 ..

In the presence of—

- |         |         |
|---------|---------|
| 1. .... | 1. .... |
| 2. .... | 2. .... |

Signature of sureties.

**FORM D**

[See rule 11 (1) (a)]

*Form of general bond for payment of a sum sufficient to cover the amount of the duty leviable under the Bombay Prohibition Act, 1949, on the total quantity of Indian made foreign liquor which may be imported from time to time during a period of three years to be executed by an importer, before passes are granted to him to import such liquor in bond from other parts of India.*

Whereas I/we ..... residing at .....  
..... in the ..... taluka of  
the ..... district have made an application on ..... to .....

And whereas I/we propose to import also such foreign liquor from time to time during a period of three years from the date of the said application, I/we bind myself/ourselves that I/we shall cause each consignment of the foreign liquor that may be imported by me/us during the said period of three years to be conveyed direct, on arrival at the place of import, to the Bonded Warehouse at .....  
..... for examination and detention pending payment of the duty that may be leviable under the Bombay Prohibition Act, 1949 on the foreign liquor imported and thereafter on demand shall pay to the Officer-in-charge of the said Warehouse the amount of the said duty and any other charges which may be recoverable in respect of the foreign liquor imported, and in case of my/our making default in the payment of the said duty or the said charges, I/we bind myself/ourselves to forfeit to the Governor of Maharashtra the sum of rupees .....

Place .....

Date of this ..... day of ..... 19 ..

In the presence of—

1. ....
2. ....

Signature of Principal (s).

We (1) ..... (2) .....  
 ..... residing at  
 ..... in the  
 ..... taluka of ..... district.  
 do hereby declare ourselves sureties for the above named .....  
 ..... that he/they shall do and perform all that  
 he/they has/have undertaken to do and perform, and in case of his/their making default  
 therein, we hereby bind ourselves, jointly and severally, to forfeit to the Governor of  
 Maharashtra the sum of rupees .....

Place .....

Dated this ..... day of ..... 19 ..

In the presence of—

1. .... 1. ....  
 2. .... 2. ....

Signature of sureties,

**FORM E**

[See rule 11 (1) (a)]

*Pass for the Import-in-Bond of Indian-made foreign liquor*

**PART I**

(for record in the office of the Collector)

No. .... of 19 ..

Mr./Messrs. .... having executed a bond  
 for the payment of the amount of duty leviable under the Bombay Prohibition Act, 1949,  
 on the undermentioned description and quantity of Indian-made foreign liquor, is/are  
 hereby permitted to import subject to the terms of the bond the said foreign liquor from the  
Distillery  
Brewery at ..... in the district of ..... in the state of  
Warehouse

..... to his/their licensed shop No.  
House No. ..... situated at  
Bonded Warehouse  
 ..... in the Greater Bombay\*  
the District of .....

Description of foreign liquor	Quantity	Strength
	Litres Proof litres	

Conditions

- 1. The consignment of foreign liquor shall be conveyed by rail and/or road via .....
- 2. The consignment shall be inspected *en route at* ..... by ..... and, on arrival at the destination, shall be examined at ..... by .....
- 3. The consignment shall not be broken in transit.
- 4. This pass shall remain in force upto ..... a.m./p.m. of the..... day of ..... 19 .

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations, and orders made thereunder and the conditions specified above.

(Signature) .....

Collector.

Dated ..... 19 .

\*Parts II and III of this pass have been forwarded to the ..... at .....

(Signature) .....

Dated .....

Collector

\* Parts II and III are to be forwarded to the Excise Officer at the exporting place.

FORM E

[See rule 11 (1) (a)]

Pass for the Import-in-Bond of Indian-made foreign liquor

Part II

(To be sent to Excise Officer of the exporting place)

No. .... 19 .

Mr./Messers. .... having executed a bond for the payment of the amount of duty leviable under the Bombay Prohibition Act, 1949, on the undermentioned description and quantity of Indian-made foreign liquor is/are hereby permitted to import subject to the terms of the bond the said foreign liquor

from the Distillery  
Brewery at ..... in the district of ..... in the  
Warehouse

State of ..... to his/their licensed shop No.  
House No. situated at  
Bonded Warehouse

.....in the Greater Bombay  
District of .....

Description of foreign liquor	Quantity		Strength
	Litres	Proof Litres	

*Conditions*

1. The consignment of foreign liquor shall be conveyed by rail and/or road via .....
2. The consignment shall be inspected *en route* at ..... by ..... and on arrival at the destination, shall be examined at ..... by .....
3. The consignment shall not be broken in transit.
4. This pass shall remain in force upto ..... a.m./p.m. of the ..... day of ..... 19 ..

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and the conditions specified above.

(Signature).....  
Collector.

Dated ..... 19 ..

This pass, together with Part III, is forwarded to the ..... who is requested to return the Part III to the undersigned after endorsing thereon quantity of foreign liquor in litres and Proof litres issued to the above named importer.

(Signature).....  
Collector.

Dated ..... 19 ..

**FORM E**

[See rule 11 (1) (a)]

*Pass for the import-in-bond of Indian-made foreign liquor*

Part III

(To be sent to the Excise Officer of the exporting place)

No. .... of 19 ..

Mr./Messrs..... having executed a bond for the payment of the amount of duty leviable under the Bombay Prohibition Act, 1949 on the undermentioned description and quantity of Indian-made foreign liquor is/are hereby permitted to import subject to

the terms of the bond the said foreign liquor from Distillery  
Brewery at .....  
Warehouse  
in the district of ..... in the State of ..... to  
licensed shop No.  
his/their House No. at ..... in the Greater Bombay .....  
the bonded werehouse the District of .....

Description of foreign liquor	Quantity		strength
	Litres	Proof litres	

*Conditions*

1. The consignment of foreign liquor shall be conveyed by rail and/or road *via* .....
2. The consignment shall be inspected *en route* at ..... by ..... and on arrival at the destination, shall be examined at ..... by .....
3. The consignment shall not be broken in transit.
4. This pass shall remain in force up to ..... a.m./p.m. of the ..... day of ..... 19 ..

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and the conditions specified above.

(Signature).....  
Collector

Dated ..... 19 ..

This pass, together with Part II, is forwarded to the ..... who is requested to return the Part III to the undersigned after endorsing thereon the quantity of foreign liquor in litres and Proof litres issued to the above-named importer.

(Signature).....  
Collector

Dated ..... 19 ..



**FORM E**

[See rule 11 (1) (a)]

*Pass for the import-in-bond of Indian-made foreign liquor*

**Part IV**

(To be handed over the importer or his agent for presentation to the Excise Officer of the exporting place and on arrival of the consignment at the place of import to the examining officer.)

No ..... of 19

Mr./Messrs..... having executed a bond for the payment of the amount of duty leviable under the Bombay prohibition Act, 1949, on the unmentioned description and quantity of Indian-made foreign liquor is/are hereby permitted to import subject to the terms of the bond the said foreign liquor from the

Distillery  
Brewery  
Warehouse

..... at in the district of ..... in the State of

..... to his/their licensed ship No.  
House No. situated at  
the bonded warehouse  
..... in the Greater Bombay.  
the District of .....

Description of foreign liquor	Quantity		Strength
	Litres	Proof litres	

*Conditions*

1. The Consignment of foreign liquor shall be conveyed by rail and/or road via .....
2. The consignment shall be inspected *en route* at ..... by ..... and on arrival at the destination, and shall be examined at ..... by .....
3. The consignment shall not be borken in transit.
4. This pass shall remain in force up to ..... a. m./ p. m. of the ..... day of ..... 19 ..

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and the Conditions specified above.

(Signature).....

Collector.

Dated ..... 19 ..

Remarks if any, of the officer who inspects the consignment en route and copy or the impression of the seal if any, used in re-sealing the consignment.

**PART IV (Reverse)**  
**Particulars of Indian-made foreign liquor advised and actually received**

Description of Indian-made of foreign liquor		Advised as shown in the certificate issued by the officer at the exporting place								Received				Loss in transit				
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Number and description of each kind of receptacle or package	Marks and numbers of each package or receptacle	Registered Capacity of each receptacle or package	Actual contents package	Actual contents	Thermometer indication	Hydrometer indication	Strength	Proof litres	Actual contents litres	Thermometer indication	Hydrometer indication	Strength	Proof litres	Increase in transit litres	Found P. litres	Allowed @ ..... % P. litres	Excess P. Litres
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

Compared with the certificate issued by the Excise Officer at .....

2. The importer was directed to pay and has accordingly paid the following dues leviable on the consignment before removing it from this bonded warehouse, vide chalan No. .... dated ..... from the Treasury Officer :—

(1) Duty on foreign liquor Rs. ....

(2) Duty on Excise wastage Rs. ....

(3) Transport fee Rs. ....

(4) Special fee Rs. ....

(5) Other dues Rs. ....

Dated ..... 19 .

(signature)  
Officer in-charge of the Bonded  
Warehouse at .....

**FORM F**

[See rule 11 (1) (b)]

*Pass for the import of Indian-made foreign liquor*  
 (On payment of duty in the State of Maharashtra)

**Part I**

(For record in the office of Collector)

No. \_\_\_\_\_ of 19 \_\_\_\_ .

Mr./messers ..... having paid into the Government Treasury at  
 ..... the sum of Rs. .... ( )  
 only on account of duty on the undermentioned description and quantity of Indian-made

Distillery  
Brewery

foreign liquor, is/are hereby permitted to import the said liquor from the Warehouse at  
 ..... in the district of ..... in the State of

Licensed Shot No.

House No.

..... to his/their the bonded warehouse situated at ..... in

Greater Bombay  
 the district of .....

Description of Indian-made foreign liquor	Quantity		Strength (to be specified in case of spirits only)
	Litres	Proof litres	

The consignment shall be conveyed by rail/road *via* ..... shall be  
 inspected en route at ..... by\* ..... and  
 on arrival at the destination shall be examined at ..... by +  
 ..... it shall not be broken in transit.

\* Here enter the designation of the inspecting officer.  
 + Here enter the designation of the examining officer.

This pass shall remain in force upto ..... p.m. of the ..... day of ..... 19 .

This pass is issued subject to the provisions of the Bombay Prohibition Act, 1949, the rules and orders made thereunder and the conditions specified in this pass.

Dated 19 .

(Signature)..... Collector.

\* Parts II and III of this pass have been forwarded to .....

(Signature)..... Collector.

\*Parts II and III to be forwarded to the Excise Officer at the exporting place.

FORM F

[See rule 11(1) (b)]

Pass for the import of Indian-made foreign liquor

(On payment of duty in the State of Maharashtra)

PART II

(To be sent to the Excise Officer of the exporting place)

No. of 19 .

Mr./Messrs. .... having paid into the Government Treasury at ..... the sum of Rs. .... ( ) only on account of duty on the undermentioned description and quantity of Indian-made foreign liquor, is/are hereby permitted to import the said liquor

Distillery from the Brewery at ..... in the district of ..... in Warehouse

Licensed shop No. House No. situated at the State of ..... to his/their the bonded warehouse

Greater Bombay in the District of .....

Description of Indian-made foreign liquor	Quantity		Strength (to be specified in case of spirits only)
	Litres	Proof litres	

The consignment shall be conveyed by rail/road *via* ..... shall be inspected en route at ..... by\* ..... and on arrival at the destination shall be examined at ..... by + ..... it shall not be broken in transit.

This pass shall remain in force up to ..... p.m. of the ..... day of ..... 19 .

This pass is issued subject to the provisions of the Bombay Prohibition Act, 1949, the rules and orders made thereunder and the conditions specified in this pass.

Dated ..... 19 .  
 (Signature).....  
 Collector.

This Pass, together with Part III, is forwarded to the Excise Officer of .....  
 (Signature).....

Dated ..... 19 .  
 Collector.

\* Here enter the designation of the inspecting officer.  
 + Here enter the designation of the examining officer.

**FORM F**  
 [See rule 11 (1) (b)]

*Pass for the import of Indian-made foreign liquor*  
 (On payment of duty in the State of Maharashtra)  
**PART III**  
 (To be sent to the Excise Officer of the exporting place)

No. .... of 19 .

Mr./Messrs. .... having paid into the Government Treasury at ..... the sum of Rs. ....  
 ..... (.....) only on account of the duty on the undermentioned description and quantity of Indian-made foreign liquor, is/are hereby  
Distillery  
 permitted to import the said liquor from the Brewery at ..... in the  
Warehouse

district of ..... in the State of ..... to his/their Licensed shop No.  
House No.  
 bonded warehouse  
Greater Bombay  
 situated at ..... in the District of .....

Description of Indian-made foreign liquor	Quantity		Strength (to be specified in case of spirits only)
	Litres	proof litres	

The consignment shall be conveyed by rail/road *via* ..... shall be inspected en route at ..... by\* ..... and on arrival at the destination shall be examined at ..... by + ..... it shall not be broken in transit.

This pass shall remain in force upto ..... p.m. of the ..... day of ..... 19 .. .

This pass is issued subject to the provisions of the Bombay prohibition Act, 1949 the rules and orders made thereunder and the conditions specified in this pass.

Dated ..... 19 .. .  
 his pass, together with Part II is forwarded to the Excise Officer of .....  
 (Signature).....  
 Collector.

Dated ..... 19 .. .  
 (Signature).....  
 Collector.

\* Here enter the designation of the inspecting officer.  
 + Here enter the designation of the examining officer.

**FORM F**  
 [See rule 11 (1) (b)]

*Pass for the import of Indian-made foreign liquor*  
 (On payment of duty in the State of Maharashtra)

**PART IV**

(To be handed over to the importer or his agent for presentation to the Excise Officer of the exporting place and on arrival of the consignment at the place of import to the examining officer.)

No. .... of 19 ..

Mr./Messers ..... having paid into the Government Treasury at ..... the sum of Rs. .... ( ) only on account of duty on the undermentioned description and quantity of Indian made foreign liquor is/are hereby permitted to import the said liquor from the Distillery Brewery Warehouse at ..... in the district of ..... in the State of ..... to his/their Licenced shop No. House No. Bonded Warehouse situated at .....in Greater Bombay the District of .....

Description of Indian-made foreign liquor	Quantity		Strength (to be specified in case of spirits only)
	Litres	Proof litres	

The consignment shall be conveyed by rail/road *via* ..... shall be inspected en route at ..... by\* ..... and on arrival at the destination shall be examined at ..... by + ..... it shall not be broken in transit.

This pass shall remain in force upto ..... p.m. of the ..... day of ..... 19 ..

This pass is issued subject to the provisions of the Bombay Prohibition Act, 1949 the rules and orders made thereunder and the conditions specified in this pass.

(Signature).....  
Dated ..... 19 .. Collector.

(Signature).....  
Dated ..... 19 .. Collector.

\* Here enter the designation of the inspecting officer.  
+ Here enter the designation of the examining officer.  
Remarks if any, of the officer who inspects the consignment en-route and copy of the impression of the seal, if any, used in rescaling the consignment.

**PART IV (Reverse)**  
*Particulars of Indian-made foreign liquor advised and actually received*

Description of Indian-made of foreign liquor		Advised as shown in the certificate issued by the officer at the exporting place								Received				Loss in transit				
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Number and description of each kind of receptacle or package	Marks and numbers of each package or receptacle	Registered Capacity of each receptacle or package	Actual contents	Thermometer indication	Hydrometer indication	Strength	Proof litres	Actual contents	Thermometer indication	Hydrometer indication	Strength	Proof litres	Increase in transit litres	Found P. litres	Allowed @ ..... % P. litres	Excess P. litres	

The consignment has been examined by me and I have found that the amount of duty and transport fee and special fee recovered from him is correct/less by .....

As the importer has paid the difference in duty and fee recoverable from him and has agreed to pay any excess amount of duty or fees that may be found to be due from him after receipt of the Chemical Analyser's report, I have allowed him to remove the consignment.

(Signature) .....  
Examining Officer.



**FORM "CERTIFICATE-2"**

[See rule 11(3)]

No. ....

Dated .....

Certified that Mr./Mrs./Miss./Messers ..... of .....  
 who has/have been granted an import pass No. .... dated,  
 ..... by ..... has/have been issued  
 Indian made foreign liquor from the Distillery/Brewery/Bonded Warehouse at  
 ..... in the district of ..... as shown  
 below :

Description of Indian made foreign liquor	Number and descrip- tion of each kind of receptacle	Marks and Numbers on packages or	Capacity of each receptacle or package
(1)	(2)	(3)	(4)

Actual contents Litres	Thermometer Indication	Hydrometer Indication	Strength	Proof litres
(5)	(6)	(7)	(8)	(9)

and that the receptacle and packages containing the said Indian made foreign liquor are  
 securely packed in my presence and sealed with my official seal.

Place :

Signature and designation of the  
 Excise Officer at the exporting place.

**FORM-G**

[See rules 22 and 26)]

Application for a pass to export Place .....  
Dated .....

To  
 The Collector of .....

Sir,  
 I/we ..... of ..... request your to grant me/us a pass for the export of the undermentioned description and quantity of

<sup>1</sup>[Indian made foreign liquor  
\*Duty paid Indian made foreign liquor  
 \* Duty paid imported foreign liquor] from the \*distillery/brewery/bonded warehouse/shop/ house of ..... situated at ..... in the district of ..... in the State of Maharashtra of Mr. /Messers. .... of ..... in the district of ..... in the State of ..... \* in bond.

Description of foreign liquor	Name and description of each kind of receptacle or package	Marks and Numbers on each receptacle or package	Quantity of foreign liquor contained in each receptacle or package litres	Strength of foreign liquor	Proof litres	Remarks
-------------------------------	--	---	---	----------------------------	--------------	---------

I/We furnish the requisite information as follows, namely :  
 1. Route by which foreign liquor is to be exported .....  
 2. Name and address of the consignee .....  
 3. Purpose for which foreign liquor is to be exported .....  
 4. Period of validity of the pass required .....  
 I/We Send herewith a permit No. .... granted by ..... authorising the export of the above foreign liquor to the importing place stated above.

I/We agree to abide by the provisions of the Bombay Prohibition Act, 1949, the rules, regulations and orders made thereunder and the conditions on which the pass may be issued to me/us.

Yours faithfully.

(Signature of the Applicant).

<sup>1</sup> Subs. by G. N. of 7-7-1971.  
 \* Strike off the words which are not applicable.

**FORM-H**

[See rule 23 (1)]

*Form of bond to be executed by an exporter before permission is granted  
to him to export Indian-made foreign liquor in bond from the  
State of Maharashtra to other parts of the Indian Union*

Whereas I/We ..... residing at ..... in  
the ..... taluka of the ..... district .....  
have made an application on ..... to ..... for the pass  
authorising me/us to export in bond Indian-made foreign liquor as specified in the said  
application from ..... in the district of .....  
..... to ..... in the district of ..... in  
the State of ..... I/We bind myself/ourselves;

that I/we shall cause the quantity of foreign liquor mentioned in the pass to be duly and  
safely exported from the State of Maharashtra and convey it by the most direct route  
from ..... to ..... aforesaid in conformity  
with the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders  
made thereunder and shall cause the said foreign liquor to be delivered into the custody of  
..... at ..... in the district of ..... and  
shall procure and produce to the Collector within three months from the date of this bond a  
certificate signed by the Excise Officer ..... aforesaid showing what  
quantity of the said foreign liquor specified in the pass has been so delivered at the place  
aforesaid;

and that if the whole quantity (after deducting the allowance due to loss on account of  
wastage dryage and leakage in transit not exceeding <sup>1</sup>[0. 3 percent for every 10 kilometres]  
of the distance by the most direct route between ..... and  
.....) shall not have been certified to have been delivered to the  
..... at ..... aforesaid, I/we,  
my/our heirs, executors, administrators and representatives shall on demand by the  
Collector pay or cause to be paid within seven days from the date of demand to the said  
Collector or Officer duty, transport fee and special fee mentioned in the Bombay Foreign  
Liquor and Rectified Spirit (Transport) Fees Rules, 1954 at the rates in force on such  
portion of the foreign liquor specified in the pass as shall not be so delivered after  
making allowance as aforesaid but irrespective of the fact whether such foreign liquor or  
any other part thereof has or has not actually been so exported ;

and that in the event of my/our failure to pay the amount of the said duty and fees  
within the said period of seven days I/we shall pay interest on the said amount at the rate of  
12 per cent. per annum from the date of demand to the date of payment.

And in case of my/our making default in the payment of the said duty, fees interest and  
other charges, if any, I/we bind myself/ourselves to forfeit to the Governor of Maharashtra,  
the sum of rupees .....

---

<sup>1</sup> Subs. by G. N. of 8-9-1965.

Place .....

Dated this ..... day of ..... 19 .

In the presence of —

1. ....

2. ....

.....

.....

Signature of the principal agent.

We (1) ..... (2) ..... residing at ..... in the ..... taluka of ..... District ..... sureties for the above-named ..... that he/they shall do and perform, all that he/they has/have undertaken to do and perform, and in case of his/their making default therein, whereby bind ourselves, jointly and severally, to forfeit to the Governor of Maharashtra the sum of rupees .....

Place .....

Dated this ..... day of ..... 19 .

In the presence of

1. ....

2. ....

1. ....

2. ....

Signatures of sureties.

**FORM I**

[See rule 23 (1)]

<sup>1</sup> [ Pass for the export of Indian made foreign liquor ]

(For record in the Office of the Collector)

**PART I**

No. of 20  
Dated ..... at .....

Mr./Mrs. ....<sup>1</sup> [\*having executed a bond for the amount of duties and fees leviable  
\* having paid the duties and fees]

under the Bombay Prohibition Act, 1949 on the undermentioned description and quantity of Indian made foreign liquor is/are hereby permitted to export the said Indian-made foreign liquor from the distillery/brewery/[bonded warehouse/shop] at ..... in the district of ..... to ..... of ..... in the district of ..... in the State of .....

Description of Indian made foreign liquor	Number and description of each kind of receptacle or package	Marks and numbers of each receptacle or package	Quantity of Indian made foreign liquor contained in each receptacle or package litres	Thermo meter readings	Hydro-meter indication	Strength	Proof litres	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

\* Strike off if not applicable.  
1 Subs. by G. N. of 7-7-1971.

*Conditions*

1. The consignment of the above Indian-made foreign liquor shall be conveyed by rail and /or road *via* ..... and shall be inspected en route at .....
2. The consignment shall be conveyed direct to its destination.
3. The consignment shall not be broken in transit.
4. This pass shall remain in force upto ..... p. m. on the ..... day of ..... 20

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions specified above.

Seal of the  
Collector

(Signature) Collector.

**FORM I**

[See rule 23 (1)]

<sup>1</sup> [ Pass for the export of Indian made foreign liquor]

(To be forwarded to the Excise Officer at the importing place)

**PART II**

No. of 19  
Dated ..... at .....

Mr./Mrs. .... [\*having executed a bond for the amount of duties and fees leviable

\* having paid the duties and fees]

under the Bombay Prohibition Act, 1949 on the undermentioned description and quantity of Indian made foreign liquor is/are hereby permitted to export the said Indian-made foreign liquor from the distillery/brewery/[bonded warehouse/shop] at ..... in the district of ..... to ..... of ..... in the district of ..... in the State of

Description of Indian made foreign liquor	Number and description of each kind of receptacle or package	Marks and numbers of each receptacle or package	Quantity of Indian made foreign liquor contained in each receptacle or package litres	Thermo-meter readings	Hydro-meter indication	Strength	Proof litres	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

\* Strike off if not applicable.  
1 Subs, by G. N. of 7-7-1971.

*Conditions*

- 1. The consignment of the above Indian-made foreign liquor shall be conveyed by rail and /or road *via* ..... and shall be inspected en route at .....
- 2. The consignment shall be conveyed direct to its destination.
- 3. The consignment shall not be broken in transit.
- 4. This pass shall remain in force upto ..... p. m. on the ..... day of ..... 20

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions specified above.

Seal of the  
Collector

(Signature) Collector.

Date ..... 20 .

\*Forwarded to .....

---

\*This Part is to be Forwarded to the Excise officer at the importing place.



**FORM I**

[See rule 23 (1)]

<sup>1</sup>[ Pass for the export of Indian made foreign liquor]

(To be forwarded to the Prohibition and Excise Officer-in-charge of the warehouse from which liquor to be exported to be issued)

**PART III**

No. of 20  
Dated ..... at .....

Mr./Mrs. .... <sup>1</sup>[\*having executed a bond for the amount of duties and fees leviable

\* having paid the duties and fees]

under the Bombay Prohibition Act, 1949 on the undermentioned description and quantity of Indian made foreign liquor is/are hereby permitted to export the said Indian-made foreign liquor from the distillery/brewery/[bonded warehouse/shop] at ..... in the district of ..... to ..... of ..... in the district of ..... in the State of

Description of Indian made foreign liquor	Number and description of each kind of receptacle or package	Marks and numbers of each receptacle or package	Quantity of Indian made foreign liquor contained in each receptacle or package litres	Thermo-meter readings	Hydro-meter indication	Strength	Proof litres	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

\* Strike off if not applicable.  
<sup>1</sup> Subs. by G. N. of 7-7-1971.

*Conditions*

1. The consignment of the above Indian-made foreign liquor shall be conveyed by rail and /or road *via* ..... and shall be inspected en route at .....
2. The consignment shall be conveyed direct to its destination.
3. The consignment shall not be broken in transit.
4. This pass shall remain in force upto ..... p. m. on the ..... day of ..... 20

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions specified above.

Seal of the  
Collector or the  
Officer issuing  
the pass

Signature and designation of the Collector <sup>1</sup>[or Officer issuing the pass]

Forwarded to the officer-in-charge ..... together with import pass for issue of the liquor specified above.

(signature) Collector <sup>1</sup>[or officer issuing the pass]

---

<sup>1</sup> This part is to be forwarded to the Excise Officer at the importing place.

Part III (reverse)

Advised						
Description of liquor	Number and description of each kind of package or receptacle	Actual contents litres	Thermometer indication	Hydrometer indication	Strength	Proof litres
(1)	(2)	(3)	(4)	(5)	(6)	(7)

For forwarded to (1)\* .....

2. Indian-made foreign liquor as detailed above in columns 1 to 7 has this day issued. Copy of the impression of the seal used in sealing the consignment is as under :

Dated ..... 20

Seal

Officer-in-charge,  
Bonded Warehouse/Laboratory.

\* Officer who is to inspect the consignment.

Forwarded to the Excise Officer (2)\* .....

2. The above consignment was duly looked on ..... and this fact has been varified from the Railway receipt.

Dated ..... 20

(3) Signature and designation of the Inspecting Officer.

---

\* (2) Excise Officer at the importing place.  
(2) Inspecting Officer.

**FROM I**

[See rule 23 (1)]

<sup>1</sup>[ Pass for the export of Indian made foreign liquor]

(To be handed over to the applicant or his agent)

**PART IV**

No. of 20

Dated ..... at .....

Mr./Mrs. ....<sup>1</sup> [\*having executed a bond for the amount of duties and fees leviable

\_\_\_\_\_ \* having paid the duties and fees]

under the Bombay Prohibition Act, 1949 on the undermentioned description and quantity of Indian made foreign liquor is/are hereby permitted to export the said Indian-made foreign liquor from the distillery/brewery/<sup>1</sup>[bonded warehouse/shop] at ..... in the district of ..... to ..... of ..... in the district of ..... in the State of .....

Description of Indian made foreign liquor	Number and description of each kind of receptacle or package	Marks and numbers of each receptacle or package	Quantity of Indian made foreign liquor contained in each receptacle or package	Thermo-meter readings	Hydro-meter indication	Strength	Proof litres	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

\* Strike off if not applicable.  
1 Subs, by G. N. of 7-7-1971.

*Conditions*

- 1. The consignment of the above Indian-made foreign liquor shall be conveyed by rail and /or road *via* ..... and shall be inspected en route at .....
- 2. The consignment shall be conveyed direct to its destination.
- 3. The consignment shall not be broken in transit.
- 4. This pass shall remain in force upto ..... p. m. on the ..... day of .....20

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions specified above.

Seal of the collector

(Signature) Collector.

Part IV (reverse)

							Advised						
Description of liquor	Number and description of each kind of package or receptacle	Actual contents litres	Thermometer indication	Hydrometer indication	Strength	Proof litres							
1	2	3	4	5	6	7							

2. Indian-made foreign liquor as detailed above in columns 1 to 7 has this day issued.

Dated ..... 19

Officer-in-charge of the Distillery/  
Brewery/Bonded warehouse/Laboratory

(Certificate in Form Certificate-3 to be annexed to this Part).

## FORM "CERTIFICATE-3"

[See rule 25 (3)]

No.

Dated .....

Certified that Mr./Mrs./Miss/Messers. ....  
 .....of ..... who has/have been  
 granted an export pass No. .... dated ..... by  
 ..... has/have delivered the Indian-made foreign liquor as shown below  
 on ..... to ..... of .....  
 in the district of ..... in the State of .....

Description of Indian made duty paid imported foreign liquor	Number of packages or receptacles	Quantity delivered		Remarks
		Litres	Strength	

and that the seals of the packages and receptacles containing the above foreign liquor were intact at the time of delivery of the consignment at its destination.

<sup>1</sup>[\*2. The importer has paid all duties and fees leviable under the Bombay Prohibition Act, 1949 on the quantity of Indian-made foreign liquor mentioned in the export pass, according to the rates prevailing in this State.]

Signature and designation of the  
Excise Officer at the importing place.

Place :

\* Strike off if not applicable.

<sup>1</sup> Ins. by G.N. of 7-7-1971.



**FORM J**

[See rule 27 (1)]

*pass for the export of duty-paid imported foreign liquor*

PART I - To be retained on the record of the office of the Collector

No. \_\_\_\_\_ Dated .....

1. Name and address of the exporter . .
2. Kind of licence of permit held by the exporter and its No.
3. Quantity and description of duty-paid imported foreign liquor to be exported.
4. Name and address of the person to whom duty-paid imported foreign liquor is to be exported.
5. Place to which duty-paid imported foreign liquor is to be exported.
6. Place from which duty-paid imported foreign liquor is to be exported.
7. Route (state also the place up to which removal of duty-paid imported foreign liquor will be by road during its transit in the State of Maharashtra).
8. Period for which this pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and subject to the following conditions, namely :

(a) The whole quantity of duty-paid imported foreign liquor shall be exported in one consignment only and its bulk shall not be broken in transit;

(b) The pass holder shall given an undertaking in writing to abide by the above condition.

Place :

Seal

(Signature)

Collector.

**FORM J**

[See rule 27 (1)]

*pass for the export of duty-paid imported foreign liquor*

PART II - To be handed over to the applicant

- |     |             |
|-----|-------------|
| No. | Dated ..... |
|-----|-------------|
1. Name and address of the exporter . .
  2. Kind of licence of permit held by the exporter and its No.
  3. Quantity and description of duty-paid imported foreign liquor to be exported.
  4. Name and address of the person to whom duty-paid imported foreign liquor is to be exported.
  5. Place to which duty-paid imported foreign liquor is to be exported.
  6. Place from which duty-paid imported foreign liquor is to be exported.
  7. Route (state also the place up to which removal of duty-paid imported foreign liquor will be by road during its transit in the State of Maharashtra).
  8. Period for which this pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and subject to the following conditions, namely :

(a) The whole quantity of duty-paid imported foreign liquor shall be exported in one consignment only and its bulk shall not be broken in transit;

(b) The pass holder shall given an undertaking in writing to abide by the above condition.

Place :

Seal

(Signature)

Collector.

(Certificate in Form Certificate-4 to be annexed to paragraph II).

**FORM "CERTIFICATE-4"**

[See rule 29]

No. ....

Date .....

Certified that Mr./Mrs./Miss/Messrs. ....  
 who has/have been granted an export pass No. .... dated  
 .... by ..... has/have delivered the duty-paid  
 imported foreign liquor as shown below on ..... to .....  
 of ..... in the district of ..... in the state of  
 .....

Kind of Indian-made foreign liquor	Number of packages or receptacles	Quantity delivered			Remarks
		Litres	Strength	Proof litres	
Duty-paid imported foreign liquor					

and that the seals on the packages and receptacles containing the above foreign liquor were intact at the time of delivery of the consignment at its destination.

Signature and designation of the  
 Excise Officer at the importing place.

Place :

**FORM J**

[See rule 27 (1)]

*Pass for the export of duty-paid imported foreign liquor*

PART III - To be sent by the applicant with the consignment to the person receiving it at the place of import.

No. \_\_\_\_\_ Dated .....

1. Name and address of the exporter . . .
2. Kind of licence of permit held by the exporter and its No.
3. Quantity and description of duty-paid imported foreign liquor to be exported.
4. Name and address of the person to whom duty-paid imported foreign liquor is to be exported.
5. Place to which duty-paid imported foreign liquor is to be exported.
6. Place from which duty-paid imported foreign liquor is to be exported.
7. Route (state also the place up to which removal of duty-paid imported foreign liquor will be by road during its transit in the State of Maharashtra).
8. Period for which this pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and subject to the following conditions, namely :

(a) The whole quantity of duty-paid imported foreign liquor shall be exported in one consignment only and its bulk shall not be broken in transit;

(b) The pass holder shall give an undertaking in writing to abide by the above condition.

Place :

Seal

(Signature)

Collector.

**FORM J**

[See rule 27 (1)]

*Pass for the export of duty-paid imported foreign liquor*

PART IV - To be sent by post to the Collector or the Excise Officer of the importing place.

- |     |   |             |
|-----|---|-------------|
| No. |   | Dated ..... |
| 1.  | Name and address of the exporter . .  |             |
| 2.  | Kind of licence of permit held by the exporter and its No.  |             |
| 3.  | Quantity and description of duty-paid imported foreign liquor to be exported.   |             |
| 4.  | Name and address of the person to whom duty-paid imported foreign liquor is to be exported.   |             |
| 5.  | Place to which duty-paid imported foreign liquor is to be exported.   |             |
| 6.  | Place from which duty-paid imported foreign liquor is to be exported.   |             |
| 7.  | Route (state also the place up to which removal of duty-paid imported foreign liquor will be by road during its transit in the State of Maharashtra). |             |
| 8.  | Period for which this pass shall be valid.  |             |

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and subject to the following conditions, namely :

(a) The whole quantity of duty-paid imported foreign liquor shall be exported in one consignment only and its bulk shall not be broken in transit;

(b) The pass holder shall given an undertaking in writing to abide by the above condition.

Place :

Seal

(Signature)

Collector.

<sup>1</sup>[FORM 'K']

<sup>2</sup>[See rule 9B]

**Certificate of registration (for manufactories of the Indian Made Foreign Liquor/Beer situated in a State other than the State of Maharashtra)**

CERTIFICATE

No ..... 19 ..

<sup>2</sup>["Certificate of registration is hereby granted to Shri/Messers

.....

.....

(here State the name and address)

authorising him/them to export Indian Made Foreign Liquor or Beer or both for import in the State of Maharashtra having paid into the Government treasury

at .....

(Place)

the sum of rupees fifty thousand on account of fee (inclusive of consideration), under and subject to the provisions of the Bombay Prohibition Act, 1949 and the Maharashtra Foreign Liquor (Import and Export) Rules, 1969 and any other rules, regulations and orders made thereunder and subject to the following conditions, namely :

*Conditions*

(1) All labels required to be used PP Caps, size of bottles, Casks or kegs, shall be submitted to the Commissioner for his approval before export.

(2) All bottles and packages containing Indian Made Foreign Liquor/Beer shall bear a label showing the name of the manufacturer, the name of brand, the place of manufacture, alcoholic strength, batch number <sup>3</sup>[ "the month and year of manufacture and the maximum retail price <sup>4,5</sup> (inclusive of all taxes and duties)",] In addition to above details, the label shall also contain an inscription, namely :

"FOR SALE IN MAHARASHTRA STATE ONLY" in bold letters and the guaranteed fluid contents of each bottle, cask or keg.

<sup>5</sup>["*Explanation.*—Sales tax on potable liquor excluding country liquor sold through FL-II Vendor's licence issued under rule 25 of the Bombay Foreign Liquor Rules, 1953 levied *vide* Government Notification Finance Department, No. STA-1097/CR-1/Taxation-2, dated the 8th December, 1998 is also recoverable over and above MRP on such potable liquor manufactured prior to the 9th December, 1998 and sold on or after the 9th December, 1998".]

(3) All bottles, casks or kegs shall be firmly crown corked or properly closed with bungs and sealed. Metallic crown corks shall be firmly fixed, in a proper position by a working

1. Added by G. N. of 17-2-1989.  
3. Sub by G. N. of 18-10-1996  
4. Added by G.N. of 8-12-1998.

2. Subs by G. N. of 21-5-1990.  
5. Subs. by G. N. of 22-1-1999  
6. Subs. by G. N. of 24-7-2008.

machine. Such crown cork shall bear the name of the manufacture.

(4) Indian Made Foreign Liquor/Beer meant for supplies to the Defence services through the Canteen Stores Department (India) Limited, shall bear and additional inscription as follows, namely :

“FOR DEFENCE SERVICES ONLY”

<sup>1</sup>[“4A. The holder of certificate shall declare manufacturing cost and the maximum retail price of every brand and pack to the Commissioner before any change is effected therein in quadruplicate. The duly authenticated copy of which will be returned to him, one copy will be sent to the Superintendent of State Excise in the district in which the importer’s trade licence is located and one copy will be sent to the officer-in-charge of Trade and Import Licence”.]

(5) This certificate any be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

(6) The holder of the certificate shall comply promptly with all lawful orders and directions issued from time to time by the Commissioner.

(7) This certificate shall be valied from the date of its issue, till the 31st day of March 19

(SEAL)

Commissioner of Prohibition and Excise,  
Maharashtra State, Bombay.

Bombay, dated the

day of 19

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1. Ins. by G. N. 18-10-1996.

**{91} THE MAHARASHTRA INDIAN-MADE FOREIGN LIQUOR  
(TRANSPORT AND EXPORT UNDER BOND) RULES, 1968**

G. N., R. & F. D. EAR. 1562/147668-N, dated 26th April 1968

(M.G. Pt. IV-B, p. 511)

1. Amended by *Corrig. R. & F. D., No. EAR. 1562/14768-N, dated 15<sup>th</sup> July 1968 (M.G. Pt. IV-B. P. 755).*
2. Amended by *G. N. R. & F. D. No. EAR. 1562/142768-N, dated 19<sup>th</sup> July 1969. (M. G. Pt. IV-Bp. 1060)*
3. Amended by *Erratum No. EAR. 1562/14768-N, dated 2<sup>nd</sup> August 1973 (M. G. Pt. IV-B. p. 1498).*
4. Amended by *G. N. H. D., BPA. 0107/C.R.-4/EXC-2, dated 10<sup>th</sup> January 2008 (M. G. Pt. IV-B, p)*
5. Amended by *G. N. H. D., BPA. 0209/C.R.-40/EXC-2, dated 4<sup>th</sup> August 2009 (M. G. Pt. IV-B, p 3)*

In exercise of the powers conferred by section 143, read with clause (d1) of sub-section (1) of section 139, of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby remits the excise duty on Indian-made foreign liquor <sup>1\*</sup> \* \* intended for being sent by sea, land or air to any foreign country, on condition that the Indian-made foreign liquor is transported under bond to a Customs Station in the State of Maharashtra or exported to a Customs Station in any other State in India from a bonded warehouse in the State of Maharashtra subject to the following Rules, the same having been previously published as required by sub-section (3) of section 143 of the said Act, namely :

1. These Rules may be called the Maharashtra Indian-made Foreign Liquor (Transport and Export under Bond) Rules, 1968.
2. In these Rules, unless there is anything repugnant in the subject or context,—
  - (a) “Act” means the Bombay Prohibition Act, 1949 ;
  - (b) “bonded warehouse” means a warehouse or part of a distillery appointed by the State Government as a bonded warehouse for the receipt and storage under bond of Indian made foreign liquor ;
  - (c) “Custom Officer” means the Officer-in-charge of Customs Station;
  - (d) “Customs Station” has the meaning assigned to it by the Customs Act, 1962 ;
  - (e) “Form” means the form appended to these Rules ;
  - (f) “Indian made foreign liquor” means any country liquor which is declared to be foreign liquor for the purposes of the Act by a notification under the proviso to clause (17) of section 2 of the Act, but does not include medicinal and toilet preparations containing alcohol ;
  - (g) “Place of export” means the bonded warehouse in the State from which the Indian made foreign liquor is exported to a Customs Station in any other State in India ;
  - (h) “Place of transport” means the bonded warehouse in the State from which the Indian made foreign liquor is transported to a customs Station therein.
3. Transporter or exporter to apply for pass.—Any person desiring to transport in bond from a place of transport (hereinafter called the transporter) to a Customs Station in the State or to export-in-bond from a place of export (hereinafter called the exporter) to a Customs Station in any other State in India Indian-made foreign liquor for despatch by sea, land or air to any foreign country, shall apply for a transport-in-bond pass or export-in-bond pass, as the case may be, to the Collector of the place of transport, or as the case may be, the place of export.

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1. Deleted by G. N. of 19-7-1969.



4. *Particulars of application.*—(1) Every application for a transport-in-bond pass or export-in-bond pass shall contain the following particulars, namely :

- |   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>(a) The description</li> <li>(b) The quantity</li> <li>(c) The alcoholic strength</li> <li>(d) The number and nature of receptacles or packages containing such liquor and the identification marks made thereon ;</li> <li>(e) The name of the Customs Station to which the consignment is to be transported or exported ;</li> <li>(f) The route by which the consignment is to be transported or exported ;</li> <li>(g) The name of the place to which the consignment is to be despatched ;</li> <li>(h) The name and address of the transporter or exporter, and his agent, if any;</li> <li>(i) The name and address of the consignee.</li> </ul> |  | <ul style="list-style-type: none"> <li>of the Indian-made foreign liquor to</li> <li>be transported or exported ;</li> </ul> |
|---|--|--|

(2) In the case of <sup>1</sup>[export-in-bond,] the exporter shall also attach with the application and import-in-bond pass or a no objection certificate from the Collector of the place where the Customs Station to which it is to be exported is situated.

5. *Execution of bond.* On receipt of an application under rule 4, if the Collector, after making such enquires as he deems necessary, is satisfied that there is no objection to allow the transport-in-bond or export-in-bond as the case may be, of Indian-made foreign liquor, he shall require the applicant—

- (a) to execute a bond in Form 'A'
- (b) to produce a certificate from the Customs Office for dispatch of liquor from the customs Station; and,
- (c) <sup>2</sup>[administrative fees] and dues as may be demanded from him in accordance with the provisions of these Rules :

Provide that if the applicant is not a resident of the place of transport or the place of export, as the case may be, his agent at the place of transport or the place of export who is approved by the Collector may act for him. In such case, both the applicant and his agent shall be jointly and severally responsible for any amount which may ultimately fall due under the bond :

Provided further that the execution of the bond under this rule may be dispensed with in the case of any transporter or exporter of known good standing who deposits with the Collector a sum which in the opinion of the Collector is sufficient to cover the amount of dues payable by him; and recoveries of all sums payable by the transporter or exporter, as the case may be, made by deductions from the deposit in which event, the transporter or exporter shall make good the amount so deducted to restore the full amount of deposit.

The Collector shall not refuse to accept the bond executed by the applicant unless the applicant is given a reasonable opportunity to show cause against such refusal and the Collector shall record his reasons for the refusal.

6. *Issue Pass*—(1 The Collector may on the applicant complying with the provisions of rules 5, <sup>2</sup>[and after collecting a administrative fees of rupees *two per litre* for Rectified Spirit and rupees <sup>3</sup>[*twenty five paise per litre* for Extra Neutral Alcohol, as the case may be or advised by the Commissioner. from time to time] issue to him a transport-in-bond pass or an export-in bond pass, as the case may be, in Form 'B'

1. Subs. by G. N. of 19-7-1969.

2. Subs by 10-1-2008.

3. Subs. by 4-8-2009.

(2) Each pass issued under this rule shall be in four parts which shall be dealt with as under :

PART I shall be retained on the records of the officers issuing the pass ;

PART II shall be sent by post to the Customs Officer-in-charge of the Customs Station from which shipment of Indian-made foreign liquor is to take place ;

PART III, to together with the import-in-bond pass or the no objection certificate in case of export, shall be forwarded to the officer-in-charge of the bonded warehouse from which Indian-made foreign liquor is to be issued; and

PART IV shall be handed over to the applicant or his agent.

7. Issue of Indian-made foreign liquor for purposes of transport of export —

(1) The transporter of exporter or his agent shall present Part IV of the pass to the Officer-in-charge of the bonded warehouse (hereinafter referred to as the said officer-in-charge) from which Indian-made foreign liquor is to be removed. Such officer shall compare Part IV with Part III and if he sees no objection issue the Indian-made foreign liquor from the bonded warehouse.

(2) The said officer-in-charge shall seal with his official seal each cask, drum or package containing Indian-made foreign liquor to be transported or exported, which shall also bear for the purpose of identification the number of the pass, the serial number of the casks, drums or packages, the kind, quantity and strength of the Indian-made foreign liquor contained therein, and the name of the Customs Station from which the consignment of Indian-made foreign liquor is to be despatched and the name of the place to which the consignment is to be despatched.

(3) The said officer-in-charge shall fill in the particulars under the head “Advised” on the reverse of Parts III and IV of the pass, complete the endorsements thereunder, and hand over Part IV together with the import-in-bond pass or the no objection certificate to the transporter or exporter, as the case may be, and forward by post Part III with a copy thereon, of the impression of the seal used in scaling the cask, drums and packages, to the Customs Officer-in-charge of the Customs Station from which dispatch of the Indian-made foreign liquor is to take place.

(4) When filling in the particulars <sup>1</sup>[referred to in] sub-rule (3), the strength to be shown in column 4 on the reverse of Parts III and IV of the pass under the head “Advised”, shall be the strength declared in the <sup>1</sup>[transporter’s or exporter’s ] application, as the case may be, and verified by the said officer-in-charge from previous records and columns 5 on the reverse of the said parts, shall be filled in accordingly.

(5) The said officer-in-charge shall then allow the consignment to be removed from the bonded warehouse at the transporter’s or exporter’s risk and expense. He shall pay all warehouse dues, if any before the consignment is removed from warehouse.

(6) The transporter or exporter shall remove the consignment under excise escort at his <sup>1</sup>[expense] upto such distance as may be ordered <sup>1</sup>by the Collector.

8. *Inspection of consignment.*—(1) The transporter or exporter, as the case may be, or his agent, shall present to the Customs Officer-in-charge of the Customs Station of despatch the whole consignment for inspection along with Part IV of the pass.

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1. Subs. by G. N. of 19-7-1969.

(2) The Customs Officer shall be entitled to see that the seals impressed by the said officer-in-charge are intact and tally with the specimen of the impression of the seal received by him under sub-rule (3) of rule 6. He shall also be entitled to see that the casks, drums and packages correspond with the description given in Part III of the pass received by him from the said officer-in-charge of the bonded warehouse from which the Indian-made foreign liquor was issued. In case, the seals impressed by the said officer-in-charge are found to be tampered with or not tallying with the specimen impression of the seal received by him or if the casks, drums or packages do not correspond with the description given in Part III of the pass or if the consignment appears to be tampered with, the Customs Officer may break open all the casks, drums or packages or such of them as may be necessary in the presence of the transporter or exporter, as the case may be, or his agent and examine and find out the strength and the quantity or the contents of each of the casks, drums or packages so opened.

(3) After the consignment of the Indian-made foreign liquor is despatched, the transporter or exporter, as the case may be, or his agent shall obtain from the Customs Officer, Part IV of the pass with the endorsement at the end of the pass duly completed and signed and produce it within thirty days, in the case of transport and within sixty days in the case of export from the date on which it was passed for transport or export, as the case may be, before the Collector of the place in which the bonded warehouse from which the Indian made foreign liquor was removed, is situated and shall take back the import-in-bond pass or the no objection certificate, if any, attached to Part IV. He shall obtain from the Customs Officer, Part III of the pass duly completed and present it to the said officer-in-charge.

9. *Calculation of dues.*—On receipt of Part III of the pass under rule 8, the said officer-in-charge shall calculate the dues under the transporter's or exporter's bond, after deducting from the short delivery, if any, reported by the Customs Officer, and report to the Collector, the dues so calculated along with Part III of the pass.

10. *Cancellation of bond.*—(1) On production of Part IV of the pass under sub-rule(3) or rule 8, the Collector shall compare Part IV with Part III of the pass received by him, from the said officer-in-charge under rule 9, and Part I of the pass on the record in his office. If the certificate on the reverse of the Part IV of the pass endorsed by the Customs Officer shows that the consignment has been despatched in full and that no amount is reported to be due by the said officer-in-charge, the Collector <sup>1</sup>[shall cancel the bond and inform the transporter or exporter or his agent accordingly.]

(2) In case of any deficiency, the Collector shall, unless the deficiency is satisfactorily explained, verify the dues calculated and reported by the said officer-in-charge under rule 9 and recover the amount due from the transporter or exporter, as the case may be, or his agent; and, on the recovery of the amount, <sup>1</sup>[cancel the bond and inform the transporter or exporter or his agent accordingly.]

11. *Penalty for breach of rules.*—(1) In the event of the transporter or exporter failing to carry the consignment to the Customs Station specified in the pass or, in the event of a breach by him of any of these rules, the Collector may levy on such consignment, the full duty at the rates in force at the time, the pass was issued or at the time when the shortage, if any, was noticed whichever the Collector decides to levy.

(2) Nothing in this rule shall affect any further liability of the transporter or exporter to punishment under any of the provisions of the Act for a breach of these Rules or of the Act.

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1. Subs. by G. N. of 19-7-1969.

**FORM 'A'**

(See rule 5)

*Form of bond to be executed by a transporter or an exporter before permission is granted to him to transport in bond to a Customs Station in the State or to export in bond to a Customs Station in any other State in India, Indian-made foreign liquor for dispatch by sea, land or air to any foreign country.*

Whereas I/we .....  
 ..... residing at ..... in the .....  
 ..... in the ..... taluka/tahsil/mahal  
 of the ..... district have made an application on  
 ..... to ..... for a  
 pass authorising me/us to transport in bond/export in bond the Indian-made foreign liquor  
 specified in the Schedule hereto annexed (hereinafter referred to as "the said Indian-made  
 foreign liquor") from the bonded warehouse at .....  
 to the Customs Station at .....  
 for dispatch to ..... <sup>1</sup>[I/we bind  
 myself/ourselves] that I/we shall cause the said Indian-made foreign liquor to be duly and  
 safely transported/exported from the bonded warehouse at .....  
 and conveyed by the most direct route to the Customs Station at .....  
 aforesaid in conformity with the provisions of the Bombay Prohibition Act, 1949, and the  
 rules and orders made thereunder and shall cause the said Indian-made foreign liquor to be  
 delivered into the custody of the Customs Office at the Customs Station of  
 ..... and shall obtain and produce  
 before the Collector of\* ..... within .....  
 days from the date of this bond a certificate signed by the officer-in-charge of the said  
 Customs Station showing the quantity of the said Indian-made foreign liquor despatched  
 from the said Customs Station to the place aforesaid.

And if the whole quantity of the said Indian-made foreign liquor is not certified to  
 have been received at the Customs Station for being despatched to the said place, I/we  
 shall on demand by the said Collector of\* .....  
 pay or cause to be paid within seven days from the date of demand to the said Collector  
 duty at the rates in force at the time of the issue of the pass or at the time when the  
 shortage was noticed, whichever the Collector decides to demand, on such quantity of the  
 said Indian-made foreign liquor as has not been so delivered for dispatch to the Customs  
 officer-in-charge of the said Customs Station.

And in case of my/our failure to pay the amount of the said duty within the said period  
 of seven days. I/we shall pay interest on the said amount at the rate of 12 per cent. per  
 annum from the date of demand to the date of payment and in the event of my/our  
 making default in the payment of the said duty and the amount of interest due, if any,  
 I/we bind myself/ourselves to forfeit to the Governor of Maharashtra the sum of  
 Rs. .... in guarantee of which I/we have deposited with Government an amount  
 of Rs. .... in cash/in securities.

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\* Here insert the name of the place from which transport or export takes place.

1 Subs by G. N. of 19.7.1969.



**FORM 'B'**

(See rule 6)

**PART I**

*Pass for the transport-in bond/export-in bond of Indian-made foreign liquor*

(For record in the office of the Collector)

No. \_\_\_\_\_ of 19 \_\_\_\_\_

Shri ..... having executed a bond for the payment of the amount of duty leviable on the undermentioned kind and quantity of Indian-made foreign liquor is/are permitted to transport/export the said Indian made foreign liquor from the bonded warehouse at ..... to the Customs Station of ..... under and subject to the terms of the said bond for dispatch by sea/and air to .....

Kind of Indian-made foreign liquor	No. and description of each kind of receptacle or package	Marks and No. of each receptacle or package	Quantity of Indian-made foreign liquor contained in each receptacle	Alcoholic strength of the Indian-made foreign liquor	Proof litres	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

The consignment shall be conveyed by rail/road via .....

This pass is issued subject to the provisions of the Bombay Prohibition Act 1949, the rules and orders made thereunder and the conditions specified in this pass.

<sup>1</sup>[This pass shall remain in force upto ..... p. m. on the ..... day of .....19.....]

Seal of the Collector

Collector]

1. Subs. by G. N. of 19-7-1969.

**FORM 'B'**

(See rule 6)

**PART II**

*Pass for the transport-in bond/export-in bond of Indian-made foreign liquor*

(To be forwarded to the officer-in-charge of the Customs Station of dispatch)

No. \_\_\_\_\_ of 19 \_\_\_\_\_

Shri ..... <sup>1</sup>[having executed a bond for] the payment of the amount of duty leviable on the undermentioned kind and quantity of Indian-made foreign liquor is/are permitted to transport/export the said Indian made foreign liquor from the bonded warehouse at ..... to the Customs Station of ..... under and subject to the terms of the said bond for dispatch by sea/and air to .....

Kind of Indian-made foreign liquor	No. and description of each kind of receptacle or package	Marks and No. of each receptacle or package	Quantity of Indian-made foreign liquor contained in each receptacle	Alcoholic strength of the Indian-made foreign liquor	Proof litres	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

The consignment shall be conveyed by rail/road via .....

This pass is issued subject to the provisions of the Bombay Prohibition Act, 1949, the rules and orders made thereunder and the conditions specified in this pass.

<sup>1</sup>[This pass shall remain in force upto ..... p. m. on the ..... day of .....19

Dated ..... 19

<sup>2</sup>[Seal of the Collector

]

Collector.

(This pass is to be forwarded to the Customs Officer-in-charge of the Customs Station of .....)

1. Subs. by G. N. of 15-7-1968.
2. Subs. by G. N. of 19-7-1969.

**FORM 'B'**

(See rule 6)

**PART III**

*Pass for the transport-in bond/export-in bond of Indian-made foreign liquor*

(To be forwarded to the officer-in-charge of the bonded warehouse from which the Indian-made foreign liquor is to be issued)

No. \_\_\_\_\_ of 19 \_\_\_\_\_

Shri .....having executed a bond for the payment of the amount of duty leviable on the undermentioned kind and quantity of Indian-made foreign liquor is/are permitted to transport/export the said Indian made foreign liquor from the bonded warehouse at ..... to the Customs Station of ..... under and subject to the terms of the said bond for dispatch by sea/and air to .....

Kind of Indian-made foreign liquor	No. and description of each kind of receptacle or package	Marks and No. of each receptacle or package	Quantity of Indian-made foreign liquor contained in each receptacle	Alcoholic strength of the Indian-made foreign liquor	Proof litres	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

The consignment shall be conveyed by rail/road via .....

This pass is issued subject to the provisions of the Bombay Prohibition Act 1949, the rules and orders made thereunder and the conditions specified in this pass.

<sup>1</sup>[This pass shall remain in force upto ..... p. m. on the ..... day of .....19

Seal of the Collector. \_\_\_\_\_

Forwarded to the officer-in-charge of the bonded warehouse at ..... for the issue of the Indian-made-foreign liquor specified above.

Date ..... 19 . \_\_\_\_\_

Collector. \_\_\_\_\_

1. Subs. by G. N. of 19-7-1969.



## PART III (Reverse)

*Advised*

Number and description of each kind of package or receptacle (1)	Kind of Indian made of foreign liquor (2)	Actual contents		* Alcoholic strength of the Indian-foreign Liquor (4)	† Proof litres alcohol in Indian-foreign liquor (5)
		Bulk	Litres		

Forwarded to the officer-in-charge of the Customs Station of .....

2. Indian-made foreign liquor as detailed above in columns 1 to 5 has this day been issue. Copy of the impression of the seal used in scaling the consignment is as under :

Seal \_\_\_\_\_ Officer-in-charge, Bonded Warehouse.

Dated \_\_\_\_\_ 19 .

Returned to the officer-in-charge, Bonded Warehouse at .....

The above consignment was duly despatched in full at .....

A consignment of the following description was despatched at .....

*Received*

Number and description of each kind of package of receptacle (1)	Kind of Indian made of foreign liquor (2)	Actual contents		* Alcoholic strength of the Indian-foreign Liquor (4)	† Proof litres alcohol in Indian-foreign liquor (5)
		Bulk	Litres		

Officer-in-charge, Customs Station..

\* The alcoholic strength should be the same as given by the transporter or/exporter in his application.

† Column 5 should be filled in having regard to column 4.

Strike out the endorsement not required.

PART IV

Pass for the transport/export-in-bond of Indian-made foreign liquor  
(To be handed over to the transporter/exporter or his agent)

No. \_\_\_\_\_ of 19 \_\_\_\_\_

Shri .....having executed a bond for the payment of the amount of duty leviable on the undermentioned kind and quantity of Indian-made foreign liquor is/are permitted to transport/export the said Indian-made foreign liquor from the bonded warehouse at ..... to the Customs Station of ..... under and subject to the terms of the said bond for <sup>1</sup>[dispatch by sea/and Air to] .....

Kind of Indian-made foreign liquor	No. and description of each kind of receptacle	Marks and No. of each receptacle or package	Quantity of Indian-made foreign liquor contained in each receptacle or package	Alcoholic strength of the Indian-made foreign liquor	Proof litres	Remarks
1	2	3	4	5	6	7

The consignment shall be conveyed by rail/road *via* .....

This pass is issued subject to the provisions of the Bombay Prohibition Act 1949, the rules and orders made thereunder and the conditions specified in this pass.

This pass <sup>1</sup>[shall remain in force] upto ..... p. m. on the ..... day of ..... 19 .. .

Dated ..... 19 .. .

<sup>2</sup>[Seal of the Collector]

Collector.

1 Subs. by G. N. of 15-7-1968.  
2 Ins. by G. N. of 19-7-1969.

## PART IV (Reverse)

*Advised*

Number and description of each kind of package or receptacle (1)	Kind of Indian made foreign liquor (2)	Actual contents		* Alcoholic strength of the Indian-made foreign Liquor (4)	† Proof litres alcohol in Indian-foreign liquor (5)
		Bulk	Litres		

Indian-made foreign liquor a detailed in columns 1 to 4 above has this day been issued.

Dated ..... 19 .

Officer-in-charge, Bonded Warehouse.

\* *Certified that the above consignment was duly despatched in full at .....*

\* *Certified that a consignment of the following description was despatched at .....*

*Received*

Number and description of each kind of package or receptacle (1)	Kind of Indian made foreign liquor (2)	Actual contents		* Alcoholic strength of the Indian foreign Liquor (4)	† Proof litres alcohol in Indian-foreign liquor (5)
		Bulk	Litres		

Officer-in-charge of Customs Station.

Dated ..... 19 .

\* The alcoholic strength should be the same as given by the transporter/exporter in his application.

† Column 5 should be filled in having regard to column 4.

\* \* Strike out the endorsement not required.

**{92} THE BOMBAY FOREIGN LIQUOR AND RECTIFIED SPIRIT  
(TRANSPORT FEES) RULES, 1954**

G.N.R.D.No. F.L.R. 1353, DATED 1st JANUARY, 1954.

(B.GPt. IV-B; p.1648)

1. Amended by G.N.R.D. No. F.L.R.. 1353/9503, dated 27th August, 1955 (B.GPt. IV-B.p. 1648)
2. Amended by G.N.R.D. No. F.L.R. 1060/4250-III, dated 3rd April, 1962 (M.G.Pt. IV-B.p. 1491)
3. Amended by G.N.R.D. No. MIS 1561/33915-N, dated 14th July, 1962 (B.GPt. IV-B.p. 2446)
4. Amended by Corrig. R.D. No. F.L.R. 1561/33915, dated 22nd January, 1963 (M.G.Pt. IV-B.p. 172)
5. Amended by G.N.II.D. No. F.I.R. 482/PRO-2, dated 13th March, 1982 (M.G. Pt. IV-B. p. 259)
6. Amended by G.N.II.D. No. BPA 2082/6/PRO-2, dated 30th April, 1956 (M.G. Pt. IV-B. p. 377)
7. Amended by G.N.II.D.O.. No. BPA 1986/77(IV) PRO-2, dated 14th January, 1987 (M.G.Pt. IV-B.p. 1178)
8. Amended by G.N.II.D. No. BPA 1090/III-PRO-3, dated 1st December, 1990 (M.G. Pt. IV-B.p. 2853)
9. Amended by G.N.II.D. No. BPA. 1090/3014-IV-PRO, dated 21st June, 1992 (M.G. Pt. IV-B.p. (Extra ordinary 417)
10. Amended by G.N.H.D., BPA. 1097/13/1/EXC-3 dated 30<sup>th</sup> April, 1997 (M.G. Pt. IV-B, p)
11. Amended by G.N.H.D., MIS. 1100/CR-28/1/EXC-3, dated 28<sup>th</sup> March, 2001 (M.G. Pt. IV-B, p 360)
12. Amended by G.N.H.D., BWR. 1105/CR-21/1/EXC-3, dated 16<sup>th</sup> December, 2005 (M.G. Pt. IV-B, p 1150)
13. Amended by G.N.H.D., BWR 1105/CR-9(5)-EXC-3, dated 7<sup>th</sup> December, 2006 (M.G. Pt. IV-B, p 1916- 1917)
14. Amended by G.N.H.D., BWR 1105/CR-9(5)-EXC-3, dated 9<sup>th</sup> October, 2006 (M.G. Pt. IV-B, p 1519)
15. Amended by G.N.H.D., MIS 1107/CR-33(1)-EXC-3, dated 10<sup>th</sup> July, 2007 (M.G. Pt. IV-B, p 1219-1220)
16. Amended by G.N.H.D., MIS 1107/CR-33(1)-EXC-3, dated 12<sup>th</sup> November, 2007 (M.G. Pt. IV-B, p)
17. Amended by G.N.H.D., BPA 1108/CR-23(1)-EXC-3, dated 4<sup>th</sup> August, 2008 (M.G. Pt. IV-B, p 837)
18. Amended by G.N.H.D., MIS 0509/CR-150/EXC-3, dated 26<sup>th</sup> June, 2009 (M.G. Pt. IV-B, p)
19. Amended by G.N.H.D., BWR 0509/IMP/CR-143/EXC-3, dated 22<sup>nd</sup> July, 2009 (M.G. Pt. IV-B, p)
20. Amended by G.N.H.D., MIS 0211/333/CR-76(4)EXC-3, dated 30<sup>th</sup> March, 2011 (M.G. Pt. IV-B, p 20-21)

Whereas the Government of Bombay considers that the rules hereinafter appearing should be brought into force at once :

Now, therefore, in exercise of powers conferred by clause (b), (f) and (u) of subsection (2) 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification in the Revenue Department, No. 10484/45 (a), dated the 28th March 1950 and No. 5888/51, dated the 1st April, 1953, the Government of Bombay is pleased to make the following Rules, namely :

1. (1) These Rules may be called the Bombay Foreign liquor and Rectified Spirit (Transport) Fees Rules, 1954.

(2) They shall come into force at once.

2. In these Rules, unless there is anything repugnant in the subject or context,

(1) "Act" means the Bombay Prohibition Act, 1949;

<sup>1</sup>[(2) "rectified spirit" means rectified Act, 1949;

(i) duty leviable under the Indian Tariff Act, 1934, or the Sea Customs Act, 1878, or

<sup>2</sup>[(ii) the excise or countervailing duty under the Act has been paid includes absolute alcohol on which such duty has been paid,];]

<sup>3</sup>[(3) the expressions 'foreign liquor', 'spirits', 'wines', 'fermented liquors' and 'mild liquor' shall have the meanings respectively assigned to them in the Bombay Foreign Liquor Rules, 1953.].

3. No rectified spirit or foreign liquor

(a) brought into any Port or Land Customs Station in the State of Bombay;

(b) brought to the boundary of the State of Bombay for import into any port of the State of Bombay from any other part of India; or

(c) manufactured or stored at any distillery, brewery, bonded warehouse, bonded laboratory, bonded spirit factory, bonded manufactory, in the State of Bombay; shall be transported from such Port, Land Customs Station, Boundary, Distillery, Brewery, Bounded Warehouse, Bonded Laboratory, Bonded Spirit Factory, or Bonded Manufactory, as the case may be to the transporter's premises in the State of Bombay, except under a pass granted by an officer authorised under section 28 of the said Act.

4. The pass referred to in rule 3 shall not, <sup>7,8</sup>[except as otherwise provided for in rule 5,] be granted unless (i) transport fee, and (ii) special fee at the following rates are paid to Government by the transporter in addition to any Custom or Excise duties leviable thereon.

<sup>4</sup>[(1) Rates of transport fee—

<sup>5</sup>[(a) When the liquor to be transported is in bottles

<sup>6</sup>[(i) Rs. 2.00 per litre of spirits,]

(ii) 60 Paise per proof litre of alcohol contents in rectified spirit.

(iii) 25 Paise per litre of wines,

1 Subs. by G. N. of 27-08-1975.

2 Subs. by G. N. of 03-04-1962.

3 Subs. by G. N. of 30-04-1986.

4 Subs. by G. N. of 14-07-1962.

5 Subs. by G. N. of 13-03-1982.

6 Subs. by G. N. of 01-12-1990.

7 Words deleted by G. N. of 9-10-2006.

8 Words ins. by G. N. of 7-12-2006.

- (iv) <sup>1</sup>[25 Paise per litre<sup>4</sup> (of fermented liquors and mild liquors)]
- (b) When the Liquor to be transported is in the wood.
- (i) 22nP per proof litre of spirits of rectified spirit.
- (ii) 8nP per litre of wines.
- (iii) 4nP per litre<sup>3</sup>(of fermented liquors and mild liquors)

[2] <sup>2</sup>[(Rates of special fee—

(i) <sup>6, 9, 10, 13, 15</sup>[(300 per cent of the manufacturing cost or Rs. 450.00 per bulk litre, whichever is higher, for the Spirits.)]

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| (ii) <sup>14</sup> [(a) maximum retail price upto Rs. 900.00 | Rs. 400 per bulk litre.                             |
| (b) maximum retail price from Rs. 901.00 to Rs. 6000.00      | Rs. 300 per bulk litre.                             |
| (c) maximum retail price above Rs. 6000.00                   | 5 per cent of maximum retail price, for the wines } |

<sup>15</sup>[(iii)(a) 150 per cent of the manufacturing cost or Rs. 33.00 per bulk litre, whichever is higher, for mild beer, having alcoholic strength exceeding 8.75 proof spirit.]

(b) 175 per cent of the manufacturing cost or Rs. 42.00 per bulk litre, whichever higher, for fermented beer having alcoholic strength exceeding 8.75 proof spirit.]

(iv) (a) Rs. 10.00 per bulk litre of Rectified Spirit transported within the State for other than manufacture of potable liquors.

(b) Rs. 200.00 per bulk litre of rectified spirit imported for other than manufacture of potable liquors.))

<sup>11, 12</sup> [\*]

<sup>7, 8</sup> [5. Rule 4, in so far as it relates to the payment of the special fee, shall not be applicable to the transporter <sup>5</sup>[transporting Indian-made Foreign Liquor] who holds an ordinary trade and import licence for the import and sale of foreign liquor under the Bombay Foreign Liquor Rules, 1953.]

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- 1 Subs. by G. N. 14-01-1987.  
 2 Subs. by G. N. 21-06-1992.  
 3 Subs. by G. N. 30-04-1986.  
 4 Ins. by G. N. 01-12-1990.  
 5 Ins. by G. N. 30-04-1997.  
 6 Ins. by G. N. 28-03-2001.  
 7 Rule 5 deleted by G. N. 9-10-2006.  
 8 Rule 5 Ins. by G. N. 07-12-2006.  
 9 Subs. by G. N. 12-11-2007.  
 10 Subs. by G. N. 04-08-2008.  
 11 Added by G. N. 10-07-2007.  
 12 Del. by G. N. 04-08-2008.  
 13 Subs. by G. N. 26-06-2009.  
 14 Subs. by G. N. 22-07-2009.  
 15 Subs. by G. N. 30-03-2011.

**{93} G. N. R. D. No. 10484/45, dated 5th March, 1953 (B. G. Pt. IV—B, p, 439).**

In exercise of the powers conferred by clause (k) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification, Revenue Department, No. 9296/33 (a), dated the 11th February, 1946, the Government of Bombay is pleased to make the following rule, namely :

No person holding a licence for the sale of foreign liquor under the Bombay Foreign Liquor Rules, 1953 shall sell foreign liquor to any person holding a permit under the said rules if such person is

- (a) a Police Officer in uniform ;
- (b) a Prohibition Officer on duty ;
- (c) A Railway servant on duty ;
- (d) an insane person, or
- (e) a person who is intoxicated.

**{94} G. N. H. D., No. SPB 1262/14420-III, dated the 1st March, 1965  
(M. G., Pt. IV-B, p. 667).**

In exercise of the powers conferred by section 8 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and sub-rule (1) of rule 65 of the Bombay Foreign Liquor Rules, 1953 (hereinafter referred to as "the Foreign Liquor Rules") and in supersession of Government Notification, Revenue Department, No BPA 2357/106164 (b), dated the 12th October, 1957, the Government of Maharashtra hereby,—

(i) constitutes medical boards specified in column 1 of the Schedule appended hereto for the areas respectively specified against them in column 3 of that Schedule consisting of the members specified in column 2 thereof ; and

(ii) appoints places respectively specified against the said medical boards in column 4 of the said Schedule to be the places at which the said medical boards shall direct applicants referred to in sub-rule (1) of rule 65 of the Foreign Liquor Rules to appear before them.

*Schedule*

Medical Board (1)	Members (2)	Local Area (3)	Place (4)
1. St George's Hospital, Bombay.	Superintendent, St. George's Hospital, Bombay.	Greater Bombay	St. George's Hospital Bombay.
2. Sir. J. J. Group of Hospitals, Bombay.	Dean, Sir J. J. Group of Hospitals, Bombay.	Do.	Sir. J. J. Group of Hospital Bombay.
3. G. T. Hospital, Bombay.	Superintendent, G. T. Hospital, Bombay.	Do	G. T. Hospital Bombay.
4. Cama and Albless Hospitals, Bombay.	Resident Medical Officer, Cama and Albless Hospitals, Bombay.	Do	Cama and Albless Hospitals, Bombay.
5. District Board	Civil Surgeon of the district concerned.	The District concened.	Civil Hospital of the district concerned.

**{95} G.N.R.D. No. 10484/45, dated 30 th March, 1950 (B. G., Pt. IV-Bp 544)**

In exercise of the powers conferred by clause (b) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification, Revenue Department, No. 9368/28, dated the 10th July, 1935, the Government of Bombay is pleased to make the following rules, namely :

1. No medicated or tonic wine—

(a) brought at any Port or Land Custom Station in the State of Bombay (hereinafter referred to as the State), or

(b) brought upto any boundary of the State from any part of India, or

(c) manufactured or stored at any Distillery, Brewery, Bonded Warehouse or Bonded Manufactory in the State,

Shall be removed—

(a) from the Custom House at such port or the Land Custom Station of the State or

(b) across such boundary of the State, or

(c) from such Distillery, Brewery, Bonded Warehouse or Bonded Manufactory, as the case may be, to any place in the State except under and subject to the provisions of a pass granted by and officer authorised under section 28 of the said Act.

*Explanation*—For the purpose of these rules, “medicated or tonic wine” means a mixture or compound of any wine with medicinal substances, whether fortified with spirit or not, and includes medicated bitters.

2. The provisions of rule I shall be in addition to and not in derogation of any other rules made or deemed to be made under the Act.

**{96} G. N. H. D. No. FLR. 1772/17-III, dated 24th May, 1972 (M. G., Pt. IV-B, p.1120)**

In exercise of the powers conferred by the proviso to rule 9 of the Maharashtra Foreign Liquor (Sale on Cash, Register of Sales, *etc.*) Rules, 1969 and after having given notice as required by the said proviso the Government of Maharashtra hereby directs that no licensed premises in respect of which a trade and import licence or vendor's licence has been granted for the sale of foreign liquor under the Bombay Foreign Liquor Rules, 1953, shall be kept open for the sale for foreign liquor, on the date of the poll and after twelve noon on day preceding such date and the date for counting of votes, appointed in relation to the election by each of the Electoral Division in the Districts by the Collector of the District concerned, under sub-section (1) of section 14 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 and sub-rule (1) of rule 11 of the Maharashtra Zilla Parishads Election Rules, 1962.



**{97} G. N. H. D. FLR. 2274/5-III, dated 12th November, 1974  
(M. G., Pt. IV-B, p.1471)**

In pursuance of clause (b) of condition 1 of every licence granted in Form 'E' appended to the Special Permits and Licences Rules, 1952 to the licensees in Pandharpur Town of Sholapur District, the Government of Maharashtra hereby gives notice that it proposes to direct that no licensed premises in respect of which such licence has been granted shall be kept open for the sale of mild liquor (Beer) in Pandharpur town of Sholapur District, on occasions of the *Ashadhi Ekadashi* and *Kartiki Ekadashi* festivals every year and on days immediately preceding and immediately following, each such festival.

**{98} G. N. H. D. FLR. 2274/5-III, dated 12th November, 1974  
(M. G., Pt. IV-B, p.1471)**

In pursuance of the proviso to rule 9 of the Maharashtra Foreign Liquor (Sale on Cash, Register of Sales, etc.) Rules, 1969, the Government of Maharashtra hereby gives notice that it proposes to direct that no licensed premises in respect of which a vendor's licence has been granted under the Bombay Foreign Liquor Rules, 1953, shall be kept open for the sale of foreign liquor in Pandharpur Town of Sholapur District on the occasion of the *Ashadhi Ekadashi* and *Kartiki Ekadashi* festivals every year and on the days immediately preceding and immediately following each such festival.

**(D) Delegation/investigation of powers****[99] G.N.H.D., DNS. 1362/15 161-III, dated 15th October, 1970  
(M.G., Pt. IV-B, P.1731)**

In exercise of the powers conferred by sub-section (1) of section 10 of the Bombay Prohibition Act, 1949 (Bom. XXC of 1949), and in supersession of Government Notification, Home Department, No. BPA.1263/43797-III, dated the 11th May, 1965, the Government of Maharashtra hereby delegates to the Commissioner of Prohibition and Excise, Maharashtra State, Bombay, the powers exercisable by it under the provision of clause (d) of Sub-section (1) of section 139 of the said Act, in so far so that power relates to refunding of excise duty and transport fee paid on Indian Made Foreign Liquor, which is exported from the State and empowers him to frame regulations under clause (m) of sub-section (1) section 144 of the said Act.

**[100] G.N.H.D., No. FLR. 1771/26858-III, dated 24th April, 1972  
(M.G., Pt. IV-B, 790)**

In exercise of the power conferred by sub-section (1) of section 10 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby, delegates to all Collectors in the State, within the limits of their respective jurisdiction, the powers exercisable by it under clause (i) of sub-section (2) of section 34 of the said Act, in so far as that power relates to approving godowns where a person holding a vendor's licence under the Bombay Foreign Liquor Rules, 1953, may also keep the stock of foreign liquor held by him for sale under such licence.

**[101] G.O.H.D., No. BWR.. 1101/CR-59 (1), EXC-3, dated 24th December, 2001**

In exercise of the powers conferred by sub-section (1) of section 10 of Bombay Prohibition Act, 1949 (Bom. XXV of 1949) the Government of Maharashtra hereby delegates to the collector, the powers exercisable by it under sub-rule (2) of rule, and rule 4 of the Maharashtra Manufacture of Beer and Wine Rules, 1966, in relation to grant and renewal of licence in Form BRL for manufacture of wine.

**[102] G.O.H.D., No. FLR. 0179/92/PRO-2, dated 6th December, 1979  
(M.G., Pt. IV-B, P.1823)**

**Note :** This order directing the collector to obtain prior approval of state Govt. to grant licence in form F. L. III under the Bombay Foreign Liquor Rules, 1953, is revoked by G.O.H.D. No. BPA 1089/VII/PRO-2, DT. 17-2-1989 (M.G. Pt. IV - B P - 324)

**[103] G.N.H.D., No. FLR. 1179/PRO-2, dated 16th August, 1979  
(M.G., Pt. IV-B, p.1594)**

In exercise of the powers conferred by sub-section (3) of section 4 of the Bombay prohibition Act. 1949 (Bom. XXV of 1949), and in supersession of Government Notification, Home Department, No. FLR. 0172/2111-A-(b), dated the 13th September, 1972, the Government of Maharashtra hereby appoints officers of the Prohibition and Excise Department, mentioned in the schedule hereto, to perform, within their respective jurisdiction, the function of the Collector to issue Foreign Liquor and Country Liquor Permits in Form F.L.X.-C and Mild Liquor Permits in Form F.L.X.-D appended to the Bombay Foreign Liquor Rules, 1953.

**SCHEDULE**

- All Superintendents of Prohibition and Excise.
- All Deputy Superintendent of Prohibition and Excise.
- All Inspectors of Prohibition and Excise.
- All Sub Inspectors of Prohibition and Excise.

**[104] G.N.H.D., No. BWR. 1983/1(244), PRO-2 dated 30th January, 1984  
(M.G., Pt. IV-B, p.237)**

In exercise of the powers conferred by sub-section (3) of section 4 of the Bombay prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby appoints the officers of the Prohibition and Excise Department mention in the Schedule hereto, within their respective jurisdiction, to exercise the powers and perform the functions of the Collector under rules 3 to 6 of the Maharashtra Indian Made Foreign Liquor (Transport and Export under Bond) Rules, 1968 to issue pass for transport-in-bond or export-in-bond or for both of Indian Made Foreign Liquor, prescribed under the said Rules.

SCHEDULE

1. All Superintendents of Prohibition and Excise.
2. All Deputy Superintendents of Prohibition and Excise, In-charge of Distilleries and Potable Liquor Manufactories.
3. All Inspectors of Prohibition and Excise, In-charge of Distilleries and Potable Liquor Manufactories.
4. All Inspectors of Prohibition and Excise, in-charge of breweries.

**[105] G.O.H.D., No. PRT.. 1360/16395-III, dated 24th November, 1960  
(M.G., Pt. IV-B, P. 363)**

**As amended by G.O.H.D. No. PRT. 1360/16395-III, dated 27th October, 1961  
(M.G.Pt. IV-B, p. 1026)**

In exercise of the powers conferred upon him by Article 258-A of the Constitution of India, the Governor of Maharashtra is pleased with the consent of the Government of India to entrust to the Commissioner and the Assistant Commissioner, Government of India Tourist Office, Bombay the functions, under section 46-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), to grant a tourist's permit for the period of the tourist's intended stay in the State but in no case for a period exceeding one month within the limits of their jurisdiction in the State of Maharashtra.

**[105 A] G.O.R.D., No. 8583/49-(C), dated 4th July 1951  
(B.G., Pt. IV-B, p.1865)**

In exercise of the powers conferred by sub-section (2) of section 6 of the Bombay prohibition Act, 1949 (Bom. XXV of 1949), and in suspersession of the Government Order, Revenue Department, No. 8583/49, dated the 25th January, 1951, the Government of Bombay is pleased to invest the persons specified in column (1) of the Schedule hereto annexed with the powers under the said Act specified against them in column (3) of the said Schedule within the area specified in column (2) of the said Schedule.

SCHEDULE

Persons (1)	Area (2)	Powers under the Act (3)
The Manger, and in his absence the Accountant of the Royal Bombay Seamen's Society	Greater Bombay	Powers under section 46(1) to grant visitor's permits to seamen to consume, use and buy beer.

**(E) Exemptions and Remittances****[106] G.O.H.D., No. FLR. 1455/102060, dated 12th September, 1955****(B.G., Pt. IV-B, 1707)**

In exercise of the powers conferred by clause (c) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay hereby exempts the persons specified in column 1 of the Schedule hereto annexed holding hotel licences under the Bombay Foreign Liquor Rules, 1953, from the observance of the provisions of sub-rule (1) of rule 57 of the said Rules in so far as that sub-rule relates to the sale of foreign liquor specified in column two of the said Schedule in quantities specified against them in column three thereof.

*Schedule*

Name of Persons (1)	Name of foreign Liquor (2)	Quantities (3)
1. The Manager of Messrs. Taj Mahal Hotel, Bombay	Portuguese brandy Italian vermouth	.. 797 litres. .. 138 litres.
2. The Manager of Messrs. Greens Hotel, Bombay	Italian vermouth	.. 16 litres.

**[107] G.N.H.D., No. BPA. 1059/144376-III, dated 15th March, 1961****(M.G., Pt. IV-B, p.307)**

In exercise of the powers conferred by clause (c) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts the Trustees of the Port of Bombay from the provisions of clauses (c) and (d) of section 12 of that Act in so far as they relate to the possession and sale of unclaimed and uncleared stocks of foreign liquor stored in the warehouses belonging to the said Trustees.

**[108] G.O.H.D., No. FLR. 1062/6966-III, dated 10th March, 1962****(M.G., Pt. IV-B, 523)**

In exercise of the powers conferred by clause (d) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of the Commissioner of Excise and Prohibition, Bombay's Order No. C. 25-39/51 (F.L.I.), dated the 1st April 1952 the Government of Maharashtra hereby remits wholly the fees leviable under the said Act, on any quantity of potable foreign liquor removed from a Customs House or a Land Customs Station in the State of Maharashtra or across the boundary of the State of Maharashtra to any place within the said State, if such quantity is removed.

\* (i) by or on account of a person who holds a special permit granted under section 41 or a permit granted under section 52 and is exempted from the payment of customs duty thereon, or

(ii) by a tourist who holds a tourist's permit granted under section 46-A, provided the quantity so removed does not exceed 750 millilitres of spirit, wine or beer.

**{109} G.O.D., No. BPA. 1061/56213-III, dated 22<sup>nd</sup> July 1963****(M.G., Pt. IV-B, 949)**

*Amended by G. O., H. D., No. BPA. 1264/44294-III, dated 20th July 1964  
(M. G. Pt IV-B. P. 969)*

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts the persons specified in column (1) of the schedule annexed hereto from the observance of the provisions of the said Act and of the rules, respectively, specified against them in column (2) of the said schedule.

*Schedule*

Persons 1	provision of the Act and Rules 2
(1) Persons holding liquor permits for foreign tourists granted by the visa issuing Officers of Indian Missions Overseas or Commissioner, or Assistant Commissioner, <sup>1</sup> [Government of India, Tourist Office at any place overseas, and in Bombay], Calcutta, New Delhi and Madras.	<p>(i) Section 12 (c) in so far as it relates to the import, export, transport or possession of foreign liquor provided the quantity to be imported, exported, transported or possessed does not exceed the quantity which such person is authorised to possess under his permit.</p> <p>(ii) Section 12 (d) in so far as it relates to buying of foreign liquor in such quantity as has been authorised under his permit.</p> <p>(iii) Section 13 (b) in so far as it relates to consumption or use of foreign liquor.</p> <p>(iv) Section 23 (a) in so far as it relates to the offering of foreign of foreign liquor to person holding permits under sections 40, 41, 46, 46-A or 47.</p> <p>(v) Section 53.</p>
(2) Persons holding permits under sections 40, 41, 46, 46,-A and 47 of the Bombay Prohibition Act, 1949.	Section 23 (a) in so far as it relates to offering of foreign liquor to persons holding liquor permit for "Foreign "Tourists" granted by the Visa issuing officers of Indian Missions overseas or the Commissioner, <sup>1</sup> [Government of India, Tourist Office at any place overseas, and in Bombay], Calcutta, New Delhi and Madras.

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| (3) Persons holding vendor's licences under the Bombay Foreign Liquor Rules, 1953. | Rule 32 (1) (ii) of the Bombay Foreign Liquor Rules, 1953 so far as it relates to sale of foreign liquor to persons holding liquor permits for "Foreign Tourists" granted by visa issuing Officers of Indian Missions overseas or the Commissioner or Assistant Commissioner, <sup>1</sup> [Government of India. Tourist Office at any Place overseas and in Bombay], Calcutta New Delhi and Madras in such quantity as has been authorised under his permit.   |
| (4) Persons holding hotel licences under the Bombay Foreign Liquor Rules, 1953.    | Rule 57 (1) (a) and 57 (2) of the Bombay the Bombay Foreign Liquor Rules, 1953, and condition 3 of the licence in Form F.L. III granted under rule 45 of the said Rules so far as they relate to sale of foreign liquor to persons holding liquor permits for "Foreign Tourists granted by Visa issuing Officers of Indian Missions overseas or the Director or Assistant Director <sup>1</sup> [ Government of India, Tourist Office at any place overseas, and in Bombay], Calcutta, New Delhi and Madras in such quantity; as has been authorised to be obtained under his permit. |

**{110} G.O.,H.D., No. FLR. 1061/4073-III dated 30th September 1963  
(M.G., Pt. IV-B, p.1496)**

In exercise of the powers conferred by clause (c) of sub-section (l) of section 139 of Bombay Prohibition Act. 1949 (Bom. XXV of 1949) the Government of Maharashtra hereby exempts a person who is eligible for grant of a special permit under section 41 or a tourist's permit under section 46-A of the said Act, and who visit the State of Maharashtra as a guest of the State Government to the Central Government, from the proviso to section 53 of the Act in so far as it requires an applicant to give an undertaking ; and rules 68 (1) and 70-A (1) of the Bombay Foreign Liquor Rules, 1953 in so far as they provide for personally applying to the Collector in forms F.L./A-4-and F. L./A-6-A appended to those rules.

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<sup>1</sup> Subs. by G. O. of 20-7-1964.

{111} G.O.,H.D., No. FLR. 1064/C-450-III (a),  
dated 24th March 1964 (M. G., Pt. IV-B.P. 341)

*Ammended by G.O.H.D., No. BPA. 1264/44294-III, dated 20th July 1964  
(M.G., Pt. IV-B, p.969)*

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom.XXV of 1949) the Government of Maharashtra hereby exempt persons specified in column 1 of the Schedule annexed hereto from the provisions of that Act, respectively, specified against them in column 2 of the said Schedule.

*Schedule*

Persons (1)	Provisions of the Act (2)
(1) Persons holding permits under section 40-A.	(i) Section 23(a) in so far as it relates to offering of foreign liquor. (a) to persons holding permits under sections 40, 40 A, 41, 46, 46-A or 47 or (b) to persons holding liquor permits for "Foreign Tourists" granted by the visa issuing officers of Indian Missions overseas or the Director or Assistant Director <sup>1</sup> [Government of India. Tourist Office at any place overseas, and in Bombay], Calcutta, New Delhi and Madras. (ii) Section 43 (2) in so far as it relates to allowing the use or consumption of any part of the quantity of foreign liquor held by him on his permit, to persons holding permits under sections 40, 40-A, 41, 46, 46-A or 47 or to persons holding liquor permits for "foreign tourists" granted by the visa issuing officers of Indian Missions overseas or the Director or Assistant Director, <sup>1</sup> [Government of India Tourist Office at any place overseas, and in Bombay] Calcutta, New Delhi and Madras.
(2) Persons holding permits under sections 40, 41, 46, 46—A and 47 or persons holding liquor permits for "Foreign Tourists" granted by the visa issuing officers of Indian Missions overseas or the Commissioner or Assistant Director <sup>1</sup> [Government of India. Tourist Office a any place overseas, and in Bombay], Calcutta New Delhi and Madras.	(i) Sections 23 (a) in so far as it relates to the offering of foreign liquor to persons holding permits under section 40A. (ii) Section 43 (3) in so far as it relates to allowing the use or consumption of any part of the quantity of foreign liquor possessed by them under their permits, to a persons who holds a permit under section 40A. (iii) Section 43(4).

<sup>1</sup> Subs by G. O. of 20-7-1964.

**{112} G. O., H. D. No. FLR. 1365/30901-III, dated 3rd October, 1966  
(M. G. Pt. IV-B, p. 1858)**

*As amended by Corrig. H. D. No. FLR. 1365/30901-III, dated 10th November, 1966  
(M. G., P. IV. B-p. 2043)*

**Subject :-**Exempting holders of licences from certain provision of regulations framed by the Commissioner of Prohibition and excise, M. S., Bombay.

**Note :** Since the Commissioner of prohibition and excise, M. S. Bombay's Notification No. 51-25/50(F. L.) dated 1st February 1951 is repealed, by G. N., H. D. No., FLR. 1068/5945-III, dated 3rd July, 1969 the above Government order stands repealed.

**{113} G. O., H. D. No. FLR. 2166/13257-III, dated 2nd December, 1966  
(M. G. Pt. IV-B, p. 2165)**

Amended by Corrig. H. D. No. F. L.R. 2171/8242-III, dated 24th December, 1971  
(M. G., Pt. IV-B/1972, p. 7)

In exercise of the powers conferred by clause(c) of sub-section (I) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and in supersession of the Government Order, Home department, No. BPA. 1362-C-4603-III, dated the 27th December, 1962 the Government of Maharashtra hereby—

(a) exempted a person (visiting this state for a period not exceeding ten days), who is eligible for grant of a special permit under section 41 of the Act, from the provisions of clause (b) of section 13 on condition that holds a Diplomatic Identity Card issued by the Government of India Ministry of External ; Affairs, New Delhi, he obtain liquor from a person <sup>1</sup>[who holds a permit under that section or] who holds a hotel licence under section 35 of the Act, for the hotel in which he resides <sup>1</sup>[or visits] and the quantity of liquor obtained from the latter does not exceed ten units during the period of his stay in the State.

(b) exempts a person holding a special permit referred to in clause (a), from the provision of sub-section (3) of section 43 of the Act, provided that the person allowed to use of consume liquor is a person exempted under clause (a) ;

(c) exempts the person holding a hotel licence from the provisions of clause (a) of sub-rule (i) and sub-rule (2) of rule 57 of the Bombay Foreign Liquor Rules, 1953, and condition 3 of the licence in Form F. L. III, appended to those rules so far as they relate to sale of liquor to a person exempted under clause (a), subject to the conditions that the hotel licensee shall not sell to such exempted person, liquor exceeding ten units during the period of ten days (the sale being made every time against an order signed by such exempted person) ; enter the quantity of liquor so sold in the accounts maintained by him.

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1. Ins. by G. N. of 24-12-1971.



**{114} G. N., H. D. No. FLR. 1164/111941-III, dated 12th February, 1969  
(M. G. Pt. IV-B, p. 541)**

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts persons specified in column 1 of the Schedule annexed hereto from the observance of the provisions of that Act, respectively, specified against them in column 2 of the said Schedule, subject to the conditions, if any, specified against them in column 3 of the said Schedule.

<i>Schedule</i>		
Persons (1)	Provisions of Act (2)	Conditions (3)
1. The Officer-in-charge of the shops set up at Santa Cruz Airport under the aegis of the India Tourism Development Corporation a Government of India Undertaking (hereinafter referred to as "the said Shop") at which liquor imported into the territory of India was on its importation liable to duty under any Central Act for the time being in force, including the Customs Act, 1952 and not liable to excise duty under the Act (hereinafter referred to as duty free liquor), is sold.	(a) section 12 (c) in so far as it relates to the transport or possession of duty free liquor.	The Officer-in-charge shall maintain correct and up-to-date account of duty-free liquor bought, transported to
	(b) section 12 (d) in so far as it relates to buying dutyfree liquor, and sale thereof in sealed bottles or receptacles at the said Shop to in-transit and outgoing passengers.	Possessed, and sold in sealed bottles or receptacles at the said Shop ; and shall keep the account open for inspection of any Prohibition Officer authorised in that behalf by the Commissioner.
2. In-transit and outgoing passengers,	(a) section 12 (d) in so far as it relates to buying duty free liquor, and sealed bottles or receptacles from the said Shop.	The Officer-in-charge shall not permit consumption of duty-free liquor on the premises of the said Shop.
	(b) section 12 (c) in so far as it relates to the possession and transport of duty free liquor in sealed bottles or receptacles bought from the said Shop.	

*Explanation* :-(1) " In-transit passengers " means passengers travelling by air from a place outside India for going to a place outside the State, but who are required to land at the Santa Cruz Airport for a short time, during the journey ;

(2) "Outgoing passengers" means passengers who embark on a plane at the Santa Cruz Airport for going to any place outside India.

**{115} G. O., H. D., FLR. 0172/2-III-A(c), dated 13th September, 1972**

**(M. G., Pt. IV-B, p. 1589)**

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts all persons holding vendor's hotel or club licences under the Bombay Foreign Liquor Rules, 1953 (hereinafter referred to as "the said licensees") from those conditions attached to their licences which require,—

(i) that no sale of foreign liquor shall be made by the said licensees to any permit-holder unless the permit-holder has got a corresponding balance of units remaining unpurchased under his permit during the month of such sale to him, or

(ii) that the number of units sanctioned to the permit-holder shall be stated in the registers maintained by the said licensees, or

(iii) that the said licensees shall enter the details of sale of foreign liquor to any permit-holder in the permit of such permit holder.

**{116} G. N., H. D. No. BPA. 0172/14/III-A, dated 28th December, 1972**

**(M. G., 1973, Pt. IV-B, p. 50)**

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts persons specified ; in column 1 of the Schedule annexed herto from the ; provisions of the said Act and of the Bombay Foreign Liquor Rules, 1953, respectively specified against them in column 2 of that Schedule.

*Schedule*

Person (1)	Provisions of the Act and Rules (2)
1. A person who is not a citizen of India	(i) Section 12 (c) in so far as it relates to transport or possession or foreign liquor or country liquor. (ii) Section 12 (d) in so far as it relates to buying of foreign liquor country liquor. (iii) Section 13 (b) in so far as it relates to consumption or use or foreign liquor or country liquor. (iv) Section 23 (a) in so far as it relates to the offering of foreign liquor or country liquor to persons who are duty permitted to consume it under the Bombay Prohibition Act, 1949 and the Rules framed thereunder.
2. Persons holding Vendor's licences under the Bombay Foreign Liquor Rules, 1953.	Rule 32 (i) (ii) of Bombay Foreign Liquor Rules, 1953 in so far as it relates to sale of foreign liquor to a person who is not a citizen of India.

- |   |   |
|---|---|
| 3. Persons holding trade and import licences under the Bombay Foreign Liquor Rules, 1953. | Rule 10 (4) of the Bombay Foreign Liquor Rules, 1953 in so far as it relates to sale of foreign liquor to a person who is not a citizen of India.   |
| 4. Persons holding hotel and club licences under the Bombay Foreign Liquor Rules, 1953.   | Rule 57 (i) (a) and (b) of the Bombay Foreign Liquor Rules, 1953 ; condition 3 of the licence in Form F. L. III granted under rule 45 of the said Rules, and condition 1(i) of the licence in Form F. L. IV granted under rule 48 of the said rules in so far as they relate to sale of foreign liquor to a person who is not a citizen of India. |
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**{117} G. N., H. D., FLR. 2572/3-HI, dated 21st March, 1973**

**(M. G., Pt. IV-B, p. 537)**

In exercise of the powers conferred by clause (a) of section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of the Government Notification, Revenue Department, No. TIV. 1058/71518, dated the 5th June, 1959, the Government of Maharashtra hereby exempts the Manager of Aurangabad Hotel, of India Tourism Development Corporation from the observance of rule 45 of the Bombay Foreign Liquor Rules, 1953 and of item 3 of rule 12 of the Maharashtra Foreign Liquor (Sale on Cash, Register of Sales, etc.) Rules, 1969 in so far as they relate to the requirement of the Payment of Deposit.

**{118} G. O., H. D., BPA. 1085/29 (699) PRO-2, dated 7th October, 1985**

**(M. G., Pt. IV-B, Ext. Ord. p. 2143)**

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 and of all other powers in that behalf, the Government of Maharashtra hereby exempts.

(A) the Star Hotels, holding licences in Form F.L. III and/or licences in Form E from the provisions of sub-clause (vi) of clause (b) of sub-rule (2) of rule 9-A of the Maharashtra Foreign Liquor (Sale on Cash, Register of Sale etc.) Rules 1969 and of sub-clause (iv) of clause (b) of sub-rule (10) (B) of rule 5 of the Special Permits and Licences Rules, 1952, and

(B) the 5-star Hotels, holding licences in Form F. L. III and/or licences in Form E from the provisions of sub-rule (1) of rule 10 of the Maharashtra Foreign Liquor (Sale on Cash, Register of Sales, etc.) Rules, 1969 and sub-rule (10) (A) of rule 5 of the Special Permits and Licences Rules, 1952 to the extent that the licensed premises shall be kept upon upto 1.00 a.m. on the working day for the sale of foreign liquor and/or mild liquor.

**{118-A} G. O., H. D., No. BPA. 1091/4/PRO-2, dated 3rd May 1991**

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949, (Bom. XXV of 1949); and of all other powers in that behalf, Government of Maharashtra hereby exempts the three star, four star and five star hotels and restaurants approved by the Tourism Department of the Government of India from the operation of sub-rule (1C) of rule 45 of the Bombay Foreign Liquor Rules, 1953, subject to the condition that the location of any such hotel or restaurant shall not be directly visible to educational institutions and religious institutions as explained in sub-rule (1C) of rule 45 of the said rules.

**{119} G. O., H. D., No. MIS. 1096/11/EXC-II, dated 29th April 1997**

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 139 of the Bombay Prohibition Act, 1949 (Bom. XIV of 1949) (hereinafter referred to as the said Act) the Government of Maharashtra hereby exempts bonafide tourists, foreign as well as Indian Nationals, travelling by tourist buses from the State of Goa to Maharashtra from all the provisions of Sub-section (c) of Section 12, sub-section (b) of section 13 and section 105 of the said Act so far as they relate to the import, transport, consumption and use of liquor called Fenni and/or wine/s manufactured in Goa in quantity not exceeding 1500 ml. in aggregate.

**{120} G. O., H. D., No. BPA. 1097/13/EXC-3, dated 30 April, 1997**

In exercise of the powers conferred by clause (d1) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby remits so much special fee chargeable under the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954 on Foreign Liquor concentrates imported across the customs frontier by the manufacturers of Indian Made Foreign Liquor in Maharashtra as is in excess of rupees fifteen per Bulk litre.

**{121} G. O., H. D., No. BWR/1105/CR-9(4)/EXC-3, dated 1st December, 2005**

In exercise of the powers conferred by clause (d1) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby remits so much special fee chargeable under rule 4 of the Bombay Foreign Liquor and Rectified Spirit (Transport Fees) Rules, 1954, on the wine concentrates or wine bulk imported across the customs frontier by the manufacturers of wine (*i.e.* wineries) in the State of Maharashtra as is in excess of rupees fifteen per Bulk litre.

**{122-A} G. O., H. D., BWR. 1102/CR-59(2)/EXC-3, dated 24th December 2001**

In exercise of the powers conferred by clause (d1) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) the Government of Maharashtra hereby remits the excise duty leviable under the said Act, to the holders of BRL licence issued under the Maharashtra Manufacture of Beer and Wine Rules, 1966, for manufacturing of wines for a period of five years, as follow :—

- |  |                                      |
|--|--------------------------------------|
| (a) Who is holding licence prior to the 19th September 2001; and | Excise duty in excess of 50 per cent |
| (b) Who is holding licence on or after the 19th September, 2001. | Excise duty in excess of 25 per cent |

**{122-B} G. O., H. D., No. MIS. 1104/CR-5/EXC-3, dated 18th June 2004**

In exercise of the powers conferred by clause (d1) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) the Government of Maharashtra hereby remits the excise duty leviable under the said Act, to the holders of BRL licence issued under the Maharashtra Manufacture of Beer and Wine Rules, 1966 in respect of Manufacturing of wines for a period of ten years and for that purpose amends the previous Order, Home Department, No. BWR. 1102 CR-59(2)/EXC-3, dated the 24th December, 2001 as follows :—

for clause (b), the following clause shall be substituted namely :—

“(b) Who is holding licence in Form BRL after 18th September 2001 and are not using alcohol in wines to increase the strength of wine.	No Excise duty 100% remission.
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**{122-C} G. O., H. D., No. MIS. 1104/CR-5/EXC-3, dated 20th April 2005**

In exercise of the powers conferred by clause (d-1) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949, the Government of Maharashtra hereby remits the whole of the excise duty leviable under the said Act. To the holders of BRL license, issued under the Maharashtra Manufacture of Beer and Wine Rules, 1966, in respect of manufacturing of wines for a period of ten years and for that purpose amends the Government Order, Home Department No. BWR. 1102/CR-59(2)/EXC-3, dated the 24th December 2001 as follows, namely :—

In the said Order,—

(i) for the words “five years” the words “ten years” shall be substituted; and

(ii) for clause (a), the following clause shall be substituted, namely :—

“(a) Who is holding licence prior to the 18th September 2001 and is not using alcohol to increase the strength of wine.	No Excise duty that is to say 100% remission.”
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**{122-D} G. O., H. D., BWR. 1105/CR-9/EXC-3, dated 31st March 2006**

Whereas by Government Notification, Home Department No. DWR. 1105/CR-9(1)/EXC-3, dated the 31st March 2006 (hereinafter referred to as “the said notification”), issued in exercise of the powers conferred by sub-section (1) of section 105 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as “the said Act”), the Government of Maharashtra has revised the rates of excise duty leviable on the various types of wine mentioned in the said notification ;

And whereas the Government of Maharashtra considers it expedient to remit wholly the duty leviable under the said notification on the wine manufactured as own brand from the grapes produced within the State of Maharashtra without addition of alcohol or without blending of wine manufactured in the State or brought from across customs frontier or from other States;

Now, therefore, in exercise of the powers conferred by clause (d-1) of sub-section (1) of section 139 of the said Act and in supersession of the Government Order, Home Department No. BWR. 1102/CR-59(2)/EXC-3, dated the 24th December 2001, the Government of Maharashtra hereby remits wholly, the excise duty leviable under the said Act, on the holders of BRL licenses issued under the Maharashtra Manufacture of Beer and Wine Rules, 1966, in respect of the wine manufactured from the grapes produced within the State of Maharashtra and without using alcohol or without blending of any other wine, for the period upto the 23rd December 2011.

**{122-E} G. O., H. D., No. BWR-0809/CR-244/EXC-3, dated 11th March 2010**

Whereas, by Government Notification, Home Department No. BWR. 1105/CR-9(1)/EXC-3, dated 31st March 2006 (hereinafter referred to as "the said notification"), issued in exercise of the powers conferred by sub-section (1) of section 105 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as "the said Act") the Government of Maharashtra has revised the rates of excise duty to be imposed on the various types of wine mentioned in the said notification ;

And whereas, in exercise of the power conferred by clause (d-1) of sub-section (1) of section 139 of the said Act, and of all other powers enabling it in that behalf, the Government of Maharashtra by Government Notification, Home Department, No. BWR. 1105/CR-9/EXC-3, dated the 31st March 2006, has remitted wholly the excise duty leviable under the said Act, on the holders of BRL licenses issued under the Maharashtra Manufacture of Beer and Wine Rule, 1966, in respect of the wine manufactured from the grapes produced within the State of Maharashtra and without using alcohol or without blending of any other wine, for the period upto the 23rd December 2011;

And whereas, the Government of Maharashtra considers it expedient to remit wholly the duty leviable under the said notification on the wine manufactured as own brand from the grapes produced within the State of Maharashtra without addition of alcohol or without blending of wine manufactured in the State or brought from across customs frontier or from other States, for a further period from 23rd December 2011 to 31st December, 2021.

Now, therefore, in exercise of the powers conferred by clause (d-1) of sub-section (1) of section 139 of the said Act, and of all other powers enabling it in that behalf, the Government of Maharashtra hereby extends the limit of remission of excise duty remitted under the Government Notification, Home Department, No. BWR. 1105/CR-9/EXC-3, dated the 31st March 2006, on the holders of BRL licenses issued under the Maharashtra Manufacture of Beer and Wine Rules, 1966 in respect of the wine manufactured from the grapes produced within the State of Maharashtra and without using alcohol or without blending of any other wine, from the period of 23rd December 2011 to 31st December 2021.

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1. Substituted by G. C. H. C. 27-4-2010.

**(F) Armed forces****{123} G. O., R. D., No. 9987/49, dated 8th June 1953****(B.G., Pt. IV-B. p. 1099)***Amended by G. O., R. D. No. PRT. 11754/75373 (c), dated 29th July 1957**(B. G., Pt. IV-B. p. 1945)*

In exercise of the power conferred by section 28 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and all other powers enabling it in this behalf, the Government of Bombay is pleased to authorise the Officers of the Armed Forces specified in the schedule hereto appended who are stationed in the State of Bombay to grant passes.

(1) for the transport of foreign liquor, to members of the Armed Forces stationed under them and proceeding, on duty or leave, to any place in the State of Bombay; and

(2) for the export of foreign liquor, to members of the Armed Forces stationed under them and proceeding, on duty or leave, to any place outside the state of Bombay;

Subject to the condition that the quantity of foreign liquor permitted to be transported or exported by any such member is not in excess of that fixed by the Government of India in his case.

*The Schedule*

- (1) All Station Officers.
- (2) All Officers Commanding a Regiment or Unit.
- (3) The Commander-in-Charge, Bombay
- (4) All Wing Commanders.
- (5) All Area Commanders.

<sup>1</sup>[*Explanation*--For the purpose of this Order, the expression 'Armed Forces' does not include personnel of the Territorial Army constituted under the Territorial Army Act, 1948, except when the members thereof are employed on the permanent staff of a Territorial Army unit, or are embodied for supporting or supplementing the regular army, or are called out in aid of the civil power, or are embodied for attachment to a regular army unit for training.]

**{124} G. N., R. D., No. 9987/49, dated 12th June 1953****(B.G., Pt. IV-B. p. 1100)***Amended by G. N., R. D. No. 9987/49, dated 15th December 1953.**Amended by G. N., R. D. No. PRT. 1754/75373 (b), dated 29th July 1957*

In exercise of the powers conferred by section 39 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification in the Revenue Department, No. 2843/49, dated the 28th May 1951, the Government of Bombay pleased to permit sale of foreign liquor to, and the use or consumption of such liquor by, the members of the armed forces in military or naval messes and canteens, subject to the following condition namely :

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1. Added by G. O. of 29-7-1957.



(1) No foreign liquor shall be sold to any member of armed forces in any military or naval canteen or mess unless.

(i) such liquor is obtained by the authorities in charge of such canteen or mess from the Vendor's licensee of the Regiment or Unit to which such member belongs or where there is no such licensee, from the Canteen Stores Department (India), Bombay, holding, a Vendor's licence;

(ii) such liquor obtained in accordance with condition (i) above is transported to such canteen or mess under cover of a transport pass.

(2) No member of the armed forces obtaining foreign liquor in a military or naval canteen or mess for use or consumption therein shall give such liquor to any person who is not a member of the armed forces.

(3) Except as otherwise provided in conditions (1) and (2), the use and consumption of foreign liquor by members of the armed forces in a military or naval canteen or mess shall be regulated by the Defence Regulations to which such canteen or mess may for the time being be subject.

<sup>1</sup>[*Explanation*—For the purpose of this order, the expression “armed forces” does not include personnel of the Territorial Army constituted under the Territorial Army Act, 1948, except when the members thereof are employed on the permanent staff of a Territorial Army unit, or are embodied for supporting or supplementing the regular army, or are called out in aid of the civil power, or are embodied for attachment to a regular army unit for training.]

**{125} G. N., R. D., No. 9987/49, dated 25th November 1955**  
(B.G., Pt. IV-B. p. 1515)

In exercise of the powers conferred by clause (g) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to direct that not with standing anything contained in clause (v) of sub-section (2) of section 34 of the said Act, the vendors licenses referred to in Government Order, Revenue Department No. 9987/87, dated the 12th June 1953, shall be permitted to sell foreign liquor to military and naval canteens and messes referred to in the said Order, although such canteen and messes may not hold licences.

**{126} G. N., R. D., No. PRT. 1857/169563, dated 18th October 1958**  
(B.G., Pt. IV-B. p. 1282)

*Amended by G. N., H. D. No. PRT. 1857/31131-III, dated 3rd July 1963*  
(M. G., Pt. IV-B. p. 863)

In exercise of the powers conferred by clause (b) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay hereby makes the following order, namely :

1. Any Officer Commanding, Army or Naval Supply Depot or Victualling Yard<sup>2\*</sup> \* \* , desiring to import, export, transport, or sell, by wholesale, Indian-made liquor (rum) to any Officer Commanding, Army or Naval or Air Force Unit or Hospital, shall apply to the Collector for a licence in that behalf.

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1. Added by G. N. of 29-7-1957.  
2. Deleted by G. N. of 3-7-1963.



2. On receipt of an application under clause (i), the Collector shall make such enquires as he may deem necessary and if he is satisfied that, there is no objection to grant the licence applied for, he may, with the previous sanction of the State Government, grant the applicant a licence in Form "A" hereto annexed.

3. (1) No Officer Commanding, Army or Naval or Air Force Unit or Hospital, shall obtain Indian-made foreign liquor (rum) except from a person holding a licence in Form "A" under clause 3 ; provided that such liquor may be obtained without a licence, permit, pass or authorisation.

(2) The Officer Commanding may without a licence, permit, pass or authorisation possess, transport, or issue Indian-made foreign liquor (rum) obtained by him under sub-clause (1) to the member of the armed forces entitled thereto subject to the conditions that ;

(i) such acquisition, possession, transport, or issue of Indian-made foreign liquor (rum) is in accordance with the regulations and orders made in that behalf by the Government of India in the Ministry of Defence or by the defence Authorities ;

(ii) such members of the armed forces are not given more quantity of Indian, made foreign liquor (rum) than what is fixed by the rules made by the Defence Authorities in that behalf ; and

(iii) the Indian-made foreign liquor (rum) is issued only on such occasions and in such manner as have been sanctioned by rules made by the Defence Authorities in that behalf ; and

(iv) the Indian-made foreign liquor (rum) is not issued to any person other than the members aforesaid.

4. Any member of the armed forces may without a licence, permit, pass or authorisation obtain, posses, consume or use Indian-made foreign liquor (rum) issued to him under clause 3 by the officer Commanding the Army or Naval or Air Forece Unit or Hospital, subject to the following conditions, namely :

(i) such acquisition, possession, consumption, or use of Indian-made foreign liquor (rum) is in accordance with the regulations and orders made in that behalf by the Government of India in the Ministry of Defence or by the Defence Authorities ;

(ii) the Indian-made foreign liquor (rum) is consumed or used by such member at the place fixed by the Defence Authorities and not at any other place ;

(iii) the Indian-made foreign liquor (rum) obtained by such member is not given by him to any other member or person and is not removed by him from the place fixed under condition (ii).

#### FORM A

*Licence for the import, export, transport and sale of Indian-made foreign liquor (Rum) by an Officer Commanding Army or Naval or Supply Depot or Victualling Yard*

1\* \* \* \* \*

No. of 20-20

<sup>2</sup>[(For the whole of the State of Maharashtra)]

1. Deleted by G. N. of 3-7-1963.

2. Subs *ibid.*

Licence is hereby granted under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the Government Order, Revenue Department, No. \_\_\_\_\_, dated \_\_\_\_\_,

(hereinafter referred to as the said Order to

of \_\_\_\_\_ incharge of the Army or Naval Supply Depot or Victualling Yard  
 1\* \_\_\_\_\_ \* \_\_\_\_\_ at \_\_\_\_\_ (hereinafter called the licensee)

authorising him to import, export, transport, and sell, by wholesale, Indian-made foreign liquor (rum) at \_\_\_\_\_ situated at \_\_\_\_\_ (hereinafter referred to as the "licensed premises") from \_\_\_\_\_ to the 31st day of March 20 \_\_\_\_\_ (both days inclusive) subject to the following conditions, namely :

*Conditions*

1. The licensee shall not keep or sell Indian-made foreign liquor (Rum) at and place of the than the licensed premises.

2. The licensee shall not sell Indian-made foreign liquor (rum) to any persons except the Office Commanding an Army or Naval or Air Force Unit or Hospital permitted under clause 3 of the said Order to obtain, possess, transport and issue Indian-made foreign liquor (Rum) to the entitled personnel of the Armed forces and except as permitted by the orders and regulations made in that behalf by the Government of India in the Ministry of Defence or Defence Authorities.

3. The licensee shall not import, export or transport Indian-made foreign liquor (Rum) except under a pass granted under section 28 of the Bombay Prohibition Act, 1949.

4. The licensee shall pay the fees prescribed in the Bombay Foreign Liquor and Rectified Spirit (Transport) Fees Rules, 1954, on Indian-made foreign liquor (Rum) obtained by him.

5. The licensee shall pay the excise or countervailing duty on Indian-made foreign liquor (Rum) imported by him.

6. The licensee shall not sell any Indian-made foreign liquor (Rum) which has not been lawfully imported or obtained.

7. The licensee shall keep in the licensed premises in a bound book daily accounts of Indian-made foreign liquor (Rum) written up clearly and correctly. Such accounts shall show the quantities of Indian-made foreign liquor (Rum) received, exported, sold and held in balance from day to day. With these accounts shall be filed passes under cover of which Indian-made foreign liquor (Rum) was received, or transported or exported.

8. The licensee shall furnish such information in connection with his business under the license as may be required by the Commissioner or the Collector from time to time.

9. The licensee shall comply with all orders and instructions issue to him by the Commissioner or the Collector.

10. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949.

11. This licence may be suspended or cancelled in accordance with the provisions of section 54 of 56 of the Bombay Prohibition Act, 1949.

Granted this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ .

Seal of the Collector.

Collector of \_\_\_\_\_

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1. Deleted by G. N. of 3-7-1963.

**{127} G. O., H. D., No. BPA. 1262/76637-III, dated 7th January, 1963****(M. G. Pt. IV-B., p. 74)**

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay prohibition act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts Officers commanding the Armed Forces from the provisions of Government Order, Revenue Department, No. PRT. 1857/169563, dated the 18th October 1958, in so far as the provisions of the Order relate to the import, export, transport or sale of Indian-made foreign liquor (rum) intended for consumption of the armed forces and the payment of the excise and countervailing duty thereon.

**{128} G. O., H. D., No. EAR. 1362/28183-N, dated 21st May, 1963****(M. G. Pt. IV-B., p. 604)**

*Amended by G. O., H. D., No. BPA/1088/XXIII-PRO-2, dated 16th March 1988 (M. G. Pt. IV-B. p. 298)*

*Amended by G. O., H. D., No. BPA/1090/II-PRO-2, dated 8th June 1990 (M. G. Pt. IV-B. p. 767)*

*Amended by G. O., H. D., No. BPA/1091/(3014/VIPR)-3, dated 21st June 1982 (M. G. Pt. IV-B.E.O., dated 21-6-1992 p. 419)*

In exercise of the powers conferred by clause (d1) of sub-section (1) of section 139 of the Bombay prohibition act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby remits so much, excise duty leviable under the said Act on Indian-made foreign liquor (rum) as is <sup>1</sup>[in excess of Rs. 20 per proof litre] of alcohol contents, provided such liquor—

- (a) is imported by the Canteen Stores Department (India) ;
- (b) is intended for consumption by a member of the Armed Forces, and
- (c) is not in excess of the quota fixed by the Defence Services Authorities for consumption by such member.

*Explanation.*—For the purpose of this order, “Proof litre of alcohol contents” means the quantity of one litre of alcohol of London Proof strength.

**{129} G. O., H. D. No. BPA-2079/267-A/112-PRO-2, dated 21th January, 1980****(M. G. Pt. IV-B, p. 100)**

*1. Amended by G. O., H. D., No. BPA/1091/(3014/II/PRO-3), dated 18th June 1992 (M. G. Pt. IV-B.E.O. p. 416).*

*2. Amended by G. N., H. D., No. ARM/1096/(21/8/EXC-3), dated 4th October 1996 (M. G. Pt. IV-B.E.O. p. 416).*

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1. Subs. by G. O. 21-6-1992.

3. No. G.O.H.D.M.I.S. 333/CR76(2)/EXC-3, dated 30th March 2011.—In exercise of the powers conferred by clause (d1) of sub-section (1) of section 139 of the Bombay prohibition act, 1949 (Bom. XXV of 1949) (hereinafter referred to as “the said Act”), and in supersession of the Government Notification, Home Department, No. ARM. 1096/21/8/EXC-3, dated the 4th October 1996, the Government of Maharashtra hereby remits with effect from the 1st day of April 2011, the excise duty leviable under the said Act on such varieties of Indian-made Foreign Liquors as are specified in column (2) of the schedule appended hereto in excess of that specified against them in column (3) thereof when such liquors are imported or transported by the Canteen Stores Department (India), exclusively for consumption by members of the Armed Forces of India in quantities not exceeding the quota fixed for such consumption by the Competent Defence Services Authorities.

*SCHEDULE*

Serial No.	Varieties of Indian made foreign liquors	Excise duties payable by Canteen Stores Department for supplies to the members of armed forces
(1)	(2)	(3)
1.	All sorts of spirits .. (excluding rum).	180 per cent of manufacturing cost or rupees 90 per proof litre of alcohol contents, whichever is higher.
2.	Rum ..	60 per cent of manufacturing cost or rupees 30 per proof litre of alcohol contents, whichever is higher.
3.	Wines ..	60 per cent of manufacturing cost
4.	Beer ..	90 per cent of manufacturing cost

*Explanation.*—For the purpose of this order,—

(a) “Indian made foreign liquor” means Country liquor which is declared, by a notification under the proviso to clause (17) of section 2 of the said Act, to be foreign liquor for the purpose of the said Act ;

(b) “proof litre of alcohol contents” means the quantity of one litre of alcohol of London proof strength :

(c) “manufacturing cost “ means the manufacturing cost declared under the Maharashtra Potable liquor (Fixation of Maximum Prices) Rules, 1996.

**{130} G. O., H. D. No. FLR. 2495/23/EXC-2, dated the 11th November, 1998**

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay prohibition Act, 1949 (Bom. XXV of 1949), and all other powers enabling it in this behalf and notwithstanding anything contained in sub-rules (3), (4) and (5) of rule 70-D of the Bombay Foreign liquor rules, 1953, in so far as the provisions relating to the payment of fees for permit for possession, use, consumption and transportation of liquor, the Government of Maharashtra, hereby exempts ex-servicemen from the provisions of sub-rules (3), (4) and (5) of rule 70-D of the Bombay Foreign Liquor Rules, 1953.

## CHAPTER XI

## MAXIMUM RETAIL PRICE AND EXCISE DUTIES

**{131} The Maharashtra Potable Liquor (Fixation of Maximum Retail Prices)  
Rules, 1996****G. N. H. D. No. ARM. 1096/21/7/EXC-3, dated the 18th October, 1996****(M. G. Pt. IV, page No. 1264)**

1. *Amended by G. N. H. D., No. ARM. 1096/21/7/EXC-3, dated 7th December 1996, (M. G. Pt. IV-B ; p. 1918)*
2. *Amended by G. N. H. D., No. BPA. 1098/27/EXC-3, dated 5th October 1998, (M. G. Pt. IV-B; p. 749)*
3. *Amended by G. N. H. D., No. BPA. 1096/21/Part-3/EXC-3, dated 8th December 1998, (M. G. Pt. IV-B ; p. )*
4. *Amended by G. N. H. D., No. BPA. 1096/21/Part-III/1/EXC-3, dated 22nd January 1999, (M. G. Pt. IV-B ; p. 1920)*
5. *Amended by G. N. H. D., No. BPA. 1096/21/Part-3/6/EXC-3, dated 20th January 2000, (M. G. Pt. IV-B ; p. 1921)*
6. *Amended by G. N. H. D., No. BPA. 1101/CR-10/2/EXC-3, dated 12th October 2001, (M. G. Pt. IV-B ; p. 1260)*
7. *Amended by G. N. H. D., No. MIS. 1199/1689/CR-28/2/EXC-3, dated 8th September 2003, (M. G. Pt. IV-B ; p. )*
8. *Amended by G. N. H. D., No. BPA. 1003/CR-20/1/EXC-3, dated 31st May 2004, (M. G. Pt. IV-B ; p. 364)*
9. *Amended by G. N. H. D., No. BPA. 1106/CR-1(A)/EXC-3, dated 13th April 2006, (M. G. Pt. IV-B ; p. 517)*
10. *Amended by G. N. H. D., No. BPA. 1107/CR-5/2/EXC-3, dated 30th March 2007, (M. G. Pt. IV-B ; p. )*
11. *Amended by G. N. H. D., No. MIS. 1107/CR-33(3)/EXC-3, dated 10th July 2007, (M. G. Pt. IV-B ; p. 1227)*
12. *Amended by G. N. H. D., No. MIS. 1107/CR-40/II/EXC-3, dated 24th July 2008, (M. G. Pt. IV-B ; p. 753)*

13. Amended by G. N. H. D., No. BPA. 1108/CR-23/EXC-3, dated 4th August 2008, (M. G. Pt. IV-B ; p. 1930)
14. Amended by G. N. H. D., No. MIS. 1107/CR-40/II/EXC-3, dated 28th August 2008, (M. G. Pt. IV-B ; p. )
15. Amended by G. N. H. D., No. MIS. 0109/CR-15/EXC-3, dated 23rd January 2009, (M. G. Pt. IV-B ; p. 158)
16. Amended by G. N. H. D., No. MIS. 1108/CR-33/EXC-3, dated 2nd February 2009, (M. G. Pt. IV-B ; p. 163)
17. Amended by G. N. H. D., No. MIS. 0509/CR-150/EXC-3, dated 26th June 2009, (M. G. Pt. IV-B ; p. 4)
18. Amended by G. N. H. D., Corrigendum No. MIS. 0509/CR-150/EXC-3, dated 4th July 2009, (M. G. Pt. IV-B ; p. 2)
19. Amended by G. N. H. D., No. BWR. 0509/IMP/CR-143/EXC-3, dated 22nd July 2009, (M. G. Pt. IV-B ; p. )
20. Amended by G. N. H. D., No. BWR. 0509/IMP/CR-143/EXC-3, dated 30th October 2009, (M. G. Pt. IV-B ; p. 3)
21. Amended by G. N. H. D., No. MIS. 0211/333/CR-76(3)/EXC-3, dated 30th March 2011, (M. G. Pt. IV-B ; p. 17-19)

In exercise of the powers conferred by sub-clause (ii) of clause (hl) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 143, namely :—

1. Short title and commencement :—(1) These rules may be called the Maharashtra Potable Liquor (Fixation of Maximum Retail Prices) Rules, 1996.
  - (2) These rules shall come in force with effect from 1st of January, 1997.
2. Definitions :—In these rules, unless context otherwise requires.—
  - (a) “Act” means the Bombay Prohibition Act, 1949 (Bom. XXV of 1949).
  - (b) “Imported liquor bottled in India” means foreign liquor bottled in India, the whole alcoholic ingredients of which are imported into the country from across the Customs frontiers.

(c) “Manufacturer” means a person holding licence in From PLL, BRL or CL-I under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966; the Maharashtra Manufacture of Beer and Wine Rules, 1966 and the Maharashtra Country Liquor Rules, 1973, respectively or the certificate of registration in Form ‘K’ under the <sup>1</sup>[Maharashtra Foreign Liquor (Import and Export) Rules, 1963 and the Trade and Import Licence in Form FL-I who is authorised by the Commissioner for removal of imported liquor from the Customs Frontier or Custom Bond under the Bombay Foreign Liquor Rules, 1953 ;]

(d) <sup>2</sup>[“Maximum Retail Price” means maximum price <sup>3</sup>[at which potable liquor excluding country liquor in pack form may be sold to ultimate consumer and there shall be printed on each pack the words “Maximum or Max. Retail Price Rs. .... (inclusive of all taxes and duties)” or in the form “MRP Rs. .... (inclusive of all taxes and duties)”]

Maximum Retail Price in case of country liquor means maximum price <sup>4,5</sup>[\*] at which country liquor in pack form may be sold to ultimate consumer and there shall be printed on each pack the words “Maximum or Max. Retail Price Rs. .... inclusive of all taxes and duties <sup>4,5</sup>{\*}” or in the from “MRP Rs. .... inclusive of all taxes and duties <sup>4,5</sup>{\*}”];

<sup>6,7,8</sup>[*Explanation* ] for the purpose of this clause “Maximum Retail Price” in relation to any potable liquor shall include all taxes local or otherwise <sup>10</sup>[inclusive of Basic Custom Duty] <sup>11,5</sup>[\*], freight, transport charges, commission payable to dealers and all charges towards <sup>12</sup>[\*] delivery, forwarding and the like as the case may be.

<sup>8,9</sup>[\*]

(e) “Potable Liquor” means the Country Liquor as defined in the Maharashtra Country Liquor Rules, 1973; the Foreign Liquor as defined in clause (6) of rule 3 of the Bombay Foreign Liquor Rules, 1953, and the Indian Made Foreign Liquor as defined in the Maharashtra Foreign Liquor (Import and export) Rules, 1963 on which duty has not been paid;

<sup>10</sup>[(e-1) “Foreign Liquor” means all liquor produced or manufactured outside the India as defined under clause (17) of section 2 of the said Act.]

(f) Words, terms or expressions not defined in these rules shall have the same meaning as assigned to them in the Act, or rules framed thereunder.

### 3. Manufacturer to declare manufacturing cost and maximum retail price

(1) Every manufacturer shall, by statement in quadruplicate, declare his manufacturing cost and maximum retail price of every pack of Potable Liquor to the Superintendent of State Excise of the District in which his manufactory or Brewery licence is located. The Superintendent shall authenticate all the four copies and return one copy of the manufacturer, retain remaining copies for his record and for sending to State Excise Superintendent of the District and to the Officer in-charge of Trade and Import licence concerned.

1. Subs. by G. N. 4-8-2008.

3. Subs. by G. N. 24-7-2008.

5. Subs. by G. N. 24-7-2008.

7. Subs. by G. N. 28-8-2008.

9. Deleted by G. N. 28-8-2008.

11. Ins. by G. N. 8-12-1998.

2. Subs. by G. N. 8-12-1998.

4. Ins. by G. N. 20-1-2000.

6. Ins. by G. N. 22-1-1999.

8. Ins. by G. N. 22-1-1999.

10. Ins. by G. N. 10-7-2007.

12. Deleted by G. N. 5-10-1998.



(2) Every manufacturer of Indian Made Foreign Liquor, Beer or Wine desirous of exporting Indian Made Foreign Liquor, Beer or Wine in the State of Maharashtra shall declare his manufacturing cost and maximum retail price of every of Potable Liquor to the Commissioner in quadruplicate. The Commissioner shall authenticate all the four copies and return one copy to the exporter to the State, retain remaining copies for this record and for sending to State Excise Superintendents of the Districts and to the officer in-charge of Trade and Import licence concerned.

<sup>1,2</sup>[\*]

*Explanation*—For the purpose of sub-rules (1) and (2) for computing the manufacturing cost, the cost of alcohol imported, if any, into the country across the Customs frontiers may be excluded.

<sup>3</sup>[(3) The Trade and Import licensee in Form FL-1, who is authorized by the Commissioner for removal of imported liquor from the custom frontier or custom bond under the Bombay Foreign Liquor Rules 1953, shall, by statement in quadruplicate, declare his manufacturing cost and maximum retail Price of every pack of Foreign Liquor to the Superintendent of State Excise of the District in which his FL-I Licence is located. The Superintendent shall authenticate all the four copies and return one copy to FL-I licence and retain remaining copies for his record for the Commissionerate and for the officer concerned in charge of Trade and Import licence.]

4. *Subsequent change in manufacturing cost.*—Any variation likely to be made in manufacturing cost or Maximum Retail price subsequent to declaration under rule 3 above shall, by statement in quadruplicate copies be declared by manufacturer to the respective officers mentioned in these rules in advance. The copies of declaration shall be dealt with as provided in rule.

5. *Regulation of Maximum Retail Price of Potable Liquor.*—Maximum Retail Price of Potable Liquor shall not exceed,

<sup>4</sup>[(A) In case of sale to licensee under the Act other than Canteen Stores Department (India),

<sup>5</sup>(i) 4.5 times of the manufacturing cost plus Sales Tax at the prevalent rate in case of Country Liquor;

<sup>6</sup>[(ii) (a) 5 times of the manufacturing cost, if manufacturing cost per bulk litre of Foreign Liquor (Spirits), including 'Imported liquor bottled in India', does not exceed Rs. 120 (Rupees One Hundred twenty only) plus sales Tax at the prevalent rate.

(b) 5 times the manufacturing cost increased by 5 times the manufacturing cost in excess of Rs. 120 (Rupees One Hundred twenty only) per bulk litre, if manufacturing cost per bulk liter of Foreign Liquor (Spirits), including 'Imported liquor bottled in India', exceeds Rs. 120 (Rupees One Hundred only) plus Sales Tax at the prevalent rate.

*Examples*—1. If manufacturing cost of 750 ml. IMFL bottle is declared as Rs. 100 the Maximum Retail Price shall not exceed Rs.  $[100 \times 5 + (100-90) \times 5] + 25\%$  Sales Tax, *i.e.* Rs.  $550 + 137.50 = 687.50$ .

1. Ins. by G. N. 10-7-2007.

3. Ins. by G. N. 28-8-2008.

5. Subs. by G. N. 26-6-2009.

2. Del. by G. N. 4-8-2008.

4. Subs. by G. N. 28-8-2008.

6. Ins. by G. N. 30-3-2011.



2. If manufacturing cost of 180 ml IMFL bottle is declared as Rs. 25 the Maximum Retail Price shall not exceed Rs.  $[25 \times 5 + (25 - 21.6) \times 5] + 25\%$  Sales Tax, *i.e.* Rs. 142 + 35.50 = 177.50.

<sup>1,2,3</sup>[(iii) (a) 3.75 times the manufacturing cost in case of fermented liquor <sup>4</sup>[\*] except Beer plus Sales Tax at the prevalent rate ;

(b) 3.5 times the manufacturing cost in case of mild liquor except Beer plus Sales Tax at the prevalent rate ;

(c) 3.5 times the manufacturing cost plus Sales Tax at the prevalent rate, in case of beer having alcoholic strength not exceeding 8.75 per cent of proof spirit ;]

(d) 4 times the manufacturing cost in case of Beer having alcoholic strength exceeding 8.75 proof spirit plus Sales Tax at the prevalent rate ;]

(iv) (a) 4 times the manufacturing cost if manufacturing cost per bulk litre of Wine does not exceed Rs. 40 (Rupees Forty only) per bulk litre, plus Sales tax at the prevalent rate.

(b) 4 times the manufacturing cost increased by an amount equal to the manufacturing cost in excess of Rs. 40 (Rupees Forty only) per bulk litre, if the manufacturing cost per bulk litre of wine exceeds Rs. 40 (Rupees Forty only) per bulk litre, plus Sales Tax at the prevalent rate.

<sup>5</sup>[Provided that, in case of the Wine manufactured from the grapes produced within the State of Maharashtra and without using alcohol or without blending of any other Wine and remitted from excise duty upto 23rd December 2011 ;

(i) 3 times the manufacturing cost, if manufacturing cost per bulk litre of wine does not exceeds Rs. 40 (Rs. Forty only) per bulk litre plus Sales Tax at the prevalent rate.

(ii) 3 times the manufacturing cost increased by an amount equal to the manufacturing cost in excess of Rs. 40 (Rs. Forty only) per bulk litre, if the manufacturing cost per bulk litre of wine exceeds Rs. 40 (Rs. Forty only) per bulk litre plus Sales Tax at the prevalent rate.]

*Examples.*—1. If manufacturing cost of a 750 ml wine bottle is declared as Rs. 50 the maximum Retail Price shall not exceed Rs.  $[50 \times 4 + (50 - 30) \times 1] + 20\%$  Sales Tax, *i.e.* Rs. 220 + 44 = 264.

2. If manufacturing cost of a 375ml wine bottle is declared as Rs. 25 the maximum Retail Price shall not exceed Rs.  $[25 \times 4 + (25 - 15) \times 1] + 20\%$  Sales Tax, *i.e.* Rs. 110 + 22 = 132.

(A1) Maximum Retail Price of Foreign Liquor shall not exceed,

<sup>2,3</sup>[(i) (a) 5 times of the manufacturing cost plus Sale Tax at the prevalent rate plus custom duty, if manufacturing cost per bulk litre of Foreign Liquor (Spirits), does not exceed Rs. 120 (Rupees One Hundred twenty only) ;

(b) 5 times the manufacturing cost, increased by 5 times the manufacturing cost, in excess of rupees 120 (Rupees One Hundred twenty only) per bulk litre of bulk litre of Foreign Liquor (Spirits), plus Sales Tax at the prevalent rate plus custom duty if manufacturing cost per bulk litre of Foreign Liquor exceeds rupees 120 (Rupees one Hundred twenty only).

(ii) (a) 3.75 times the manufacturing cost in case of fermented liquor except beer plus Sales Tax at the prevalent rate plus custom duty ;

1. Subs. by G. N. 8-9-2003.

2. Subs. by G. N. 28-8-2008.

3. Subs. by G. N. 30-3-2011.

4. Deleted by G. N. 31-5-2004.

5. Added. by G. N. 2-2-2009.



(ii) (a) 2.6 times the manufacturing cost if manufacturing cost per bulk litre, of rum does not exceed [Rs. 120 (Rupees One Hundred twenty only)] plus Sales Tax at the prevalent rate ;

(b) 2.6 times the manufacturing cost increased by 5 times the manufacturing cost in excess of [Rs. 120 (Rupees One Hundred twenty only)] per bulk litre, if manufacturing cost per bulk litre of rum exceeds Rs. 120 (Rupees One Hundred twenty only) plus Sales Tax at the prevalent rate ;

(iii) 3.15 times the manufacturing cost in case of fermented liquor and mild liquor plus Sales Tax at the prevalent rate ;

(iv) (a) 3.6 times the manufacturing cost if manufacturing cost per bulk litre of wine does not exceed Rs. 40 (Rupees Forty only) plus Sales Tax at the prevalent rate ;

(b) 3.6 times the manufacturing cost increased by an amount equal to the manufacturing cost in excess of Rs. 40 (Rupees Forty only) per bulk litre if manufacturing cost per bulk litre of wine exceeds Rs. 40 (Rupees forty only) plus Sales Tax at the prevalent rate.

<sup>3</sup>[Provided that, in case of the Wine manufactured from the grapes produced within the State of Maharashtra and without using alcohol or without blending of any other Wine and remitted from excise duty upto 23rd December 2011—

(i) 2.7 times the manufacturing cost, if manufacturing cost per bulk litre of wine does not exceeds Rs. 40 (Rs. Forty only) per bulk litre plus Sales Tax at the prevalent rate.

(ii) 2.7 times the manufacturing cost increased by an amount equal to the manufacturing cost in excess of Rs. 40 (Rs. Forty only) per bulk litre, if the manufacturing cost per bulk litre of wine exceeds Rs. 40 (Rs. Forty only) per bulk litre plus Sales Tax at the prevalent rate.]

<sup>1,2</sup>[Provided that not withstanding anything mentioned in clause (i) and (ii) of sub rule (A) of this rule] if manufacturing cost of Foreign Liquor (Spirits) and (Country Liquor), is such that the specific duty as specified respectively at Sr. No. 5 (b) and 7 under Schedule appended to the Government Notification, Home Department No. ARM 1096/21/2/EXC-3, dated the 13th September 1996 works out to be more than respective *ad-valorem* duty, the maximum Retail price shall not exceed two times the manufacturing cost plus excise duty, or two times the manufacturing cost plus countervailing duty, as the case may be ;

“Provided further that not withstanding anything mentioned in clause (i) and (ii) of sub-rule (B) of this rule, if manufacturing cost of Foreign Liquor (Spirits) is such that the excise duty as specified respectively at Serial No. 1 and 2 of the Government Notification, Home Department, No. ARM. 1096/21/8/EXC-3, dated the 4th October 1996, works out to be more than respective *ad-valorem* duty, the Maximum Retail Price shall not exceed two times the manufacturing cost plus excise duty, or two times the manufacturing cost plus countervailing duty, as the case may be”].

6. *Power to issue supplementary instructions* :—The Commissioner may issue written instructions providing for any supplemental matters arising out of these rules.

1. Ins. by G. N. 7-12-1996.

2. Subs. by G. N. 12-10-2001.

3. Added by G. N. 2-2-2009.

**{132} G. N., R.D. No. 10504/39, dated 23rd July 1949****(B.G., Pt. IV-B. p. 1577)**

1. Amended by G. N., R. D., No. 8081/45(g), dated 11<sup>th</sup> August 1950.
2. Amended by G. N., No. MIS. 1561/139915-N, dated 20th November 1961 (M.G., Pt. IV-B.p. 1095)
3. Amended by G.N., H. D. No. MIS 156/149149-N, dated 14th Match 1962 (M.G., Pt. IV- B,p.515).
4. Amended by G.N.,R. & .D., N EAR. 1569/5554-N, dated 8<sup>th</sup> August 1969 (M.G., Pt. IV-B, p.1253).
5. Amended by G.N., H. D. No. EAR 1072/9275-N, dated 18th December 1972 (M.G.1973,Pt.IV-B. p. 19)
6. Amended by G.N., H. D. No. EAR 1073/181090(b)-N, dated 7th March 1973 (M.G., Pt. IV-B. p. 530)
7. Amended by G.N., H. D. No. EAR 1077/712580/M-1, dated 23rd March 1977 (M.G.1973,Pt.IV-B. p. 287)
8. Amended by G.N., H. D. No. SLC 1077-(a)-28PR, dated 7th June 1978 (M.G., Pt. IV-B. p. 688)
9. Amended by G.N., H. D. No. BPA 2079/267-A-PRO-2, dated 8th Match 1979 (M.G. Pt.IV-B. p. 719)
10. Amended by G.N., H. D. No. BPA 2079/267-A-PRO-2, dated 12th October 1979 (M.G.,Pt.IV-B. p. 1719)
11. Amended by G.N., H. D. No. BPA 1081/PRO-2, dated 15th May 1981 (M.G., Pt. IV-B. p. 1438).
12. Amended by G.N., H.D.No.2081/23 Pro-2, dated 30th June 1981 (M.G., Pt. IV-B. p. 1530).
13. Amended by G.N.,H..D.No.SLC.1077-PRO-2, dated 16th January 1979 (M.G., Pt. V-B. p. 92).
14. Amended by G.N., H. D. No. BPA 2182/1/PRO-2, dated 13th March 1982 (M.G., Pt. IV-B. p. 258).
15. Amended by G.N., H. D. No. BPA 1084/7/PRO-2, dated 20th March 1984 (M.G., Pt. IV-B. p. 363).
16. Amended by G.N., H. D. No. BPA 1083/13(520) PRO-2, dated 6th September 1984 (M.G., Pt. IV-B. p. 1191).
17. Amended by G.N., H. D. No. BPA 1086/14(1) PRO-2, dated 2nd April 1986 (M.G., Pt. IV-B. p. 348).
18. Amended by G.N., H. D. No. BPA 1088/XX-PRO-2, dated 16th March 1988 (M.G., Pt. IV-B. p. 286).
19. Amended by G.N., H. D. No. BPA 1090/VII-PRO-2, dated 21st May 1990 (M.G., Pt. IV-B. p. 724-25).
20. Amended by G.N., H.D. No. BPA 1090/I-PRO-3, dated 30th June 1990 (M.G., Pt. IV-B. p. 747).

21. Amended by G.N., H.D. No. BPA 1090/1-PRO-3, dated 1st December 1990 (M.G., Pt. IV-B. p. 2581).
22. Amended by G.N., H. D. No. BPA 1090/1-PRO-3, dated 8th March 1991 (M.G., Pt. IV -B. p.).
23. Amended by G.N., H. D. No. BPA 1090/1-PRO-3, dated 21st June 1982 (M.G., Pt. IV -B. p. 1734).
24. Amended by G.N.,H. D. No. BPA 1993/IX/EXC-3, dated 16th March (M.G., Pt. IV -B. p. 621).
25. Amended by G.N.,H.D.No.11093/III/EXC-3, dated 16th March 1994 (M.G., Pt. IV -B. p. 531).
26. Amended by G.N.,H.D.ARM1096/EXC-3, dated 9th July 1996 (M.G., Pt. IV -B. p. 531).
27. Amended by G.N.,H.D.No.ARM.1096/21/2/EXC-3, dated 13<sup>th</sup> September 1996 (M.G., PT. IV-B. p. 1148)
28. Amended by G.N.,H.D. NO. BPA. 1098/32/EXC-3, ated 4<sup>th</sup> June 1998 (M.G. Pt.IV-B, p. 400)
29. Amended by G.N.,H.D.No. BPA.1098/29/EXC-3, dated 11<sup>th</sup> June 1999.
30. Amended by G.N.,H.D. No. BPA.1098/39/1/EXC-3, dated 3<sup>rd</sup> February 2000.
31. Amended by G.N.,H.D. No. NMA.1100/6/EXC-2, dated 29<sup>th</sup> December 2000 (M.G. Pt. IV-B, p. 1797)<sup>4</sup>
32. Amended by G.N.,H.D. No. BPA.1101/CR-10/I-EXC-3, dated 11<sup>th</sup> October 2001.
33. Amended by G.N.,H.D. No. BPA-2001/19/EXC-2, dated 29<sup>th</sup> May 2003.
34. Amended by G.N.,H.D.No. MIS.1199/1689/CR-28/3/EXC-3, dated 8<sup>th</sup> September 2003.
35. Amended by G.N.,H.D. No. BPA.1003/CR-20/II/EXC-3, dated 31<sup>st</sup> May 2004 (M.G. Pt. IV-B, p.366)
36. Amended by G.N.,H.D. No. MIS.2002/76/EXC-2, dated 20<sup>th</sup> July 2005 (M.G. Pt. IV-B; p. 680)
37. Amended by G.N.,H.D. No. BWR.1105/CR.9(1)/EXC-3, dated 31<sup>st</sup> March 2006(M.G. Pt. IV-B; p. 451)
38. Amended by G.N.,H.D. No.BPA.1106/CR-1/EXC-3, dated 13<sup>th</sup> April 2006. (M.G. Pt. IV-B; p.594)
39. Amended by G.N.,H.D. No. BPA. 1107/CR-5/1/EXC-3, dated 30<sup>th</sup> March 2007.
40. Amended by G.N.,H.D. No. MIS.0109/CR-12/EXC-3, dated 12<sup>th</sup> February 2009 (M.G. Pt. IV-B; p.185)
41. Amended by G.N.,H.D. No. MIS.0509/CR-150/EXC-3, dated 26<sup>th</sup> June 2009.
42. Amended by G.N.,H.D. No. BWR. 1106/CR-16/MICROBREWERY/EXC-3, dated 10<sup>th</sup> August 2009.
43. Amended by G.N.,H.D. No. MIS. 0211/333/CR-76(1)/EXC-3, dated 30<sup>th</sup> March 2011. (M.G. Pt. IV-C; p.11-14)

In exercise of the powers conferred by sub-section (1) of section 105 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as "the said Act"), and in supersession of the Government Notification issued in this behalf, the Government of Maharashtra is pleased to direct, with effect from the 1st January 1997 that an excise duty or counter-vailing duty, as the case may be, shall be imposed on the excisable articles specified in column (2) of the Schedule appended hereto at the rates specified therein column (3) thereof, if such excisable articles are—

<sup>12,17</sup>[(i) issued or transported from any distillery, warehouse, manufactory, brewery or any place of storage established or licensed under the said Act ; or

(ii) imported into the State of Maharashtra in accordance with the provisions of the said Act.<sup>8</sup>[\* \* \*]

<sup>1,35</sup>[SCHEDULE

Serial No. (1)	Excisable Articles (2)	Rate of Duty (3)
<sup>2,19</sup> [1.	Ale, <sup>25</sup> [* * * ]Porter, Cidar <sup>14</sup> [(a) having alcoholic strength not exceeding 8.75 proof spirit ;	150 per cent of the manufacturing cost or Rs. 33.00 per bulk litre, whichever is higher. <sup>15</sup> [* * *]
	<sup>16</sup> [(b) having alcoholic strength exceeding 8.75 proof spirit.	175 per cent of the manufacturing cost or Rs. 42.00 per bulk litre, whichever is higher.]
<sup>26</sup> [2.	Beer- <sup>34</sup> [(a) having alcoholic strength not exceeding 8.75 proof spirit (5% v/v) ;	150 per cent of the manufacturing cost or Rs. 33.00 per bulk litre, whichever is higher].
	<sup>30</sup> [(b) having alcoholic strength exceeding 8.75 proof spirit (5% v/v) but not exceeding 14 proof spirit (8 % v/v).	175 per cent of the manufacturing cost or Rs. 42.00 per bulk litre, whichever is higher.]
<sup>27,31</sup> [3.	(a) Mild liquor-having alcoholic strength not exceeding 8.75 proof spirit ; (5% v/v)	150 per cent of the manufacturing cost or Rs. 33.00 per bulk litre, whichever is higher.
	(b) Fermented Liquor having alcoholic strength not exceeding 8.75 proof spirit (5% v/v) but not exceeding 14 proof spirit (8 % v/v).	175 per cent of the manufacturing cost or rupees 42.00 per bulk litre, whichever is higher.]
<sup>33</sup> [4.	Beer from Microbrewery	Rupees 42.00 per proof litre ]
5.	Alcoholic Essences	<sup>3</sup> [Rupees 75 per proof litre of alcohol contents.]

\* See Footnotes on Page No. 971

SCHEDULE—*contd.*

(1)	(2)	(3)
6.	Liqueurs, Cordials, Mixtures and other preparations containing spirit (other than spirituous medicinal and toilet preparations).	<sup>4</sup> [Rupees 150 per proof litre of alcohol contents.]
<sup>5</sup> [7.	Rectified Spirit	Rupees 250 per proof litre of alcohol contents.
<sup>11,18,32</sup> [8.	All sorts of spirits other than those specified in entries 6 and 7 mentioned above (but excluding denatured spirit manufactured in India and Country Liquor as defined in Maharashtra Country Liquor rules, 1973.)]	<sup>16</sup> [300 per cent of manufacturing cost or <sup>20,23</sup> [rupees 240] per proof litre of alcohol contents, whichever is higher.] <sup>7,17</sup> [* * *]
<sup>29</sup> [9.	Wine except the following- (a) Manufactured as own brands from the grapes produced within the State of Maharashtra without addition of alcohol or without blending of wine manufactured in the State.  (b) Manufactured as own brands from the grapes produced within the State of Maharashtra with addition of alcohol.  (c) <sup>13,29</sup> [Manufactured as own brands from the bulk wine or wine concentrate or grape juice or grapes imported from across Customs Frontier or from other State or blended with wine produced in the State with or without addition of alcohol.  (d) Manufactured as foreign brands from bulk wine or wine concentrate or grape juice or grapes imported from across Customs Forntier or from other States or blending with wine produced in the State with or without addition of alcohol.	<sup>6,29</sup> [100 per cent of manufacturing cost. (at present remitted till 31st December 2021)]  <sup>6,29</sup> [125 per cent of manufacturing cost.]  <sup>29</sup> [150 per cent of manufacturing cost.]  200 per cent of manufacturing cost.]
<sup>22,28,32</sup> [10.	Country Liquor, as defined in the Maharashtra Country Liquor Rules, 1973. (a) manufactured by using spirit manufactured from cashew apples and mhowra flowers.  (b) manufactured by using articles other than cashew apples and mhwora flowers based spirit.	Rupees 10 per proof litre of alcohol contents  250 per cent of manufacturing cost or <sup>20,21,23,24,30</sup> [Rs. 95] per proof litre of alcohol contents, whichever is higher.]

\* See Footnotes on Page No. 971

1. Sub. by G. N. of 20-11-1961.  
3. Sub. by G. N. of 6-9-1984.  
5. Sub. by G. N. of 18-12-1972.  
7. Ins. by G. N. of 8-3-1981.  
9. Sub. by G. N. of 7-6-1978.  
11. Sub. by G. N. of 21-5-1990.

2. Sub. by G. N. of 20-3-1984.  
4. Sub. by G. N. of 8-8-1969.  
6. Sub. by G. N. of 30-6-1981.  
8. Deleted ny G. N. of 8-8-1969.  
10. Sub. by G. N. of 16--1979.  
12. Ins. by G. N. of 8-8-1969.



*Explanation*—For the purpose of this notification.

(a) “spirituous medicinal and toilet preparations” means preparation described in the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 : (16 of 1955).<sup>8</sup>[\* \* \*]

<sup>9</sup>[(b) “proof litre of alcohol content” means the quantity of one litre of alcohol of Proof Spirit and “Proof Spirit” means a mixture of alcohol (ethanol <sup>10</sup>[C<sub>2</sub>H<sub>5</sub>OH) and water, which at 60<sup>0</sup> Fahrenheit (15.55<sup>0</sup>C) contains 57.06 per cent of alcohol by volume. Where such mixture contains 57.06 per cent of alcohol by volume, it shall be considered as 100<sup>0</sup> Proof ; and where such mixture contains 42.795 per cent of alcohol by volume, it shall be considered as 75<sup>0</sup> Proof or 25<sup>0</sup> Under Proof. The expressions “Under Proof” or “Over Proof” shall be construed accordingly.]

<sup>7,17</sup>[(c) “manufacturing cost” means the cost so declared by the manufacturer or, exporter the Maharashtra Potable Liquor (Fixation of Maximum Retail Prices) Rules, 1996.]

**[132-A] G. O. H. D. No. ARM. 1096/21/EXC-3, dated 26th December, 1996**

**(M. G. Pt. IV-B, pg. )**

No. ARM. 1096/21/EXC-3—In exercise of the powers conferred by sub-section (1) of section 105 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and of all other powers enabling it in behalf, the Government of Maharashtra hereby directs that the Government Notification No. ARM. 1096/21/2/EXC-3, dated 13th September 1996 as amended from time to time and No. ARM. 1096/21/8/EXC-3, dated 4th October 1996 shall come into force from 8th January 1997 instead of 1st January 1997.

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- |                                    |                                  |
|------------------------------------|----------------------------------|
| 1. Sub. by G. N. of 20-11-1961.    | 2. Sub. by G. N. of 20-3-1984.   |
| 3. Sub. by G. N. of 6-9-1984.      | 4. Sub. by G. N. of 8-8-1969.    |
| 5. Sub. by G. N. of 18-12-1972.    | 6. Sub. by G. N. of 30-6-1981.   |
| 7. Ins. by G. N. of 8-3-1981.      | 8. Deleted ny G. N. of 8-8-1969. |
| 9. Sub. by G. N. of 7-6-1978.      | 10. Sub. by G. N. of 16--1979.   |
| 11. Sub. by G. N. of 21-5-1990.    | 12. Ins. by G. N. of 8-8-1969.   |
| 13. Add. by G. N. of 21-5-1990.    | 14. Sub. by G. N. of 16-3-1993.  |
| 15. Deleted by G. N. of 16-3-1994. | 16. Sub. by G. N. of 16-3-1994.  |
| 17. Sub. by G. N. of 13-9-1996.    | 18. Sub. by G. N. of 11-9-2001.  |
| 19. Sub. by G. N. of 4-6-1998.     | 20. Sub. by G. N. of 11-6-1999.  |
| 21. Sub. by G. N. of 3-2-2000.     | 22. Sub. by G. N. of 29-12-2000. |
| 23. Sub. by G. N. of 11-10-2001.   | 24. Sub. by G. N. of 29-5-2003.  |
| 25. Deleted. by G. N. of 8-9-2008. | 26. Sub. by G. N. of 8-9-2003.   |
| 27. Sub. by G. N. of 31-5-2004.    | 28. Sub. by G. N. of 20-7-2005.  |
| 29. Sub. by G. N. of 31-3-2006.    | 30. Sub. by G. N. of 30-3-2007.  |
| 31. Sub. by G. N. of 12-2-2009.    | 32. Sub. by G. N. of 26-6-2009.  |
| 33. Ins. by G. N. of 10-8-2009.    | 34. Sub. by G. N. of 13-4-2006.  |
| 35. Sub. by G. N. of 30-3-2011.    |                                  |



**Chapter XII-SACRAMENTAL WINE**

**[133] THE BOMBAY SACRAMENTAL WINE (MANUFACTURING) RULES 1950.**

G.N., R.D. No. 7167/39(a), dated 4th May 1950 (B.g., Pt. IV-B, p. 824)

1. Amended by G. N., R. D. No. 8081/45(i), dated 11th August 1950 (B.G., Pt. IV-B, p. 1679).
2. Amended by G. N., R. D. No. SAC. 106, dated 15th March 1957 (B.G., Pt. IV-B, p. 249).
3. Amended by G. N., R. D. No. MIS, 1561/33915-(b)-N, dated 14th July 1962 (M. G., Pt. IV-B, p. 2447).
4. Amended by Corrig., R. D. No. MIS, 1561/33915, N, dated 22nd January 1963 (M. G., Pt. IV-B, p. 172).
5. Amended by G. N. H. D. No. BPA, 1959/55336-III, dated 25th July 1963 (M. G., Pt. IV-B, p. 1239).
6. Amended by G. N. H. D. No. BPA, 1088/IX-PRO-2 dated 16th March 1988 (M. G., Pt. IV-B, p. 281).

Whereas the Government of Bombay considers that the rules hereinafter appearing should be brought into force at once;

Now, therefore, in exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf, and in supersession of government Notification, Revenue department, No. 7167/39, dated 18th May 1943, the Government of Bombay is pleased to make the following rules, namely :

1. (1) These rules may be called the Bombay sacramental Wine Manufacturing Rules, 1950.

<sup>1</sup>[(2) They extend to the whole of the State of Maharashtra.]

2. In these rules, unless there is anything repugnant in the subject or context,—

- (1) “Act” means the Bombay prohibition Act, 1949;
- (2) “Authorization” means an authorization granted under the Bombay Sacramental Wine Rules, 1950;
- (3) “Bishop” means a priest of the Roman Catholic Church consecrated as a Governor of a diocese;
- (4) “Form” means a form appended to these rules;
- (5) “Inspector” means an Inspector or a <sup>1</sup>[Sub-Inspector of prohibition and Excise in charge of the taluka, tahsil, petha, mahal or division] in which the manufactory is situated;
- (6) “Licence” means a licence granted under rule 4;
- (7) “Licensee” means a person who has been granted a licence under rule-4.
- (8) “Manufactory” means the room or building wherein the manufacture of sacramental wine is permitted under a licence;
- (9) “Officer-in-charge” means a Prohibition Officer appointed for the purpose of supervising the operations at a manufactory.
- (10) “Sacramental Wine” means wine required for offering the Holy Sacrifice of Mass in a Roman Catholic Church or for use by any person for sacramental purposes and prepared from raisins at a manufactory in accordance with the provisions of these rules;
- (11) Words and expressions not defined in these rules shall have the meanings respectively assigned to them in the Act.

<sup>1</sup> Subs by G. N. of 25-7-1963.

3. (1) Any regional head of a religion or religious sect desiring to manufacture and sell sacramental wine shall make an application to the collector for a licence. The application shall contain the following particulars, namely :

- (1) Name and address of the applicant;
- (2) Place where sacramental wine is to be manufactured;
- (3) Description and plan in duplicate of the manufactory;
- (4) A statement in triplicate specifying the number, size and description of the fermenting, filtering and settling vessels and such other permanent apparatus as are proposed to be used in the manufactory;
- (5) A statement showing the maximum quantity of sacramental wine proposed to be manufactured at the manufactory during the currency of the licence;
- (6) A statement showing the region to which the sacramental wine will be distributed after manufacture together with the number and names of persons with their designations in the region and the quantity of sacramental wine to be distributed to each such person;
- (7) whether sacramental wine was manufactured in the manufactory in the past and if so, the period during which, sacramental wine was manufactured and the quantity thereof, and the number and names of places and persons and quantities of sacramental wine distributed to them.

(2) The applicant shall also give an undertaking to the effect that he shall abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the licence.

*Explanation.*—For the purposes of this rule the head of a religion or a religious sect shall include a Bishop.

4. On receipt of the application the collector may make such inquiries as he may deem necessary, and if he is satisfied that the manufactory and the apparatus are suitable for the manufacture of sacramental wine and that there is no objection to grant the licence, he may, with the previous approval of the Commissioner, grant a licence, to the applicant in Form S. W. II <sup>1</sup> [on payment of <sup>2</sup> [a fee of Rs. 50.] He shall retain the originals of the description, plan and statements referred to in rule 3, forward the duplicates thereof with a copy of the licence to the Officer-in-charge concerned and return the triplicate if any, to the licensee.

5. No licence shall be granted for a period of more than one year at a time and in no case shall such period extend beyond 31st March next following the date of the commencement of the licensee.

6. No licence may be granted for such quantity as may be fixed by the collector having regard to the maximum quantity of sacramental wine, if any, manufactured by the application and specified by him in his application.

7. The licensee shall carry out all the operations connected with the manufacture of sacramental wine at the manufactory under the supervision of the Officer-in charge.

8. The licensee shall use only raising as base for the manufacture of sacramental wine without adding any sugar, fermenting agent or other substance either before, at the time of or after fermentation.

<sup>1</sup> Subs by G. N. of 15-3-1957.

<sup>2</sup> Subs by G. N. of 16-3-1988.

9. The licensee shall adopt the following process for manufacturing sacramental wine namely :

The licensee shall—

- (a) put raisins into a receptacle, preferably a cask, cut into two halves;
- (b) wash them, if dirty;
- (c) add water to raisins in proportion of not less than 11:10 (thus <sup>1</sup>[100 litres] or more of water for <sup>1</sup>[91 kilograms] of raisins);
- (d) leave the raisins in the water and crush them after 48 hours;
- (e) put the raisins in the cask for fermentation;
- (f) Stir the fresh crushed juice or raisins, hereinafter called “must” with clean stick once a day during fermentation;
- (g) draw off the wine after fifteen days of fermentation;
- (h) pour it into a vat prepared for filtration;
- (i) filter if with while sack-cloth (Dutch system);
- (j) pour it into a cask after filtration;
- (k) if the cask is not filled up to the brim with wine, burn some sulphur in the empty space;
- (l) after a short time draw the wine off and bottle it.

10. The licensee shall, before proceeding with the manufacture of sacramental wine, send an intimation in form ‘A’ to the Officer-in-charge and shall forward a copy thereof to the Collector of the district and the <sup>2</sup>[Inspector of Prohibition and Excise of the taluka or tahsil concerned.]

11. The licensee shall on demand by the Officer-in-charge permit samples to be taken for analysis free of cost of the raisins and the water used and of “must and sacramental water manufactured at the manufactory”.

12. (1) The licensee shall not destory all sacramental wine which, on analysis, is found to be deteriorated or unfit for human consumption in accordance with the orders of the Collector.

(2) The licensee shall not manufacture sacramental wine of a strength exceeding 20 per cent of proof spirit.

13. (1) The licensee shall not issue any sacramental wine unless he sends previous intimation in form ‘B’ to the Treasury Office concerned or the <sup>1</sup>[Chief Accounts Officer of Prohibition and Excise, Bombay], as the case may be; he shall forward a copy thereof to the Collector of the district and the Officer-in-charge.

<sup>3</sup>(2) The licensee shall pay into Government treasury the amount of excise duty, transport fee and special fee at the following rates in respect of the sacramental wine to be issued form the manufactory and shall present to the Officer-in-charge a copy of the challan in token of the payment of such duty and fees, namely :

- <sup>1</sup>(i) rate of excise duty—  
22 nP. per litre of Sacramental Wine.
- (ii) rate of transport fee—  
4 nP. per litre of Sacramental Wine.
- (iii) rate of special fee—  
12 nP. per litre of sacramental wine.]

<sup>1</sup> Subs. by G. N. of 14-7-1962.

<sup>2</sup> Subs. by G. N. of 25-7-1963.

<sup>3</sup> Subs. by G. N. of 15-7-1957.

14. The licensee shall not issue any quantity of sacramental wine from the manufactory unless he has paid thereon <sup>1</sup>[the excise duty, transport fee and special fee at the rates prescribed in sub-rule (2) of rule 13.]

15. The licensee shall not use, distribute or sell sacramental wine manufactured at the manufactory to any person who does not hold an authorization.

16. The licensee shall not issue sacramental wine to any holder of an authorization unless the holder has got a balance of sacramental wine remaining unpurchased against his authorization. The licensee shall on each occasion enter in the authorization the details of the sale of sacramental wine and sign below such entry.

17. The licensee shall distribute sacramental wine according to the directions of the Commissioner.

18. (1) Except as permitted under an authorization sacramental wine shall not be removed except under a transport pass in Form S. W. III.

(2) The transport pass shall be made out in quadruplicate which shall be dealt with as under—

Part I shall be retained by the Officer-in-charge;

Parts II, III and IV shall be given to the licensee; and

Part V shall be sent by the Officer-in-charge to the <sup>2</sup>[Inspector of Prohibition and Excise] at the place of destination.

(3) The licensee shall retain Part II for his record and forward Parts III and IV along with the consignment to the person receiving the consignment. The person receiving the consignment shall retain Part IV and retain Part III with his acknowledgment to the Officer-in-charge who shall file it with the Part I.

19. (1) The licensee shall maintain such accounts and shall furnish such returns as may be prescribed by the Commissioner under this Act.

(2) The licensee shall keep at the manufactory a chart in form 'C' showing the monthly output and issue of sacramental wine in each year and also a visit book wherein Inspecting Officers may record their remarks.

20. The licensee shall hand over the accounts maintained by him, the chart and the visit-book to the Collector on the expiry of the licence period or on the cancellation or suspension of his licence, as the case may be.

21. The accounts, the chart, the stock of wine and the manufactory shall be open for inspection at all reasonable hours by a Prohibition Officer empowered under section 122 or 77(a) of the Act.

22. The licensee shall keep the manufactory and the premises connected therewith in a clean condition.

23. Sacramental wine may be manufactured by or on behalf of Government and the provisions of the rules shall, so far as may be, apply to such manufacture:

Provided that no licence shall be necessary for the manufacture, storage or supply of sacramental wine by or on behalf of Government.

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<sup>1</sup> Subs. by G. N. of 15-3-1957.

<sup>2</sup> Subs. by G. N. of 25-7-1963.

## FORMS.W. II

Crest

Licence No.

*Licence for the manufacture of sacramental wine*

Licence is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder, to \_\_\_\_\_ at \_\_\_\_\_ (hereinafter referred to as "the licensee"), on payment of a fee of Rs. \_\_\_\_\_ authorising him to manufacture and sell sacramental wine at his manufactory situated at \_\_\_\_\_ (hereinafter referred to as "the said manufactory") during the period from to \_\_\_\_\_ to \_\_\_\_\_ subject the following conditions, namely:

*Conditions*

1. The licensee shall not manufacture sacramental wine except at the said manufactory and under the supervision of the Officer-in charge.
2. The licensee shall, if the Commissioner so directs, pay the costs of supervision of the Officer-in-charge. The licensee shall not manufacture sacramental wine at the said manufactory exceeding \_\_\_\_\_ gallons during the period of the licence.
3. The licensee shall not carry out any alterations in the said manufactory except with the pervious sanction of the collector.
4. The licensee shall hang up the licence in a conspicuous place in the said manufactory.
5. The said manufactory shall, when not in use, be kept close under separate locks and keys of the Officer-in-charge and the licensee.
6. The licensee may authorise in writing a priest to work on his behalf but both the licensee and the priest shall be responsible for the operations connected with the manufacture, storage and sale of sacramental wine carried out at the said manufactory.
7. This licence may be suspended or cancelled in accordance with the provisions of Section 54 or 56 of the Bombay Prohibition Act, 1949.
8. In case, the licence is suspended or cancelled during the currency of licence period or is not renewed on its expiry, the whole stock of sacramental wine in balance with the licensee on the date of such suspension, cancellation or non-renewal, as the case may be, shall forthwith be surrendered by him to the Collector.
9. The licensee shall comply with all orders and instructions issued to him by the Commissioner, Collector or the <sup>1</sup>[Superintendent/the District Inspector of Prohibition and Excise.]
10. The licensee shall abide by the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder and the conditions of this licence.

Granted this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ .

Seal of the  
Collector

Collector of \_\_\_\_\_

Signature of the licensee.

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1. Subs. by G. N. of 14.7.1962.

**FORM-A**

(To be in quadruplicate, Original to be sent to the Officer-in-charge, the duplicate to the Inspector, the triplicate to the Collector and the quadruplicate to be retained as office copy).

*Intimation of manufacture*

To,

The Officer-in-charge,

Sir,

I have the honour to inform you that about \_\_\_\_\_ gallons of "must" (fresh crushed juice of raisins) is going to be prepared in my manufactory situated at \_\_\_\_\_ on \_\_\_\_\_ when \_\_\_\_\_ lbs. of water will be added to \_\_\_\_\_ pounds of raisins. The fermentation is expected to start on \_\_\_\_\_ and to be completed on \_\_\_\_\_. The manufactured wine will be bottled on \_\_\_\_\_.

Yours faithfully,

Signature of the Licensee.

**Copy to—**

- (1) <sup>1</sup>[the Inspector of Prohibition and Excise.]
- (2) the Collector of \_\_\_\_\_

**FORM-B***Intimation of issue of sacramental wine*

(To be printed in quadruplicate)

To,

<sup>2</sup>[The Chief Accounts Officer of Prohibition and Excise,]

The Treasury Office,

Sir,

I have the honour to inform you that \_\_\_\_\_ gallons of sacramental wine are required for issue to \_\_\_\_\_ of \_\_\_\_\_ from my manufactory situated at \_\_\_\_\_.

<sup>3</sup>[The sum of Rs. \_\_\_\_\_ being the amount of excise duty, transport fee and special fee <sup>2</sup>[at the rates of 22 nP., 4nP., and 12 nP., respectively per litre.] as prescribed under rule 13 of the Bombay Sacramental Wine Manufacturing Rules, 1950, is sent herewith. Please pass me a challan in duplicate in token of its receipt.]

Yours faithfully,

Signature of the licensee.

**Copy forwarded for information to—**

- (1) the Officer-in-charge,
- (2) the Collector of \_\_\_\_\_

---

1. Subs. by G. N. of 25.7.1963.      2. Subs. by G. N. of 14.7.1962.  
3. Subs. by G. N. of 15.3.1957.

## FORM S. W. III

## PART I

*Pass for transport of sacramental wine*

(To be retained by the Officer in-charge for his record)

1. Serial No.
2. Name and Address of the licensee from whom the sacramental wine is to be transported.
3. Quantity of sacramental wine to be transported.
4. No. of authorisation held by the consignee.  
licence
5. Name and Address of the consignee.
6. Route.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949 and the rules made thereunder authorising the transport subject to the following conditions, namely :

1. The consignment shall not be broken in transit.
2. This pass will remain in force upto ..... 20 .

Date .....

Signature and Designation of the  
Officer issuing the pass.Seal of the  
Officer issuing  
the pass

Compared with the Part II on ..... 20

Signature of the Officer issuing  
the pass.

**FORM S. W. III—contd.**

**PART II**

*Pass for transport of sacramental wine*

(To be handed over to the licensee who shall retain for the record)

1. Serial No.
2. Name and Address of the licensee from whom the sacramental wine is to be transported.
3. Quantity of sacramental wine to be transported.
4. No. of <sup>authorisation</sup>/<sub>licence</sub> held by the consignee.
5. Name and Address of the consignee.
6. Route.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rule made thereunder authorising the transport subject to the following conditions, namely :

1. The consignment shall not be broken in transit.
2. This pass will remain in force upto ..... 20 .

Date .....

Signature and Designation of the  
Officer issuing the pass.

Seal of the  
Officer issuing  
the pass

Issued the above quantity on ..... 20 .

Signature of the licensee.



**FORM S. W. III—contd.**

**PART III**

*Pass for transport of sacramental wine*

(To be handed over to the licensee who shall forward it along with Part III to the consignee and the latter shall return it duly acknowledged to the issuing officer.)

1. Serial No.
2. Name and Address of the licensee from whom the sacramental wine is to be transported.
3. Quantity of sacramental wine to be transported.
4. No. of <sup>authorisation</sup>/<sub>licence</sub> held by the consignee.
5. Name and Address of the consignee.
6. Route.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder authorising the transport subject to the following conditions, namely :

1. The consignment shall not be broken in transit.
2. This pass will remain in force upto ..... 20 .

Date .....

Signature and Designation of the  
Officer issuing the pass.

Seal of the  
Officer issuing  
the pass

Received the above quantity on ..... 20 .

Signature of the consignee.

**FORM S. W. III—contd.**

**PART IV**

*Pass for transport of sacramental wine*

(To be handed over to the licensee to accompany the consignment and to be kept by the consignee for his record.)

1. Serial No.
2. Name and Address of the licensee from whom the sacramental wine is to be transported.
3. Quantity of sacramental wine to be transported.
4. No. of authorisation licence held by the consignee.
5. Name and Address of the consignee.
6. Route.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder authorising the transport subject to the following conditions, namely :

1. The consignment shall not be broken in transit.
2. This pass will remain in force upto ..... 20 .

Date .....

Signature and Designation of the  
Officer issuing the pass.

Seal of the  
Officer issuing  
the pass

Received the above quantity on ..... 20 .

Signature of the consignee.

FORM S.W. III—*contd.*

## PART V

*Pass for transport of sacramental wine*

(To be forwarded to the <sup>1</sup>[Inspector of Prohibition and Excise]  
at the place of destination)

1. Serial No.
2. Name and Address of the licensee from whom the sacramental wine is to be transported.
3. Quantity of sacramental wine to be transported.
4. No. of  $\frac{\text{authorisation}}{\text{licence}}$  held by the consignee.
5. Name and Address of the consignee.
6. Route.

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the rules made thereunder authorising the transport subject to the following conditions, namely :

1. The consignment shall not be broken in transit.
2. This pass will remain in force upto ..... 20 .

Date .....

Signature and Designation of the  
Officer issuing the pass.

Seal of the  
Officer issuing  
the pass

Verified the consignment on ..... 20 .

Signature of the Excise Inspector  
at the place of destination.

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<sup>1</sup> Subs. by G. N. No. 25-7-1963.

FORM C

A chart showing the manufacture and sale of sacramental wine manufactured at the manufactory situated

at ..... (village) ..... (Taluka) ..... (District)

Name of the licensee .....  
From .....  
to .....  
Maximum quantity of sacramental wine permitted for manufacture during the period of the licence .....

Month	Monthly Outturn												Remarks											
	19-19	19-19	19-19	19-19	19-19	19-19	19-19	19-19	19-19	19-19	19-19	19-19												
April	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
May	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
June	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
July	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
August	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
September	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
October	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
November	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
December	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
January	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
February	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
March	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	In the month	Progressive total upto the end of the month	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

**(134) THE BOMBAY SACRAMENTAL WINE RULES, 1950****G. N. R. D., 716/39, dated 4th May 1950 (B. G., Pt. IV-Bp. 817)**

1. Amended by G. N., D. No. 8081/45(i), dated 11th August 1950 (B. G., Pt. IV-B, p. 1679).
2. Amended by G. N., R. D. No. 10484/45 (g) dated 21st September 1950 (B.G., Pt. IV-B, p. 1923).
3. Amended by Erratum R. D. No. 10484/45, dated 30th November 1950 (B. G., IV-B, p. 2330).
4. Amended by G. N. R. D. No. SAC, 1056 dated 15th March 1957 (B. G., Pt. IV, p. 248).
5. Amended by G. N. II. D. MIS, 146/33915(a) N, dated 14th July 1962 (M. G., Pt. IV-B, p. 2447).
6. Amended by G.N.H.D., FLR. 0173/1800-I-III dated 30th March 1973 (M.G Pt. IV-B, p 646)
7. Amended by G. N. II. D. No. BPA, 1088/X/PRO-2 dated 16th March 1988 (M. G., Pt. IV-B, p. 281-282).

Whereas the Government of Bombay considers that the rules hereinafter appearing should be brought into force at once;

Now, therefore, in exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf, the Government of Bombay is pleased to make the following rules, namely :

1. (1) These rules may be called the Bombay Sacramental Wine Rules, 1950.  
(2) They shall extend to the whole of the State of Bombay.  
(3) They shall come into force at once.
2. In these rules, unless there is anything repugnant in the subject or context,—
  - (1) “Act” means the Bombay Prohibition Act, 1949;
  - (2) “Authorization” means an authorization granted under Rules, 4;
  - (3) “Form” means a form appended to these rules;
  - (4) “Household” means a group of persons residing and messing jointly as the members of one domestic unit;
  - (5) “Liquor” means country liquor of a strength not exceeding 20 percent of proof spirit;
  - (6) “Wine” means any wine, known by the name of Mass Wine or Sacramental; Wine or by any other name which is used for sacramental purposes, of a strength not exceeding 20 per cent of proof spirit;
  - (7) Words and expressions not defined in these rules shall have the meanings respectively assigned to them in the Act.
3. Any person who according to the religious tenets of the community to which he belongs is required to use wine or liquor for sacramental purposes and who desire to possess, consume or use wine or liquor for such purposes shall make an application for an authorization in that behalf to the Collector in Form SW/A-1 obtain able from the Collector on payment of '[fifty naye paise]. The application shall be accompanied by a certificate of recommendation granted by the religious head of the community to which the applicant belongs and who is approved by the State Government for the purpose under section 45 of the Act or where there is no such religious head of the community, by

1 Subs. by G. N. 14-7-1962.

a member of the community to which the applicant belongs and who is approved by the State Government under section 45 of the Act. If the applicant is himself such religious head of the person approved under section 45 of the Act he shall make an application direct to the Collector stating that he is such religious head or the person approved under section 45 of the Act.

4. On receipt of the application and the certificate or recommendation, the Collector may make such enquiries as he may deem necessary and if he is satisfied that there is no objection to grant the authorisation applied for he may grant and authorisation in Form S. W. 1 on payment of <sup>1</sup>[a fee Rs. 25]

5. <sup>2</sup>[\* \* \*]

6. No authorisation shall be granted to any applicant for a quantity exceeding that specified in the certificate of recommendation and in no case shall it be granted to such applicant exceeding such quantity as the Commissioner may determine in this behalf.

7. Wine or liquor required by a person holding an authorisation under rule 4 shall not be obtained from any place except from a Government or licensed depot or from a licensed manufacturer of sacramental wine.

8. A person holding an authorisation under rule 4 shall get all purchases of wine or liquor, as the case may be, entered by the depot-keeper, the officer-in-charge of the depot, or licensed manufacturer of sacramental wine as the case may be, in his authorisation.

9. The privilege of purchase, transport and possession of wine or liquor granted under the authorisation shall extend only so far as it is incidental to the use or consumption of such wine or liquor, in accordance with these rules and the conditions of the authorisation.

10. Any wine or liquor purchased under an authorisation shall be used solely for sacramental purposes.

11. No licence, permit pass or authorisation shall be necessary for the consumption or use of wine or liquor for sacramental purpose if such wine or liquor is given to him by a person holding an authorisation under rule 4 in accordance with the conditions of the authorisation.

#### FORMS. W/A-1

Application No.

*Application for an authorisation to possess, consume and use wine/liquor for sacramental purpose*

1. Name and address of the applicant .. .. .
2. Age .. .. .
3. (a) Community to which the applicant belongs.
- (b) Religion and sect .. .. .

1. Subs. by G. N. of 16-3-88.

2. deleted by 30-3-1973.

4. \*Whether the applicant holds any religious Office if so, the nature or description of such office or designation.
5. Total quantity of wine/liquor to be used . . .
6. Place where the wine/liquor is to be kept . . .
7. Place where the wine/liquor is to be used . . .
8. The occasions on which religious ceremonies are performed requiring the use of wine/liquor.
9. Whether any such authorisation was held during a period of three years immediately before the date of the application and if so—
  - (1) The number and date of such authorization together with the quantity of wine/liquor permitted each year.
  - (2) (a) Whether the wine/liquor used during the period of three years immediately before the date of the application was imported wine/liquor or locally manufactured wine/liquor.
    - (b) The place from where such wine/liquor was obtained.
    - (c) Evidence, if any, in support of the quantity of wine/liquor so purchased during each of the three years.

I hereby undertake to abide by the provisions of the Bombay Prohibition Act., 1949, the rules regulations and orders made thereunder and the conditions of the authorisation.

Place :

Date :

Signature of the Applicant.  
through †

Submitted to the Collector of

Recommendation of the religious head or the approved person residing  
This is to certify that the ‡  
at

belong to (here state the community), and follows (here state the religion and sect) according to the religious tenets of which he has to perform reiligious ceremonies on the occasions cited in the application.

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\* Strike off if not applicable.

† State here the name, disignation and address of the religious head who exercises control over sacramental matter relating to the community to which the applicant belongs and who has been approved by the State Government under section 45 of the Act, for the purpose. If there is no such religious head, the name of any member of the community who has been approved by the State Government under section 45 of the Act for the purpose may by stated here. In the case of an applicant who is himself such a religious head or an approved person, he should submit the application duly certified by him to that effect.

‡ Here state name of applicant.

I have scrutinised the application and recommend that the applicant may be granted an authorization to use \_\_\_\_\_ (here state the quantity) of wine/liquor for sacramental purposes at \_\_\_\_\_ (here state the place) during the period from \_\_\_\_\_ to 31<sup>st</sup> March, 19 \_\_\_\_\_.

Dated :

Signature

Designation

To,  
The Collector of

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**FORM S. W. I**

Authorisation No. \_\_\_\_\_

(Crest). \_\_\_\_\_

*Authorisation for the purchase, possession, consumption and use of  
wine and/or liquor for sacramental purposes*

Authorisation is hereby granted, under and subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as the said Act.), and the rules, regulations and orders made thereunder, to

of \_\_\_\_\_ in the district of \_\_\_\_\_  
who is a \_\_\_\_\_

by riligion and \_\_\_\_\_ by profession on payment of a fee of Rs. 25 in advance, authorising him to buy and transport to \_\_\_\_\_ wine and/or liquor for sacramental purposes on \_\_\_\_\_\* (hereinafter referred to as " the said premises") and to possess, consume and use such winc and/or liquor at the said premises <sup>1</sup>[\* \*] \_\_\_\_\_ 19 \_\_\_\_\_, in the district of \_\_\_\_\_ and also at any church/ Synagogue/ Fire Temple situated in the same district \_\_\_\_\_ † subject to the following conditions, namely :

*Conditions*

1. The wine and / or liquor possessed under this authorization shall not be kept or used at any place other than at the said premises :

Provided that holder of the authorization may transport any part of the wine at any place within the state of Bombay if the holder carries with him the authorization during the transport.

2. The holder of this authorization shall not purchase wine and/ or liquor exceeding quart bottles in the aggregate.

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\* Here specify occasions when use of wine or liquor or both is permitted.

† To be struck of where not necessary.

1. Deleted by G.N.H.D. 30-3-1973.



3. The holder of this authorization shall not obtain his requirements of wine and/or liquor from any person except from a licensed manufacturer of sacramental wine or a licensed depot-keeper or the Officer-in-Charge of a Government depot. He shall not remove the wine and/or liquor so obtained to the said premises unless the quantity obtained has been entered in the authorization by the licensed manufacturer, depot-keeper or the Officer-in-Charge, as the case may be.

4. The wine and/or liquor possessed by the holder of this authorization shall not, save as otherwise provided in conditions 1, be transported except under a valid transport pass: Provided that the holder of the authorization may transport, without any pass, any wine and/or liquor purchased by him from a licensed manufactory of a Government or licensed depot to the said premises if it is transported on the same day on which it is entered in his authorization.

5. The holder of this authorization shall not possess wine and/or liquor in a quantity exceeding quart bottles, in the aggregate at any one time.

6. The holder of this authorization shall keep the stock of wine or liquor under lock and key and only such quantity as is required for use in performing religious ceremonies on any of the occasions specified above may be drawn by him from such stock on that occasion.

7. The authorization, the said premises and the stock of wine and/or liquor kept therein shall be open to inspection by any officer empowered under section 77(a) of the said Act.

8. The holder of the aughorization shall not deliver wine or liquor in his possession under the authorization to any person other than the person belonging to his religion and except for a sacramental purpose.

9. The holder of the authorization shall abide by the provisions of the said Act, the rules, regulations and orders made thereunder and the conditions of this authorization.

10. The holder of the authorization shall comply with all lawful orders issued to him by the Commissioner, Collector or the Superintendent of Excise.

11. The authorization shall be non-transferable.

12. This authorization may be suspended or cancelled in accordance with the provisions of section 54 of the said Act.

13. In case this authorization is suspended or cancelled during its currency or is not renewed on its expiry, the whole of the unused stock of wine\* and/or \* liquor remaining in balance with the holder of the authorization on the date of such suspension, cancellation or non-renewal shall forthwith be surrendered by him to the Collector.

Granted this \_\_\_\_\_ date of \_\_\_\_\_ 19 \_\_\_\_ .

Collector of

Seal of the  
Collector.

Signature of the holder of  
this authorization.

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\* Strike of the words not required.

(Reverse of authorization)

*Details of purchases made by the holder of the authorization*

Total quantity of wine and/or liquor allowed to be purchased during the period of the authorization. Quart bottles.,

Date of purchase	Quantity purchased	Progressive total of the quantity of wine and/or liquor purchased up to date from the date of commencement of the authorization	Quantity of wine and/or liquor which can be purchased during the remaining period of the authorisation	Name of the licensed manufactory Government or licensed depot from where purchased	Signature of the licensed manufacturer or depot-keeper or the Officer in charge of the Government Depot
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Wine Liquor

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**{135} G. R. H. D. No. SAC 1162/21665-III dated 24th May 1962  
and 20th September 1965**

*Religious Heads or other persons approved by Government for issuing Certificates of Recommendations for Sacramental Wine or Liquor.*—In pursuance of the provisions contained in sub-section (2) of section 45 of the Bombay Prohibition Act, 1949, read with rule 3 of the Bombay Sacramental Wine Rules, 1950, Government of Maharashtra has approved the persons mentioned in column (1) of the Schedule below for issuing certificates of recommendations for Sacramental Wine or Liquor to the persons shown against them in column (2) of that Schedule.

SCHEDULE

(1)	(2)
(i) His Eminence the Cardinal Archbishop of Bombay and in his absence, His Auxiliary Bishop and Vicar General Bombay.	Persons of the Christian (Roman Catholic) Community residing in Greater Bombay.
(ii) The Bishop of Poona .. ..	Persons of the Christian (Roman Catholic) Community residing in the districts of Thana, Kolaba, Ratnagiri, Nasik, Dhulia, Jalgaon, Ahmednagar, Poona, Satara, Sangli, Sholapur and Kolhapur.
(iii) His Grace the Archbishop of Nagpur	Persons of the Christian (Roman Catholic) Community residing in the districts of Nagpur, Bhandara, Wardha and Chanda.
(iv) (a) The Bishop of Amravati ..	Persons of the Christian (Roman Catholic) Community residing in the districts of Amravati, Akola, Yeotmal, Buldana, Aurangabad, Parbhani, Nanded and Bhir.
(b) The Assistant Chaplain, Roman Catholic Church, Aurangabad, in the absence of the Bishop of Amravati.	Persons of the Christ (Roman Catholic) Community residing in the districts of Aurangabad, Parbhani, Nanded, Osmanabad and Bhir.
(v) (a) The Archdeacon of Bombay and in his absence, the Right Reverend the Bishop of Bombay.	The Clergy in Churches and institutions of Christian (Protestants) Community located in Greater Bombay, the districts of Thana and Kolaba.
(b) The Archdeacon at Poona and in his absence, the Right Reverend the Bishop of Bombay.	The Clergy in Churches and institutions of Christian (Protestants) Community located in the districts of Poona, Satara, Sholapur and Osmanabad.
(c) The Archdeacon of Kolhapur and in his absence, the Right Reverend the Bishop of Bombay.	The Clergy in Churches and institutions of Christian (Protestants) Community located in the districts of Kolhapur, Ratnagiri and Sangli.

(d) The Archdeacon at Nasik and in his absence, the Right Reverend the Bishop of Nasik.	The Clergy in Churches and institutions of Christian (Protestants) Community located in the Districts of Nasik, Jalgaon and Dhulia.
(e) The Archdeacon at Ahmednagar and in his absence, the Right Reverend the Bishop of Nasik.	The Clergy in Churches and institutions of Christian (Protestants) Community located in the Ahmednagar District.
(f) The Right Reverend the Bishop of Nagpur.	The Clergy in Churches and institution of the Christian (Protestants) Community located in the districts of Nagpur, Buldana, Akola, Amravati, Yeotmal, Wardha, Bhandara and Chanda.
(g) The Archdeacon at Aurangabad	The Clergy in Churches and institutions of Christian (Protestants) Community located in the district Aurangabad, Parbhani, Bhir and Nanded.
(vi) The Minister, the Scots Kirk the Church of Scotland, Bombay.	Persons of the Christian Community belonging to the Church of Scotland, Bombay.
(vii) The Vicar, The Armenian Church of St. Peter, Bombay.	Persons of the Christian Community belonging to the Armenian Church.
(viii) The Chairman, Central Jewish Board, Bombay.	Persons of the Jewish Community.
(ix) Trustees of the Parsi Panchayat Fund and Properties Bombay.	Persons of the Parsi Community residing in Greater Bombay.
(x) The Head Priest, Bai H. N. Mulla Anjuman Parsi Fire Temple, Parsi Agiary, Nagpur.	Persons of the Parsi Community residing in Nagpur District.
(xi) The Head Priest, Parsi Fire Temple at Kadarabad, Jalna, Aurangabad.	Persons of the Parsi Community residing in the districts of Aurangabad, Parbhani, Bhir and Nanded.

#### Chapter—XIII—Blood Test

#### {136} THE BOMBAY PROHIBITION (MEDICAL EXAMINATION AND BLOOD TEST) RULES, 1959

G. N., R. D. No. BPA. 1059/40722 (b),- dated 1st April 1959

(M. G., Pt. IV-B, p. 546)

1. Amended by G. N., R. D., No. BPA..1059/65544, dated 18th May 1959 (M. G., Pt. IV-B. p. 719).
2. Amended by G. N., R. D., No. BPA..1061/68060-III, dated 26th the September 1963 (M. G., Pt. IV-B.p. 719).
3. Amended by Corrig.II. D., No. BPII/1061/68060-III, dated 6th December 1963 (M. G., Pt. IV-B. p. 1684).
4. Amended by Corrig., II. D., No. BPA. 1061/68060-III, dated 27th June 1964 (M. G., Pt. IV-B. p. 889).

Whereas the Government of Bombay considers that the rules, hereinafter appearing should be brought into force at once ;

Now, therefore, in exercise of the powers conferred by clause (w) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay hereby makes the following Rules, namely :

1. These Rules may be called the Bombay Prohibition (Medical Examination and Blood Test) Rules, 1959.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context,—

(1) “Act” means the Bombay Prohibition Act, 1949 ;

(2) “Form” means a form appended to these Rules,

(3) “Prohibition Officer” means a Prohibition Officer duly empowered by the State Government under sub-section (1) of section 129-A of the Act;

(4) “Registered Medical Practitioner” means any registered medical practitioner authorised by general or special order by the State Government under sub-section (4) of section 129-A of the Act;

(5) “Testing Officer” means the Chemical Examiner or assistant Chemical examiner to government or any other officer appointed by the State Government for testing blood under sub-section (1) of section 129-A of the Act.

3. *Medical examination.*—A registered medical practitioner before whom a person is produced under sub-section (1) of section 129-A of the Act by a Police Officer or a Prohibition Officer for the purpose of medical examination of such person or collection of his blood, shall examine such person and if he deems necessary, collect and forward in the manner prescribed in these Rules, the blood of such person and furnish to the officer by whom such person was produced a certificate in Form ‘A’ containing the result of his examination and shall keep a copy of such certificate on his record.

4. *Manner of collection and forwarding of blood.*—(1) The registered medical practitioner shall use a syringe for the collection of the blood of the person produced before him under rule 3 the syringe shall be sterilised by purring in boiling water before it is used for the aforesaid purpose. He shall clean with sterilized water and swab the skin surface of the part of such person’s body from which he intends to withdraw the blood. No alcohol shall be touched at any stage while withdrawing blood from the body of the person. He shall withdraw not less than 5 c. c. of venous blood in the syringe from the body of the person. The blood collected in the syringe shall then be transferred into a phial containing anti-coagulant and preservative and the phial shall then be shaken vigorously to dissolve the anti-coagulant and preservative in the blood. The phial shall be labelled and its cap sealed by means of sealing wax with the official seal or the monogram of the registered medical practitioner.

(2) The sample blood collected in the phial in the manner stated in sub-rule (1) shall be forward for test to the Testing Officer either by post or with a special messenger so as to reach him within seven days from the date of its collection. It shall be accompanied by a forwarding letter in form ‘B’ which shall bear a fascimile of the seal or monogram used for sealing the phial of the sample blood.

5. Certificate of test of sample blood.—The Testing Officer shall on receipt of the sample blood, test it and shall certify the result of his test in Form ‘C.’ The Testing Officer shall send the certificate in duplicate to the registered medical practitioner by whom the blood was forwarded to him for test and retain a copy thereof on his record. On receipt of the certificate from the Testing Officer, the registered medical practitioner shall forward the original copy of the certificate to the Police Officer or the Prohibition Officer concerned. The duplicate copy of the certificate shall be kept by him on his record.

FORM ‘A’

(See rule 3)

Certificate by a registered medical practitioner showing whether a person examined by him has or has not consumed an intoxicant.

Serial No. .... (Name and location of the Dispensary or Hospital)

Certified that Shri/Smt./Kumari. .... of ..... was brought to this hospital/dispensary by ..... (here state name and designation of the Officer) on. ....

20 at ..... a. m./p. m. and was examined by me on. ....  
20 at ..... a. m. /p. m.

A clinical examination of the above-named person disclosed the following :

Age	..	
Weight	..	
Breath	..	<u>Smelling.</u> Not smelling
alcohol/opium/charas/ganja/bhang		
Speech	..	<u>Incoherent</u> Normal
Gait	..	<u>Unsteady</u> Steady
Pupils	..	<u>Dilated</u> Normal

additional remarks, if any.

I find that the above named person has consumed alcohol/opium/charas/ganja/bhang.  
has not consumed any intoxicant.

I also find that he is under the influence of alcohol.  
is not

N. B.—(Blood from the body of the above named  $\frac{\text{was}}{\text{was not}}$  collected by me for chemical examination).

Dated .....20 . (Signature) .....  
 Designation. ....

Signature/Thumb-impression of the person examined.  
 Marks of identification of the person examined in case he refuses to give his signature or thumb-impression.

**FORM 'B'**  
 [See rule 4 (2)]

No. ....

From .....  
 (Name , designation and address of the registered medical practitioner.)  
 To, .....  
 (Name , designation and address of the Testing Officer. )

Dated .....20 .

Sir,

I, forward herewith by post/with Shri\* .....  
 of ..... a phial bearing serial No. ....  
 containing ..... c. c. o. venous blood collected by me on .....  
 at .....a.m./p.m. of ..... who was  
 produced before me for medical examination †and/or collection of blood from his/her  
 body ‡ by ..... and request  
 you to test the blood and issue a certificate (in duplicate) regarding the result of the test.

Yours faithfully,

Signature and designation of the registered medical practioner.

Facsimile of the seal or monogram used for sealing the phial containing the blood.

\* Here specify the name, designation and address of the messenger with whom the phial containing the blood is forwarded for delivery to the Testing Officer.  
 † Strike off, if these words are not required.  
 ‡ Here state the name and designation of the officer by whom the said person was produced for collection of blood.

**[FORM 'C'**

(See rule 5)

*Alcohol Examination Certificate*

No. R. ....of .....

M. I. Case No. ....

Dated .....

From,

.....

(Here mention name, designation and address of testing officer.)

To,

(.....

....., (Here mention the name, designation and address of registered medical practioner.)

Your letter No. .... dated ....., forwarding a phial containing blood of Shri/Smt./Kumari. .... bearing Serial No. .... labelled. .... received here on .... by post/with messenger Shri ..... of ..... sealed/unsealed, seal perfect and as per copy sent/seals intact device no copy sent.

*Result of the test of the blood*

The blood contained ..... per cent. W/V of ethyl-alcohol.

*Method, Factual Data and Reasons leading to the Result of Blood analysis*

(1) *Method of Analysis.*—Modified Cavette’s Method Journal Analytical Chemistry, 1959, 31, 1908. It is based on oxidation of alcohol by chromic acid as that in Cavette’s Method but the oxidation is carried out in vacuum and at room temperature. It takes only a fraction of a minute instead of a few hours to complete the reaction. Ketonic bodies are volatile acids do not interfere in this method. All usual precautions essential in microanalytical work mentioned in the paper referred to above have been strictly followed, e.g., all chemical used in the test were of reagent quality the apparatus was first cleaned with hot chromic acid, then repeatedly with tap water and finally with distilled water. <sup>2</sup>[It was then dried in hot air oven.] No grease was used anywhere in the apparatus. The atmosphere of the room where the test was carried out was free from all gases or suspended impurities. Fresh glass-distilled water used throughout the test.

(2) *Factual Data and Reasons for arriving at the findings pertaining to the blood sample in question.*—

Analysed on .....

Smell : Nothing to note/Has characteristic smell of .....

Quantity of blood taken for analysis : 0.5 ml.

Quantity of N/20 dichormate taken : 5.00 ml.

Quantity of N/20 dichormate used up in oxidising alchol in the sample ..... ml.

1 ml. of N/20 dichromate oxidises 0.000575 gramme of ethyl-alcohol.

<sup>2</sup>[Therefore, 100 ml. of blood contained.

0.000575 x ..... ml. of dichromate used x 100

----- .gramme of

0.50

ethyl-alcohol.]

Signature and Designation of testing officer.

*Note.*—(1) WV = ..... grammes of ethyl-alcohol in 100 c. c. of blood.

(2) The blood sample was stored in refrigerator from the time it was received in the laboratory till it was taken for analysis.

1. Subs. by G. N. of 26-9-1963.

2. Subs. by G. N. of 6-12-1963.



**(137) G. N., H. D., No. PPA-1079/3946(394)PRO-31, dated 5th June 1980  
(M. G., Pt. IV-B, p. 399)**

In exercise of the powers conferred by sub-section (1) of Section 129 A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) read with Order No. G. S. R. 47 (E), dated the 17th February 1980 of the President of India, and in supersession of Government Notification, revenue Department, No. BPA. 1059/40722(a), dated the 1st April 1959, the Governor of Maharashtra is hereby pleased to appoint the following officers for the purpose of the said sub-section (1), in so far as it related to the testing of blood forwarded to them for test by authorised registered medical practioners under the said sub-section (1) namely :

1. (i) The Director, Forensic Science Laboratories, Maharashtra State and Chemical Analyser to Government, Bombay, and  
(ii) The Deputy Directors and Assistant Directors of the Directorate of Forensic Science and Chemical Analyser's Laboratory, Maharashtra State to be the Chemical Examiners to Government ; and
2. The Assistant Chemical Analysers of the Directorate of forensic Science and Chemical Analyser's Laboratories, Maharashtra State, to be the Assistant Chemical Examiners to Government.

**(138) G. N., H. D., No. 1059/40722(d), dated 1st April 1959  
(B. G. Pt. IV-B, p. 551)**

In exercise of the powers conferred by sub-section (1) of Section 129A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay hereby empowers the Prohibition Officers mentioned in the Schedule hereto appended to exercise, within the limits of their respective jurisdiction, the powers under the said sub-section (1), in so far as they relate to the production of person before an authorised registered medical practioner for the purpose of his medical examination or collection of his blood under the circumstances stated in the said sub-section (1) and to the obtaining of the necessary certificates under that sub-section, namely :

*Schedule*

1. All Superintendents of Prohibition and Excise.
2. All District Inspectors of Prohibition and Excise.
3. All Inspectors of Prohibition and Excise.

**(139) G. N., H. D., No. BPA. 1059/40722(e), dated 1st April 1959  
(B. G., Pt. IV-B, p. 551)**

In exercise of the powers conferred by sub-section (1) of Section 129A of the Bombay Prohibition Act, 1949 (Bom. XXX of 1949), the Government of Bombay hereby authorises all registered medical practioners in charge of, or serving at, any allopathic hospitals or dispensaries maintained by the State Government in the State of Bombay, for the purposes of the said sub-section (1).

**(140) G. O., H. D., No. PRN. 3259/15573-III (a), dated 10th June 1963  
(M. G., Pt. IV-B, p. 711)**

In exercise of the powers conferred by sub-section (1) of Section 129A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all registered medical practioners in charge of, or serving at, the hospitals (1) Khan Bahadur Bhabha Hospital, Kurla and (2) Khurshedji Behramji Bhabha Hospital, Waterfield Road, Bandra, for the purposes of the said sub-section (1).

(141) **G. O., H. D., No. PBA. 1063-III (a), dated 18th January 1964**  
(M. G., Pt. IV-B, p. 72)

In exercise of the powers, conferred by sub-section (1) of Section 129-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all registered medical practioners in charge of, or serving at any allopathic hospitals or dispensaries maintained by the Zilla Parishad in the State of Maharashtra , for the purposes of the said sub-section (1).

(142) **G. O., H. D., No. PBA. 1064-III (a), dated 18th August 1964**  
(M. G., Pt. IV-B, p. 1100)

In exercise of the powers conferred by sub-section (1) of section 129-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all registered medical practioners in charge of, or serving at Municipal dispensaries in the State of Maharashtra for the purposes of the said sub-section (1).

(143) **G. N., H. D., No. PBA. 1059-40722 (F), dated 1st April 1959**  
(B. G., Pt. IV-B, p. 551)

In exercise of the powers conferred by sub-section (4) of Section 129-A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay hereby authorises all female registered medical practioners in charge of, or serving at any allopathic hospital or dispensaries maintained by the State Government in the State of Bombay, for the purposes of the said sub-section (4).

(144) **G. O., H. D., No. PRN. 3259-15573-III (b), dated 10th June 1963**  
(M. G., Pt. IV-B, p. 712)

In exercise of the powers conferred by sub-section (4) of Section 129A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all female registered medical practioners in charge of, or serving at (1) Khan Bahadur Bhabha Hospital, Kurla and (2) Khurshedji Behramji Bhabha Hospital, Waterfield Road, Bandra, for the purposes of the said sub-section (4).

(145) **G. O., H. D., No. BPA. 1063-III (b), dated 18th January 1964**  
(M. G., Pt. IV-B, p. 72)

In exercise of the powers conferred by sub-section (4) of section 129A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all female registered medical practioners in charge of, or serving at any allopathic hospitals or dispensaries maintained by the Zilla Parishads in the State of Maharashtra , for the purposes of the said sub-section (4).

(146) **G. O., H. D., No. BPA. 1064-III (b), dated 18th August 1964**  
(M. G., Pt. IV-B, p. 1101)

In exercise of the powers conferred by sub-section (4) of Section 129A of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby authorises all female registered medical practioners in charge of, or serving at Municipal Dispensaries in the State of Maharashtra for the purposes of the said sub-section (4).

## CHAPTER XIV

## INTOXICATION DRUGS

**(147) G. N., R. D. No., 10484/45, dated 11th April 1951 (B. G., Pt. IV-B, p. 1272)**

In exercise of the powers conferred by sub-clause(d) of clause (23) of Section 2 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and in supersession of Government Notification, in the Revenue Department, No. 10484/45(a), dated 29th January 1951, the Governor of Bombay is pleased to declare the following substances to be intoxicating drugs, namely :

Narcotic opium preparations containing not more than 0.2 per cent of morphine known as “ Balagolis ” or “ Infant Opium Pills ” and any other similar preparations containing not more than 0.2 percent of morphine and known by those names or any other names having the same effect as “ Balagolis ” or “ Infant Opium Pills ”.

**(148) G. N., R. D. No., EAR-1672/68552-N, dated 19th July 1963****(M. G., Pt. IV-B, p. 951)**

In exercise of the powers conferred by Section 105 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and in supersession of Government Notification, in the Revenue Department, Nos. 10484/45, dated the 29th January 1951 and 8082/51, dated the 6th May 1953, the Government of Maharashtra hereby directs that —

(a) an excise duty at the rates of Rs. 43 and Rs. 8 per kilogram shall be imposed, respectively, on *ganja* and *bhang* manufactured in the State of Maharashtra in accordance with the provisions contained in Chapter IV of the said Act ;

(b) a countervailing duty at the rates of Rs. 43 and Rs. 8 per kilogram shall be imposed, respectively on *ganja* and *bhang* permitted to be imported into the State of Maharashtra in accordance with the provisions of Chapter IV of the said Act ; and

(c) an excise duty or countervailing duty, as the case may be, shall be imposed on opium at the rate of Rs. 64.50 nP. per kilogram when such opium is—

(i) imported into the State of Maharashtra : or

(ii) issued from a warehouse which has been declared to be a warehouse for opium under the said Act or transported within the State of Maharashtra :

Provided that, no such duty as is referred to in clauses (a) and (b) or as the case may be (c) shall be imposed on *ganja* and *bhang* or opium, which has been imported into the Territory of India and was liable on such importation to duty under the Indian Tariff Act, 1934, or the Customs Act, 1962.

**(149) G.O., H. D. No. OPM 1163/54626-III, dated 2nd April 1964****(M. G., Pt. IV-B, p. 387)**

In exercise of the powers conferred by clause (c) sub-section (1) of Section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts all persons visiting this State who hold permits. Licence, authorisations or any other like documents (hereinafter referred to as the “ opium permits ”) duly granted on medical grounds by any competent authority of any other State in India under any law relating to excise or prohibition or both for the possession, use and consumption of opium hereinafter referred to as “ the permit holders ” form clause (a), clause (b), clause (c) and clause (e) of Section 17 and clause (c) of sub-section (I) of Section 105 in so far as it relates to imposition of excise duty or countervailing duty on opium imported, exported, transported or possessed, of the said Act, subject to the following conditions, namely :

(1) The permit-holders shall during their stay in this State carry with them their opium permits, and also certificate duly dated, issued by such competent authority certifying the grant of such opium permits to them, and on arrival in this state, they shall forthwith get such certificate countersigned by a Prohibition Officer of the place of such arrival.

(2) The permit-holders shall not possess opium in excess of the quantities authorised to be possessed under their opium permits.

(3) The exemption granted by this Order shall be valid for a period of one month from the date of the issued of the certificates aforesaid;

(4) On the expiry of the period of exemption, the permit-holders shall surrender their opium permits and the stock of opium, if any, remaining with them, to the Collector.

**(150) G.N.,H.D., No. GNJ-1161/29091-III, dated 24th October 1961**

**(M.G., Pt. IV-B, p. 1013)**

In exercise of the powers conferred by clause (c) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby exempts the Principal, Ayurved Mahavidyalaya, Pune (hereinafter referred to as "the college") from the observance of the provisions of clause (b) of Section 14 of that act, in so far as it relates to cultivation and collection of *bhang* plants, subject to the conditions that—

(i) the maximum number of such plants planted does not exceed five in number;

(ii) the plants are planted only in the medical plants garden attached to the college;

(iii) the yield of the plants is collected and handed over to the Superintendent of Prohibition and Excise, Pune, free of cost :

(iv) the plants are used for only the purposes of demonstration to students of the College; and plants are open to inspection by the Superintendent of Prohibition and Excise, Pune, or any Officer of the Prohibition and Excise Department authorised by him in that behalf.

**(151) G. N., H.D., No. OPM-1461/125645-III, dated 13th October 1961**

**(M.G., Pt. IV-B, p. 989)**

In exercise of the powers conferred upon him by Article 258-A of the Constitution of India, the Governor of Maharashtra is pleased, with the consent of the Government of India, to entrust to the Officers of the Narcotic Department of the Government of India of and above the rank of a Sub-Inspector, the functions, under sub-section (1) of Section 121 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), within the limits of their jurisdiction in the State of Maharashtra.

**(152) The Bombay Ganja and Bhang Rules, 1953** (G. N. R., D., No. 10484/45, dated 26th September 1959) (B. G. Pt. IV-B, p. 1898).

**(153) The Bombay Opium Rules 1953** (G.N.R.D. No. 10484/45 (a) dated 26th September 1953) (B. G. Pt. IV-B, 1920).

**(154) The Maharashtra Poppy Capsules Rules, 1961** (G.N.R.D. No. OPM, 1060 (a)/III, dated 30th September 1961) (M.G.Pt. IV-B., p. 875).

These three sets of rules are repealed by Rule 107 of the Maharashtra Narcotic Drugs and Psychotropic Substances Rules 1985, framed under the Narcotic Drugs and Psychotropic Substances, Act, 1985 of the Government of India (61 of 1985).

**(155) The Bombay Prohibition (Drugs Permit) Medical Board Rule 1954**

- (i) (G.N., R.D.; No. OPM-1553, Dated 2nd March 1954)  
(B.G., Pt. IV-B, p. 273)
- (ii) G.N., H.D.; No. OPM-1459/71134-III, Dated 5th March 1962)  
(M.G., Pt. IV-B, p. 517)
- (iii) G.N., H.D.; No. OPM-2067/63620-III, Dated 15th July 1969)  
(M.G., Pt. IV-B, p. 969)

*Note* : The above three notifications stand repealed since Rules mentioned at paras 133 and 134 are repealed.

**(156) G. N., H.D. No. CLC-2781/1884/PRO-I, dated 7th July 1990,  
(M.G., Pt. IV-B, p. 797)**

Sub. Declaring ' Mythenol ' and ' Clorol Hydrate ' as intoxicant for the purpose of B. P. Ac, 1949.

*Note* : above notification in cancelled w. e.f. its date of publication vide. G. N. H. D. No. CLC 2781/18841/PRO-I, dated 9th October 1990. (M.G.Pt. IV-B p. 2563)

**CHAPTER XV**

**Common Notifications & Order**

**(157) THE BOMBAY PROHIBITION (PRIVILEGES FEES) RULES 1954**

G.N., R.D.; No. 7534/51, Dated 8th May 1954 (B. G., Pt. IV-B, p. 664)

1. Amended by G.N., R.D. No. 7534/51, dated 9th July 1955 (B.G.Pt.IV-B. p. 1426).
2. Amended by G.N., R.D. No. 7534/51-C, dated 27th October 1955 (B.G.Pt.IV-B. p.1935).
3. Amended by G.N., R.D. No. TIV. 1056 (a), dated 15th April 1957 (B.G.Pt.IV-B. p.1037).
4. Amended by G.H., H.D. No. FLR. 1070/48150-III, dated 30th March 1971 (M.G.Pt. IV-B. p. 478).
5. Amended by G.N., H.D. No. BPA 1083/8-PRO-2, dated 23rd December 1987 (M.G.Pt. IV-B. p. 75--76 of 1988).
6. Amended by G.N.H.D., FLR. 1886/54/Part-III-EXC.2, dated 4th October 1996 (M.G.Pt.IV-B, p. 1218-1219).
7. Amended by G.N.H.D., BPA.2002/CR-10/EXC-II, dated 18th June 2004 (M.G.Pt IV-B, p. 435-436).
8. Amended by G.N.H.D., BPA 2002/CR-10/EXC-2, dated 20th June 2005 (M.G. Pt IV-B, p 626-627)
9. Amended by G.N.H.D., BPA-0308/6/CR-66/EXC-2, dated 4th June 2009 (M.G. Pt IV-B, p 3-4)
10. Amended by G.N.H.D., MIS.0610/CR-138/EXC-3, dated 7th July 2010 (M.G. Pt IV-B, p 6-10)
11. Amended by G.N.H.D., BPA-0211/C.R.43/EXC-2, dated 16th November 2011 (M.G. Pt. IV-B, p)

In exercise of the powers conferred by clause (u) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of the rules published in the notification of the Commissioner of Excise, Bombay, No. 81-7/35, dated the 29th January 1935, the Government of Bombay is pleased to make three following rules, namely :

1. These rules may called the Bombay Prohibition (Privileges Fees) Rule, 1954.
2. In these rules, unless there is anything repugnant in the subject or context,—
  - (i) " The Act " means the Bombay Prohibition Act, 1949;
  - (ii) " licence " means a licence granted under any of the provisions of the Act or the rules, orders or regulations made thereunder ;
  - (iii) " licensee " means a person who holds a licence;
  - (iv) The words and expressions not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. *Fees for issuing a nokarnama*—<sup>1</sup>[Save as otherwise provided in sub-rule (2) of rule 10 of the Bombay Neera Rules, 1951, the fee] for the exercise by any licensee of the privilege of issuing a nokarnama shall be <sup>2</sup>[Rs. 100 ] for each such nokarnama and it shall be paid into a Government treasury before the nokarnama is issued by any licensee :

Provided that, when countersignature of the *nokarnama* in approval of the provisionally appointed agent or servant is refused, no further fees shall be leviable on the appointment by the licensee of any other person in his place as such agent or servant :

<sup>3, 4, 5, 6</sup>[4. *Fees for transfer of a licence from one site to another*.—

(a) the fee for privileges for having the transfer of the licence, in the Form ‘CL-1’, granted under the Maharashtra Country Liquor Rules, 1973, ‘PLL’ or ‘I’ granted under Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, from one site to another, shall be equivalent (100%) to the fee chargeable for grant or renewal or continuance of such licence in accordance with manufacturing capacity, whichever is higher.

(b) the fee for privileges for having the transfer of the licence, in Form ‘CL-III’, granted under the Maharashtra Country Liquor Rules, 1973, “FL-II” or “FL-III” granted under the Bombay Foreign Liquor Rules, 1953 from one site to another shall be,—

- |   |   |
|---|---|
| (i) In the area of Municipal Corporation of Mumbai, New Mumbai, Thane, Bhiwandi, Mira-Bhayander, Virar-Vasai, Kalyan, Dombivali and Pune. | Three times of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher.   |
| (ii) In the area of other Municipal Corporation [excluding those mentioned in clause (i) above], and all Municipal Councils.              | Two times of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher.     |
| (iii) In all other areas [excluding those mentioned in clauses (i) and (ii)],   | Equivalent (100%) of fee chargeable for grant or renewal or continuance of such licence, whichever is higher. |

(c) the fee for privileges for having the transfer of the licences, other than licences mentioned in clauses (a) and (b) from one site to another shall be,—

- |   |   |
|---|---|
| (i) In the areas of all Municipal Corporations.                   | Fifty per cent of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher.  |
| (ii) In all other areas [excluding those mentioned in clause (i)] | Twenty per cent of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher. |

1. Subs. by G. N. of 9-7-1955.

3. Sub. by G. N. H. D. 18-6-2004.

5. Sub. by G. N. H. D. 4-6-2009.

2. Subs. by G. N. H. D. of 23-12-87.

4. Subs. by G. N. H. D. of 20-6-2005.

6. Sub. by G. N. of 7-7-2010.



(d) No fees shall be charged for transfer of licence from one place to another in the following circumstances :—

(i) Licence whose premises are affected by the implementation of Development Scheme such as road widening and alike ; or

(ii) licence whose premises are closed or required to be closed down as per the provisions of the Bombay Prohibition (Closure of licence on Resolution by *Gram Sabha* or representation by Voters in the Ward of Municipal Council/Corporation) Order, 2008 ; or

(iii) Licence whose premises are closed down or required to be closed down as per order of any Court or Competent Authority.”

<sup>2,3,4</sup>“5. *Fees for transfer of a licence from one name to another.*—(a) the fee payable by any licensee for the privilege of having the transfer of his licence, in Form ‘CL-1’, granted under the Maharashtra Country Liquor Rules, 1973, ‘PLL’ or ‘I’. granted under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, from one name to another, shall be five times of the fee chargeable for grant or renewal or continuance of such licence whichever is higher ;

(b) the fee payable by any licensee for the privilege of having the transfer of his licence, in Form ‘CL-III’, granted under the Maharashtra Country Liquor Rules, 1973, “FL-II” or “FL-III”, granted under the Bombay Foreign Liquor Rules, 1953 shall be as follows :—

(i) In the areas of Municipal Corporation of Mumbai, New Mumbai, Thane, Bhiwandi, Mira-Bhayander, Virar-Vasai, Kalyan, Dombivali and Pune.	Eight times of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher.
--	---

(ii) In the area of other Municipal Corporations [excluding those mentioned in clause (i) above], and all Municipal Councils.	Five times of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher.
---	--

(iii) In all other areas [excluding those mentioned in clauses (i) and (ii)].	Four times of fee chargeable for grant or renewal or continuance of such licence, whichever is higher.
---	--

(c) the fee payable by any licensee for the privilege of having the transfer of any licence other than those mentioned in clauses (a) and (b) shall be same as the fee chargeable for the grant or renewal or continuance of the licence, whichever is higher. ”

<sup>1</sup>“5A. *Fee for lease or sub-lease of licence.*- The fee payable by any licensee for the privilege of having the lease or sub-lease of his licence in Form ‘CL-I’ under the Maharashtra Country Liquor Rules, 1973 and in Form ‘PLL’ or ‘I’ under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966 under any agreement or arrangement to any person with the previous written permission of the Government or Commissioner as the case may be shall be the same as the fee chargeable for grant or renewal or continuance of such licence, whichever is higher.]

<sup>2,3,4</sup>“6. *Fees for admission into or withdrawal from a business of partner or partners.*—(a) The fee payable by licensee for addition of partner or partners for the licence, in Form ‘CL-I’, granted under the Maharashtra Country Liquor Rules, 1973, ‘PLL’ or ‘I’. granted under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, shall be four and half times of the fee chargeable for the grant or renewal or continuance of the licence, whichever is higher.

(b) The fee payable for the withdrawal of partner or partners for the licence, in Form ‘CL-I’, granted under the Maharashtra Country Liquor Rules, 1973, “PLL or I”, granted under Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, shall be fifty per cent of the fee chargeable for the grant or renewal or continuance of the licence, whichever is higher.

1. Ins by G. N. 16-11-2011

3. Sub. by G. N. H. D. 18-6-2004.

2. Sub by G. N. H. D. 4-10-96.

4. Subs. by G. N. H. D. of 7-7-2010.

(c) The fees payable by licensee for addition of partner or partners for the licence in Form 'CL-III', granted under the Maharashtra Country Liquor Rules, 1973, "FL-II" or "FL-III", granted under Bombay Foreign Liquor Rules, 1953, shall be as follows :—

- |  |  |
|--|--|
| (i) In the areas of Municipal Corporations of Mumbai, New Mumbai, Thane, Bhiwandi, Mira-Bhayander, Virar-Vasai, Kalyan Dombivali & Pune. | Seven and half times of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher. |
| (ii) In the areas of Municipal Corporation excluding those mentioned in clause (i) above], and all Municipal Councils.                   | Four and half times of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher.  |
| (iii) In all other areas [excluding those mentioned in clauses (i) and (ii)].  | Three and half times of fee chargeable for grant or renewal or continuance of such licence, whichever is higher.     |

(d) And fee payable by the licensee for the withdrawal of partner or partners for licence in Form 'CL-III', granted under the Maharashtra Country Liquor Rules, 1973, "FL-II" or "FL-III", granted under Bombay Foreign Liquor Rules, 1953, shall be fifty per cent of the fee chargeable for the grant or renewal or continuance of the licence whichever is higher.

(e) The fees payable by any licensee for the privilege of allowing the admission of the partner or the withdrawal of the partner from, the business under his licence other than those mentioned in clauses (a) and (b) shall, in respect of each partner admitted in or withdrawn from such business be fifty per cent of the fee chargeable for the grant or renewal or continuance of the licence, whichever is higher :

Provided that, in case of admission of a partner or partners from family members (husband or wife or children) of the licensee, the fees chargeable shall be ten per cent of fee chargeable for grant or renewal or continuance of the licence concerned, whichever is higher, on every occasion of admission of a partner or partners :

Provided further that, no fees shall be chargeable after death of licensee or partner in case of transfer of licence in the name of his legal heir (from husband to wife and *vice-versa*, from father or mother to son or *vice-versa*) :

Provided also that in case of evasion of privilege fee by transferring the licence illegally by way of preparing Nokarnama, the fee shall be chargeable at the rate of privilege fee with fourteen per cent interest thereon from the date of issue of such Nokarnama."

7. *Fees for a duplicate copy of a licence, permit or authorisation.*—<sup>5</sup>[The fee for the privilege of having a duplicate copy of any licence, permit, pass or authorisation granted under the Act shall be Rs. 10 where the fee chargeable for grant or renewal or continuance of such licence, permit or authorisation is more than Rs. 10 and the same as the fee chargeable for grant or renewal or continuance of such licence, permit, pass or authorisation where such fee is Rs. 10 or less].

8. *Fees for amendment of a licence, permit or authorisation.*—The fee for the privilege of having an amendment made in the particulars entered in any licence, permit, pass or authorisation granted under the Act <sup>4</sup>[on payment of a fee] shall be <sup>7</sup>[Rs. 10] per amendment.

<sup>6</sup>[provided that where any other fee referred to in these rules is charged then separate amendment fee shall not be charged].

9. *Rounding off of fees.*—While recovering fees under rule 4 or 6, any amount less than <sup>5</sup>[fifty paise] shall be remitted and <sup>5</sup>[fifty paise] or more shall be rounded to the extent of whole rupee.

1. Subs. by G. N. of 9-7-1955.

3. Deleted by G. N. of 15-4-1957.

5. Subs. by G. N. of 23-12-1987.

7. Subs. by G. N. of 4-10-1996.

2. Subs. by G. N. of 30-4-1971.

4. Subs. by G. N. of 27-10-1955.

6. Added by G. N. of 23-12-1987.



**(158) G. N., R. D. No.3015/51, dated the 21st December 1954**

(B. G., Pt. IV-B, p. 1713)

Whereas the Government of Bombay considers that the rules hereinafter appearing should be brought into force at once ;

Now, therefore, in exercise of the powers conferred by section 143, read with section 53, of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to make the following Rules, namely :

1. A special pass for the import, export or transport of any intoxicant, hemp, mhowra flowers or molasses in cases other than those specifically provided under any of the provisions of the said Act shall be in the form in the Schedule hereto and shall be subject to the conditions laid down in the form.
2. The fee for the grant of a special pass in the form prescribed under rule 1 shall be Re. 1.

**SCHEDULE**

*Special pass for the import/export/transport of \*intoxicants/hemp/  
mhowra/flowers/molasses*

PART I —For record of the Officer issuing the pass.

- | No. | Dated   | 20 |
|-----|---|----|
| 1.  | Name and address of the *importer/exporter/transporter.   |    |
| 2.  | Licence or permit No. held by the *importer/exporter/transporter and its date.                            |    |
| 3.  | Quantity of intoxicant/hemp/mhowra/flowers/molasses to be *imported/exported/transported.                 |    |
| 4.  | Place from which *intoxicant/hemp/mhowra/flowers/molasses *is/are to be imported/exported/transported.    |    |
| 5.  | Place to which *intoxicants/hemp/mhowra/flowers/molasses *is/are to be *imported/exported/transported.    |    |
| 6.  | Route.  |    |
| 7.  | Purpose for which *intoxicants/hemp/mhowra/flowers/molasses *is/are to be *imported/exported/transported. |    |
| 8.  | Name of consignor/consignee and his full address.   |    |
| 9.  | Date upto which the pass shall be valid.  |    |

This pass is granted under and subject to the provisions of the Bombay prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the above \*import/export/transport of \*intoxicants/hemp/mhowra/flowers/molasses subject to the following conditions, namely :

(a) The whole quantity of \* intoxicants/hemp/mhowra/flowers/molasses shall be \*imported/exported/transported in one consignment only and its bulk shall not be broken in transit.

(b) The pass-holder shall give an undertaking in writing to the officer issuing the pass to abide by the above conditions.

Seal

Signature and designation of the  
officer issuing the pass.

## SCHEDULE

*Special pass for the \* import/export/transport of \*intoxicants/hemp/  
mhowra/flowers/molasses*

PART II—To be handed over to the \*importer/exporter/transporter

No.	Dated	20
-----	-------	----

1. Name and address of the \*importer/exporter/transporter.
2. Licence or permit No. held by the \*importer/exporter/transporter and its date.
3. Quantity of \*intoxicants/hemp/mhowra/flowers/molasses to be \*imported/  
exported/transported.
4. Place from which \*intoxicants/hemp/mhowra/flowers/molasses \*is/are to be  
\*imported/exported/transported.
5. Place to which \*intoxicants/hemp/mhowra/flowers/molasses \*is/are to be  
\*imported/exported/transported.
6. Route.
7. Purpose for which \*intoxicants/hemp/mhowra/flowers/molasses \*is/are to be  
\*imported/exported/transported.
8. Name of \*consignor/consignee and his full address.
9. Date upto which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay prohibition Act, 1949, (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the above \*import/export/transport of \*intoxicants/hemp/mhowra/flowers/molasses subject to the following conditions, namely :

(a) The whole quantity of \*intoxicants/hemp/mhowra/flowers/molasses shall be \*imported/exported/transported in one consignment only and its bulk shall not be broken in transit.

(b) The pass-holder shall give an undertaking in writing to the officer issuing the pass to abide by the above conditions.

Seal

Signature and designation of the  
officer issuing the pass.

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\*Strike off whichever is not inapplicable.

**SCHEDULE**

*Special pass for the import/export/transport of \*intoxicants/hemp/  
mhowra/flowers/molasses*

PART III—To be forwarded to the Chief Excise Authority at the place  
\*from/to which the \*intoxicants/ hemp/mhowra/flowers/molasses  
\*is/are to be \*imported/exported/transported.

No. Dated 20

1. Name and address of the \*importer/exporter/transporter.
2. Licence or permit No. held by the \*importer/exporter/transporter and its date.
3. Quantity of intoxicants/hemp/mhowra/flowers/molasses to be \*imported/exported/  
transported.
4. Place from which \*intoxicant/hemp/mhowra/flowers/molasses \*is/are to be  
\*imported/exported/transported.
5. Place to which \*intoxicant/hemp/mhowra/flowers/molasses \*is/are to be  
\*imported/exported/transported.
6. Route.
7. Purpose for which \*intoxicant/hemp/mhowra/flowers/molasses \*is/are to be  
\*imported/exported/transported.
8. Name of \*consignor/consignee and his full address.
9. Date upto which the pass shall be valid.

This pass is granted under and subject to the provisions of the Bombay prohibition Act, 1949, (Bom. XXV of 1949), and the rules, regulations and orders made thereunder authorising the above \*import/export/transport of \*intoxicants/hemp/mhowra/flowers/molasses subject to the following conditions, namely :

(a) The whole quantity of \* intoxicants/hemp/mhowra/flowers/molasses shall be \*imported/exported/transported in one consignment only and its bulk shall not be broken in transit.

(b) The pass-holder shall give an undertaking in writing to the officer issuing the pass to abide by the above conditions.

Seal

Signature and designation of the  
officer issuing the pass.

**[159] G. N., R. D. No. 8174/51, dated 23rd June 1953****(B. G., Pt. IV-B, p. 1306)**

In exercise of the powers conferred by clause (i) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification in the Revenue Department, No. 238, dated the 12th March 1913, the Government of Bombay is pleased to make the following rule, namely :

“No person holding a licence for the sale of intoxicants, mhowra flowers or molasses shall employ any of the following persons to assist him in his business in any capacity whatsoever namely :

- (a) persons below 21 years of age ;
- (b) persons suffering from an infectious or contagious disease;
- (c) persons convicted on an offence under—
  - (i) the Bombay Abkari Act, 1878, the Opium Act, 1878 or the Bombay Molasses Act, 1947 ; or
  - (ii) the
- (d) persons whose licences or *nokarnamas* have previously been cancelled;
- (e) persons on the Police list of convicted persons or bad characters;
- (f) persons, if any, debarred by the terms of the licence :

Provided that in case of persons falling under clause (c), (d) or (e), the disqualification may, at any time, be removed by a written order of the Collector.”

**[160] G. N., H. D. No. BPA. 1093/5/Exc-2, dated 18th June 1996**

1. Amended by G. N.H.D. BPA 0808/45/C.R.166./EXC-2 dated 4th June 2009 (M.G pt IV-B, P,2)

Now, therefore, in exercise of the powers conferred by clause (i) of sub-section (2) of the section 143 of the said Act, and in supersession of Government Notification, Revenue Department, No. 8174/51, dated the 23rd June 1953, the Government of Maharashtra is pleased to make following rules, namely :—

1. These rules may be called the Regulation of Employment by the Licence holder Rules, 1996.

2. No person holding a licence under the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), for sale of intoxicants, mhowra flowers or molasses shall employ any of the following persons to assist him in his business in any capacity whatsoever, namely :—

- (a) persons below twenty-one years of age ;
- (b) persons suffering from an infectious or contagious disease;
- (c) persons convicted of an offence under Narcotic Drugs and Psychotropic Substances, Act, 1985 (Act No. 61 of 1985) or Bombay Molasses (Control), Act, 1956 (Bom. XXXVIII of 1956) or the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) or Bombay Opium Smoking Act, 1936 (Bom. XX of 1936) ;

- (d) persons whose licences or *nokarnamas* have previously been cancelled ;
- (e) persons on the Police list of convicted persons or bad characters;
- (f) persons debarred by the terms of the licence :

Provided that in case of persons falling under clause (c), (d), or (e), the disqualification may, at any time, be removed by a written order of the Collector.

3. No women shall be required or be allowed to work after \*(21.30) hrs. in any hotel or restaurant holding licence in Form F. L. III issued under 45 of the Bombay Foreign Liquor Rules, 1953 or in Form E issued under rule 5 of the Special Permits Licences Rules, 1952.

**[161] G. N., H. D. No. BPA. 1175/III, dated 25th April 1975  
(M. G., Pt. IV-B, p. 491)**

In exercise of the powers conferred by clause (a) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby prohibits the grant of the following kinds of licences specified in the Scheduled hereto in the Wardha District of the state on or after the date of publication of this Order in the *Official Gazette* :

2. For the avoidance of doubts, it is hereby declared that nothing in this Order shall affect the operation of any such licence granted before the commencement of this Order and which are in force immediately before such commencement till the date of their expiry.

SCHEDULE

*Kinds of Licences—*

I. Licence for sale of Mild Liquor (Beer) on the premises of a hotel/restaurant/canteen/club under the Special Permits and Licences Rules, 1952.

II. The following licences under the Bombay Foreign Liquor Rules, 1953, namely:

- (i) Ordinary Trade and Import Licence for the removal from a Customs Frontier and for the import and vend of foreign liquors (potable) including Indian-made liquor (potable) excised at special rates (“not to be drunk on the premises.”)
- (ii) Vendor’s Licence for sale of Foreign Liquor.
- (iii) Licence for the sale at a hotel of imported foreign liquors (potable) and Indianmade foreign liquors (potable) on which excise duty has been paid at special rates.
- (iv) Licence for the sale at a club of imported foreign liquors (potable) and Indianmade foreign liquors (potable) on which excise duty has been paid at special rates.

III. Licence for the retail sale of toddy under the Maharashtra Toddy shops (Licensing) and Toddy trees (Tapping), Rules, 1968.

IV. The following licences under the Maharashtra Country Liquor Rules :

- (i) Licence authorising the storage and wholesale sale of duty paid country liquor to retail shops.
- (ii) Licence for the retail sale of country liquor.

**{162} Prohibition in Gadchiroli District (IV e. f.**

**{163} G. N., H. D., No. 1879/166/PRO-2, dated 8th June 1979  
(M. G., Pt. IV-B., p. 1340)**

In exercise of the powers conferred by clause (a) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby prohibits the grant of permits, in Form F.L.X.-B under sub-rule (3) of rule 70-B of the Bombay Foreign Liquor Rules 1953 and in form C. L. XXIV under sub-rule (3) of rule 45 of the Maharashtra Country Liquor Rules, 1973, respectively, throughout the State on or after the date of publication of this order in the *Official Gazette*.

*Note* : Form F.L.X.-B and rule 70-B of the Bombay Foreign Liquor Rules 1953 and Form C.L.XXIX and rule 45 of the Maharashtra Country Liquor Rules, 1973 are deleted on 8-8-1979. In view of this, the notification is redundant from 8-8-1979.

**{164} THE BOMBAY PROHIBITION (RESTRICTIONS ON GRANT OF LICENCES)  
ORDER 1980**

**G. O., H. D., No. DNS 0879/4178/186-PRO-1, dated 9th January 1980  
(M. G., Pt. IV-B, p. 77)**

In exercise of the powers conferred by clauses (a) and (n) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby makes the following Order, namely :

1. This Order may be called the Bombay Prohibition (Restrictions on grant of Licence) Order, 1980.
2. In this Order, unless the context otherwise requires,—
  - (a) “family unit” means a person and his spouse (or more than one spouse) and his children solely dependent on him for their maintenance ;
  - (b) “licensing authority ;, in relation to any scheduled licence, means an authority competent to grant that licence ;
  - (c) the expression “private company” shall have the meaning assigned to it in the Companies Act, 1956 (I of 1956);
  - (d) “scheduled licence” means any of the licences specified in the schedule hereto.
3. A licensing authority shall not grant more than one scheduled licence to any one individual or to any one family unit, firm, private company or any other body of individuals, whether incorporated or not.

*Explanation.*—For the purpose of this clause, a scheduled licence granted to an individual who is a member of a family unit or a partner of a firm or a Director of a private company shall be deemed to be granted also to such family unit, firm or company.

4. If any individual, family unit, firm, private company or any other body of individuals, whether incorporated or not, acquires in any manner any scheduled licence while holding any other valid scheduled licence, the scheduled licence so acquired shall be deemed to be invalid and of no effect.

*Explanation.*—For the purpose of this clause, a scheduled licence acquired by an individual who is a member of a family unit, or a partner of a firm or a Director of a private company, shall be deemed to be acquired also by such family unit, firm or company and a scheduled licence acquired by a family unit firm or private company shall be deemed to be acquired also by the individual who is a member of such family unit or a partner of such firm or a Director of such company.

5. If an individual is a member of a family unit or a partner of a firm or a Director of a private company severs his connection with such family unit, firm or company during the currency of any scheduled licence held by such family unit, firm or company, such individual shall not be granted any scheduled licence for a period of one year from the date of severance of such connection by such individual.

6. If an individual, a family unit, a firm or a private company transfers any scheduled licence held by him or it, such individual, family unit, firm or company shall not be granted any scheduled licence for a period of one year from the date of such transfer.

*Explanation.*—For the purpose of this clause, transfer of a scheduled licence effected by any individual who is a member of a family unit shall be deemed to be a transfer effected also by such family unit.

#### SCHEDULE

[See clause 2 (d)]

I. *Licence under the Bombay Mhowra Flowers Rules, 1950.*— Licence in Form M.F.II (Licence for the sale of Mhowra Flowers).

II. *Licences under the Bombay Foreign Liquor Rules, 1953.*— (1) Licence in Form F.L. I [Ordinary Trade and Import Licence for the removal from a customs Frontier and for the import and vend of foreign liquors (potable) including Indian made liquors (potable) excised at special rates (“not to be drunk on the premises.”)]

(2) Licence in Form F.L. II (Vendor’s Licence for sale of Foreign Liquor).

III. *Licences under the Bombay Denatured Spirit Rules, 1959.*— (1) Licence in Form D.S. VI (Licence for the wholesale sale of ordinary denatured spirit).

(2) Licence in Form D.S. VII (Licence for the retail sale of ordinary denatured spirit).

IV. *Licences under the Maharashtra Denatured Spirituous Preparations Rules, 1963.*— (1) Licence in Form D.S.P. 1 (Licence for the manufacture of denatured spirituous preparations or for the manufacture and sale of such preparations).

(2) Licence in Form D.S.P. 2 (Licence for the wholesale sale of denatured spirituous preparation(s)).

(3) Licence in Form D.S.P. 3 (Licence for the retail sale of denatured spirituous preparations).

V. *Licence under the Maharashtra Country Liquor Rules, 1973.*— Licence in form C.L. III (Licence for the retail sale of country liquor).

**{165} THE BOMBAY PROHIBITION (RESTRICTION ON RENEWAL OR  
RE-GRANT OF LICENCES) ORDER 1980**

**G. O., H. D., No. DNS 0879/4178/186 (A)-PRO-1, dated 9th January 1980  
(M. G., Pt. IV-B, p. 80)**

In exercise of the powers conferred by clauses (a) and (n) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Maharashtra hereby makes the following Order, namely :

1. This Order may be called the Bombay Prohibition (Restriction on renewal or re-grant of Licence) Order, 1980.
2. In this Order, unless the context otherwise requires,—
  - (a) “family unit” means a person and his spouse (or more than one spouse) and his children solely dependent on him for their maintenance ;
  - (b) “licensee” means an individual, family unit, firm or a body of individuals, whether incorporated or not, who or which holds more than one scheduled licence;

*Explanation.*— For the purpose of this clause, a scheduled licence held by an individual who is member of a family unit shall be deemed to be held by such family unit;

  - (c) “licensing authority”, in relation to any scheduled licence, means an authority competent to grant that licence;
  - (d) the expression “private company” shall have the meaning assigned to it in the Companies Act, 1956 (I of 1956);
  - (e) “scheduled licence” means any of the licences specified in the Schedule hereto.
3. After the commencement of this Order, not more than one scheduled licence held by any licence shall be renewed or shall be re-granted to such licence.
4. Every license shall opt for the renewal or re-grant of any one of the scheduled licences held by him and communicate his option to the Commissioner in the Form appended hereto before 29th day of February 1980.
5. On receipt of the communication under clause 4, the Commissioner shall issue instructions to the concerned licensing authorities not to renew or re-grant any of the scheduled licences which are not opted for renewal or re-grant by the licensee.
6. If any License fails to communicate his option before the day specified in clause 4, none of the specified license held by him shall be renewed or re-granted after its expiry.

SCHEDULE

[See clause 2 (d)]

1. *Licence under the Bombay Mhowra Flowers Rules, 1950.*— Licence in form M. F. II (Licence for the sale of Mhowra Flowers).
- II. *Licence under the Bombay Foreign Liquor Rules, 1953.*— (1) Licence in Form F.L. I [Ordinary Trade and Import Licence for the removal from a Customs Frontier and for the import and vend of foreign liquors (potable) including Indian made liquors (potable) excised at special rates (“not to be drunk on the premises.”)]
  - (2) Licence in Form F.L. II (Vendor’s Licence for sale of Foreign Liquor).
- III. *Licences under the Bombay Denatured Spirit Rules, 1959.*— (1) Licence in Form D.S. VI (Licence for the wholesale sale of Ordinary denatured spirit).
  - (2) Licence in Form D.S. VII (Licence for the retail sale of ordinary denatured spirit).



IV. Licences under the Maharashtra Denatured Spirituous Preparations Rules, 1963.—  
 (1) Licence in Form D.S.P. 1 (Licence for the manufacture of denatured spirituous preparations or for the manufacture and sale of such preparations).

(2) Licence in Form D.S.P. 2 (Licence for the wholesale sale of denatured spirituous preparation(s)).

(3) Licence in Form D.S.P. 3 (Licence for the retail sale of denatured spirituous preparations).

V. Licence under the Maharashtra Country Liquor Rules, 1973.— Licence in form C.L. III (Licence for the retail sale of country liquor).

FORM OF DECLARATION OF OPTION

[See clause 4]

\*I/We ..... am/are holding in my name/our names in the name of the firm/private company more than one scheduled licence, the particulars whereof are given below :

Kinds of scheduled licences held (1)	Name in which the licences is granted (2)	Licensing authorities granting then (3)
---	--	--

\*I/We declare that I am a member/we are members of a family unit and the said family unit holds the scheduled licence (s), the particulars whereof are given below :

Kinds of scheduled licences hold (1)	Name of the family unit and its adult members (2)	Name in which the licence is granted (3)	Licensing authorities granting then (4)
---	--	---	--

\*I/We further declare that out of the scheduled licences held by me/us in my name our names in the name of firm/private company. I/We opt for the renewal or re-grant of the following single scheduled licence.

(Here describe the scheduled licence opted for renewal or re-grant)

\*I/We further declare, in pursuance of the authority given by the aforementioned family unit, that the said family unit has opted for the renewal or re-grant of the following single scheduled licence.

(Here describe the scheduled licence opted for renewal or re-grant)

\*I/We further declare that the particulars given above are true to the best of my/our knowledge and belief and that I am/are liable for action for making a wilful misrepresentation, if the information given above is found subsequently to be false.

Address of the person communicating the option.

Signature of the person communicating the option.

\* To be struck off, if not applicable.

Note.— (1) Not more than one scheduled licence will be renewed or re-granted to the licensee.

(2) If no option is communicated to the Commissioner of Prohibition and Excise, Maharashtra State, Old Customs House, Fort, Bombay, before 29th February 1980, none of the scheduled licences held by the licensee shall be renewed or re-granted.

**{166} G. N., H. D., No. BPA 0876/836-PRO-3, dated 14th January 1982  
(M. G., Pt. IV-B, p. 51)**

In exercise of the powers conferred by clauses (a) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Order, Home Department, No. BPA. 1879/1804-PRO-3, dated 25th June 1979, the Government of Maharashtra, from the date of publication of this Order in the *Official Gazette*, hereby prohibits, in the Tribal areas of the State specified in the Schedule appended hereto, the grant or renewal of any of the following licences, namely :

(1) Licence granted Form T.D. I under rule 4 of the Maharashtra Toddy Shops (Licensing) and Toddy Trees (Tapping) Rules, 1968.

(2) Licences granted in—

(a) Form C.L. II under sub-rule (2) of rule 14 of, and

(b) Form C.L. III under sub-rule (1) of rule 24 of the Maharashtra Country Liquor Rules, 1973.

2. For the removal of doubts, it is hereby declared that nothing in this Order shall affect the operation of any licences which are in force immediately before the date of commencement of this Order till the date of expiry thereof.

SCHEDULE

District	Total Areas
Chandrapur .. .. .	(a) Scheduled areas of Sironcha Tahsil (excluding the following areas) : Alapalli. Aheri. Sironcha. Umanur. Kannepalli. Kamalapur. Gundapuri. Charpalli. Chinchgundi. Chalewala. Jarwadi. Jinalgatta. Tumargadda Kh. Diddvi. Nagopalli M. Pusakpalli. Bramhanpalli. Birihandghat. Marpalli. Mahagaon Bk. Pirimali. Modumadga. Modumtura. Yedampalli. Etapalli. Yechali. Yelaram. Wenkatapur S.

## SCHEDULE-Contd.

District	Tribal Areas
<b>Chandrapur—Contd.</b> .. ..	Wenkatrao Petta. Sudamagudam. Sewari S. Welgur. (b) Scheduled areas of Gadchiroli Tahsil (excluding the following areas) : Andhali (near Gurunli). Antargaon. Belagon (near Piparzora). Bethkathi (near Zapragar). Gewardha. Gilgaon. Gothangaon. Botckasa. Chincholi. Chikhali. Chetekanhar. Dewoolgaon (near Gunjanwadi). Dhanora. Dhanegaon. Dhanori. Dongaragon (near Sonsor). Dudhamala. Jalher. Jambhurkheda. Jambhali (near Ranmul). Jpgana. Joshitola. Kaneri. Karwapa. Kanargaon (Kakadycli). Kharri. Khedegaon. Khedegaon (near Katantola). Kharadi. Kochinara. Koregaon. Kumbhitola. Kurkheda. Malewada. Mareda. Mendhatola. Michgaon (near Kachkal). Mohagaon (near Pulakhal). Mohali. Murmuri. Navargaon (near Yeraadi). Navegaon (Pathargota).

## SCHEDULE-Contd.

District				Tribal Areas
<b>Chandrapur—Contd.</b>	..	..	..	Palasgaon (near Kharanji). Pandhribhatal. Pekinmurza. Pendhari. Pipalgaon Gisewaddha. Potegaon. Pulkhal. Rajoli. Rajoli (near Rotegaon). Rampur. Rangi. Sindewahi. Talegaon. Tekabedal. Thakri. Umari. Yengalkheda. Yerkadi.
<b>Amravati</b>	..	..	..	Melghat Tahsil (excluding the following areas) : Dharni and Chikhaldra Hill Station Municipal Council. Salona. Masondi. Ghatang. Shapur. Lawada Baire. Chumi (F. V.) Aladoh. Motha. Chikhali. Belkund. Churni. Palaspani Gangarkheda. Jalida. Jira. Kakadhari. Pipadari. Kulgana Bk. Wastapur. Chinchkheda. Kalamkhar. Dharni. Kusumkot Bk. Ghutiya Dhodra.

## SCHEDULE-Contd.

District		Tribal Areas	
<b>Amravati—Contd.</b>	..	..	Tatra. Dadara. Ranugaon. Golai. Mokkheda. Shivazari. Dudhane. Bairgad. Ketha. Harisal. Kot. Chthiari.
<b>Thane</b>	..	..	(a) Mokhada Tahsil. (b) Talasari Tahsil, (excluding the area Borigaon Terf Deheri) (c) Jawhar Tahsil (excluding the following areas) : Jawahar Municipal Council Shil Apti Khurd. Shelpada.
<b>Nashik</b>	..	..	(a) Surgana Tahsil (excluding Surgana). Peint Tahsil (excluding the area Within the limits of the village Panchayat of Peint).
<b>Dhule</b>	..	..	(a) Navapur Tahsil (excluding the following areas) : Nawapur. Khandbara. Chinchapada. (b) Taloda Tahsil (excluding the following areas): Taloda Municipal Council. Halalpur. Chinode. Ranzani. Pratapapur. Talde. Mohide. Gondale. Astetarfe Board. Mod. Morwad. Kharwad. Khedle. (c) Akkalkuwa Tahsil (excluding the following areas): Akkalkuwa.

## SCHEDULE—Contd.

District	Total Areas
Dhule—contd. .. ..	Pimpalkhuta. Barisurgas. Khodasbara. Katsakhai. Kolvi. Khapur. Akkalkuwa Khd. Vanyavahir Khd. (d) Akrani Tahsil (excluding the following areas): Goradi. Borsisa. Kumbhari. Shikka. Nimgavhan. Kukalat.

*Explanation.*—In this Schedule, the expression “Scheduled area” means the area declared to be a scheduled area by the President under the Scheduled Areas (Part A States) Order, 1950, made under sub-paragraph (1) of paragraph 6 of the Fifth Schedule to the Constitution of India.

{167} G. O., H. D., No. BPA. 0876/836 (II)-PRO-3, dated 28th April 1981  
(M. G. Pt. IV-B, p., 429)

In exercise of the powers conferred by clauses (c) and (d) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and in supersession of Government Order, Home Department, No. BPA. 0876/836-PRO-3, dated the 25th April 1980, the Government of Maharashtra, from the date of publication of this order in the *official Gazette* hereby exempts the tribals residing in the tribal areas of the State specified in column 2 of the schedule hereto from the operation of the provisions of section 12 and clauses (b) and (c) of section 13 of the said Act, in respect of their own local traditional drinks distilled or brewed from mhowra flowers, rice or fruits and drinks distilled or brewed from the material specified in column 3 thereof or other specific drinks mentioned therein against each tribal area in so far as it related to the manufacture, possession, consumption, use or offering or distribution of liquor for mutual accommodation for personal and social purposes but not for commercial purposes. This exemption shall not, however apply to liquor distilled or brewed from *Gur* or *Jaggery*, whether its use is traditional or not, or from any other base which has not been traditionally used by the tribals for brewing their local traditional drinks.

## SCHEDULE

District (1)	Name of the Tribal Area (2)	Name of drink (3)
Thane	Mokhada Tahsil—Talasari Tahsil (excluding the area Borigaon Terf Deheri). Jawhar Tahsil (excluding the following areas) : Jawahar Municipal (Council, Shil, Apti khurd, Shelpada.)	Bevada or Rasi distilled or brewed from Mhowra flowers and dried skins of Mosambi and other fruits.
Nashik	Surgana Tahsil (excluding Surgana), Peint Tahsil (excluding the area within the limits of the village Panchayat or Peint).	Gawathi Daru distilled or brewed from Mhowra flowers.

## SCHEDULE—Contd.

District (1)	Name of the Tribal Area (2)	Name of drink (3)
Dhule	Nawapur Tahsil (excluding the following areas) : Nawapur, Khandbara, Chinchpada. Taloda Tahsil (excluding the following areas) : Taloda Municipal Council, Halalpur, Chinode, Ranzani Pratapapur, Talde Mohide, Gondale, Astetarfe Board Mod, Morwad, Kharwad, Khedle. Akkalkuwa Tahsil (excluding the following areas) : Akkalkuwa, Pimpalkhuta, Barisurgas, Khodasbara Katsakhai, Kolvi, Khapur, Akkalkuwa Khd., Vanyavahir khd. Akrani Tahsil (excluding the following areas) : Goradi, Borsisa, Kumbhari, Shikka, Nimgavhan, Kukalat.	Horo distilled or brewed from Mhowra flowers.
Amravati	Melghat Tahsil (excluding the following areas) : Dharni and Chikhaldra Hill Station Council Salona, Masondi, Ghatang, Shapur, Lawada, Baire, Churni (F.V.), Aladoh, Motha Chikhali, Belkund, Churni, Palaspani, Gangarkheda, Jalida, Jira, Kakadhari, Pipadari, Kulgana Bk., Wastapur, Chinchkheda, Kalamkhar, Dharni, Kusumkot Bk., Chutiya, Dhodra, Tatra, Dadara, Ranugaon, Golai, Mokkheda, Shivazari, Dhudhane, Bairgad, Kotha Harisal Kot, Chithari.	Siddu liquor distilled or Munidipaved from Mhowra flowers.
Chandrapur	Scheduled areas of Sironcha Tahsil (excluding the following areas) : Alapalli, Aheri, Sironcha, Umanur, Kanncpalli, Kamalapur, Gundapuri, Charpalli, Chinchgundi, Chalewala Jarvadi, Jimalgatta, Kumargadda, Kh., Diddivi, Nagopalli M., Pusakpalli, Bramhanpalli, Birihandghat, Marpalli, Mahagaon Bk., Pirimali, Modumadga, Modumtura, Yedamaplli, Etapalli, Yechali, Yelaram, Wenkatapur S., Wenkatrao Petta, Sudamagudam Sewari S., Welgur. Scheduled areas of Gadchiroli Tahsil excluding the following areas : Andhali (near Gurmuli), Antargaon, Belgaon (near Piparzora), Bethkathi (near Zapragar), Gewardha, Gilgaon, Gothangaon, Botekasa, Chinchol, Chikhali, Chetekanhar, Dewoolgaon (near Gunjanwad), Dhanora, Dhanegaon, Dhanori, Dongargaon (near Sonsor), Dudhamala, Jalher, jamphurkheda Jambhali (near Ranmul), Jogana, Hoshitola, Kaneri, Karwapa, Khanargaon (Kakadyeli), Kharri, Khedegaon, Khedegaon (near Kalantola), Kharadi, Kochinara, Koregaon, Kumbhitola, Kurkheda, Malewada, Mareda, Mendhatola Michgaon (near Kachkal), Mohagaon (near Pulakhal), Mohali, Murmuri, Navargaon (near Yeradi), navegaon (Pathargota), Palasgaon (near Kharanji), Pandhribhatal, Pekinmurza, Pendhari, Pipalgaon, Pisewaddha, Potegaon, Pulkhal, Rajoli, Rajoli (near Rotegaon) Rampur, Rangi, Sindewahi, Talegaon, Tekabedal, Thakri, Unari, Yengalkheda, Yerkadi.	Mhowra, Shindi, Toddy, and Gorag Liquor distilled or brewed from Mhowra flowers or juice of Shindi Toddy or Goraga trees.

*Explanation.*—In this Schedule, the expression “ Scheduled area” means the area declared to be scheduled area by the President under the Scheduled Area (Part A States) Order, 1950, made under sub-paragraph (1) of paragraph 6 of the Fifth Schedule to the Constitution of India.

**{168} THE MAHARASHTRA THROUGH TRANSPORT RULES, 1997**

1. G. N., H. D., No. FLR 1360/17760-III, dated 12th January 1962
2. Amended by G. N., H. D., No. BPA. 1262/48190-III, dated 24th December 1963 (M. G., 1964 Pt. IV-B., p. 9)
3. Superseded by G. N., H. D., No. BPA 1096/22-EXC-3, dated 15th February 1997 (M. G., 1997 Pt. IV-p-149-155)

Whereas, the Government of Maharashtra, considers that the following rules should be brought into force at once and, therefore the rules should be made without previous publication under proviso to sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as "the said Act") ;

Now, therefore, in exercise of the powers conferred by section 29 and clause (tl) of sub-section (2) read with the proviso to sub-section (3) of section 143 of the said Act and of all other powers enabling it in that behalf and in supersession of the Maharashtra Through Transport Rules, 1962, the Government of Maharashtra hereby makes the following rules, namely :—

1. *Short title.*—These Rules may be called the Maharashtra Through Transport Rules, 1997.

2. *Definition.*—In these Rules, unless the context otherwise requires,—

(a) "article" means any intoxicant, hemp denatured spirituous preparations, mhowra flowers or molasses ;

(b) "Form" means the form appended to these rules ;

(c) "pass for through transport" means pass granted under these rules ;

(d) "through transport" means the transport of an article from a place outside the State to any other place outside it through the intervening territory of the State, whether by way of consignment or otherwise than by way of consignment ;

(e) "Superintendent of the district" means the Superintendent of the State Excise of a District, and includes any other officer specially empowered in that behalf by the State Government.

3. *Pass for through transport.*—No through transport of any article shall be allowed except under a pass in Form 'TTP' appended to these rules issued by the Superintendent of the District in which the article first enters :

Provided that nothing in this rule shall apply to,—

(i) any article which is booked by any Railway administration as Railway parcel or as goods or as registered baggage from any Railway Station outside the State to any other Railway Station outside it;

(ii) any article mentioned in section 24-A of the said Act ; and

(iii) any article transported by a military vehicle which is the property and in the possession of armed forces or transported by a member or a leader or the head of the party or member of the Armed Forces of the Union of India.

4. *Application for pass for the through transport.*—Any person desiring through transport of any article shall apply to the Superintendent of the District in which it first enters. The application shall be accompanied by a fee of rupees one hundred and shall contain the following particulars :—

(1) Name and address of the applicant.

(2) Kind of article transported with quantity with full description thereof.

(3) Name and address of the despatcher with particulars of excise licence held.

(4) Name and address of the receiver with particulars of excise licence held.

(5) Vehicle/Tanker/Truck No. in which it is carried.

(6) Route by which the article is proposed to be transported through the intervening territory of Maharashtra. (Here indicate the places of entry in and exit from the State of Maharashtra with at least two important towns enroute).



The application shall be supported by certified copies of the Import and Export passes or No Objection Certificates issued by the Excise authorities at Importing and Exporting Places.

5. *Grant of pass.*—(1) The Superintendent of the District to whom such application is submitted shall make such enquiries as he deems necessary and if he is satisfied that there is no objection to grant the pass applied for, he may grant a pass in Form TTP.

(2) The pass prescribed under sub-rule (1) above shall be in 4 parts and shall be dealt with as under :—

- Part I .. Shall be retained on the record of the officer granting the pass.
- Part II .. Shall be handed over to the transporter of the article or his duly authorised agent.
- Part III .. Shall be sent by post to the Excise authority of the place of destination of article conveyed.
- Part IV .. Shall be sent to the officer in charge of the check post or the Superintendent of State Excise of the District from which the article leaves the State border

6. *Inspection enroute.*—Every pass shall be produced for inspection on demand by any State Excise Officer or Police Officer during the transport of the article through the State and such officer shall endorse on it the fact of his having verified the particulars in relation to the article.

7. *Consignment not to be broken in transit.*— No consignment, carrying an article under through transport pass, shall be broken in transit.

8. *Through transport under escort.*—The Officer granting the pass for through transport may direct the article(s) to be carried under excise escort, from the boundary of the State where it first enters, to the boundary of the State from where it leaves the State. The cost of excise escort shall be borne by the transporter.

## FORM TTP.

(See Rule 3)

## PART -I

**For record of the officer issuing the pass**

No. .... Dated .....

1. Name and address of the transporter and his agent, if any.
2. Description of articles to be transported
3. Quantity and strength (if any) of the articles to be transported.
4. Number and description of each vessel, receptacle or package containing the articles.
5. Name and address of the Consignor . . .
6. Name and address of the Consignee . . .
7. Route (here indicate the places of entry in and exit from the State of Maharashtra with at least two important towns enroute).
8. Mode (s) of conveyance used for transport with Vehicle/s No.
9. Date and time at which the validity of pass expires (here state the last date and time by which the article should be out of State's boundary).

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the Maharashtra Through Transport Rules, 1997, made thereunder authorising the transport of the articles mentioned above, subject to the condition that the articles shall not be broken or unloaded in full or part thereof in the State of Maharashtra during its through transport.

SEAL :

PLACE :

Signature and designation of the  
officer issuing the pass.

## FORM TTP.

(See Rule 3)

## PART -II

**To be handed over to the transporter**

No. ....

Dated .....

1. Name and address of the transporter and his agent, if any.
2. Description of articles to be transported
3. Quantity and strength (if any) of the articles to be transported.
4. Number and description of each vessel, receptacle or package containing the articles.
5. Name and address of the Consignor . . .
6. Name and address of the Consignee . . .
7. Route (here indicate the places of entry in and exit from the State of Maharashtra with at least two important towns enroute).
8. Mode (s) of conveyance used for transport with Vehicle/s No.
9. Date and time at which the validity of pass expires (here state the last date and time by which the article should be out of State's boundary).

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the Maharashtra Through Transport Rules, 1997, made thereunder authorising the transport of the articles mentioned above, subject to the condition that the articles shall not be broken or unloaded in full or part thereof in the State of Maharashtra during its through transport.

SEAL :

PLACE :

Signature and designation of the  
officer issuing the pass.

FORM TTP.

(See Rule 3)

PART -III

**To be forwarded to the excise authority of the place of destination  
of the articles conveyed.**

No. ....

Dated .....

1. Name and address of the transporter and his agent, if any.
2. Description of articles to be transported
3. Quantity and strength (if any) of the articles to be transported.
4. Number and description of each vessel, receptacle or package containing the articles.
5. Name and address of the Consignor . . .
6. Name and address of the Consignee . . .
7. Route (here indicate the places of entry in and exit from the State of Maharashtra with at least two important towns enroute).
8. Mode (s) of conveyance used for transport with Vehicle/s No.
9. Date and time at which the validity of pass expires (here state the last date and time by which the article should be out of State's boundary).

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the Maharashtra Through Transport Rules, 1997, made thereunder authorising the transport of the articles mentioned above, subject to the condition that the articles shall not be broken or unloaded in full or part thereof in the State of Maharashtra during its through transport.

SEAL :

PLACE :

Signature and designation of the  
officer issuing the pass.

## FORM TTP

(See Rule 3)

## PART-IV

**To be sent to the officer in charge of the check post and if there is no check post to the Superintendent of State Excise of the district from which the article leaves the State border.**

No. ....

Dated .....

1. Name and address of the transporter and his agent, if any.
2. Description of articles to be transported
3. Quantity and strength (if any) of the articles to be transported.
4. Number and description of each vessel, receptacle or package containing the articles.
5. Name and address of the Consignor . . .
6. Name and address of the Consignee . . .
7. Route (here indicate the places of entry in and exit from the State of Maharashtra with at least two important town enroute).
8. Mode (s) of conveyance used for transport with Vehicle/s No.
9. Date and time at which the validity of pass expires (here state the last date and time by which the article should be out of State's boundary).

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the Maharashtra Through Transport Rules, 1997, made thereunder authorising the transport of the articles mentioned above, subject to the condition that the articles shall not be broken or unloaded in full or part thereof in the State of Maharashtra during its through transport.

SEAL :

PLACE :

Signature and designation of the  
officer issuing the pass.

**{169} G.N., H.D., No. BPA. 1062/11038-III dated 30th April 1962**  
**(M.G., Pt. IV-B. p. 1536)**

In exercise of the powers conferred by clause (d) of sub-section (1) of section 139 of the Bombay Prohibition Act 1949 (Bom. XXV of 1949) and in supersession of Government Order, Revenue Department, No. 10484/45(h), dated the 16th June 1949, the Government of Maharashtra hereby exempts the excisable articles which are transported in accordance with the provisions of the Maharashtra Through Transport Rules, 1962, from the provisions of section 105 of the said Act.

**{170} G.N., R.D., No. 10484/45 dated 6th May 1953**  
**(B. G., Pt. IV-B. p. 853)**

In exercise of the powers conferred by clause (d) of sub-section (2) of the section 24 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification in the Revenue Department No. 10484/45 (b), dated the 16th June, 1949, the Government of Bombay is pleased to exempt advertisements in respect of the following intoxicants from the operation of clause (a) of sub-section (1) of the said section 24, namely :

1. Perfumed spirits ;
2. Flavouring essences containing alcohol except those which are used in the manufacture of potable liquors ;
3. Denatured spirit.

**{171} G.O., R.D., No. 10484/45 dated 26th June 1954**  
**(B. G., Pt. IV-B. p. 814)**

1. Amended by-G.O.R.D. No. 2066/51 dated 18th July 1955 (B. G., Pt. IV-B. p. 1453)
2. Amended by G. Corrig. No. HAL 1055 dated 27th September 1955 (B. G., Pt. IV-B. p. 1895)
3. Amended by -G.O., R.D. No. HAL 1056/82598 (a) dated 3rd August 1956 (B. G., Pt. IV-B, p. 932)
4. Amended by-G.O.H.D. No. BPA 1059/55336-III dated 30th November 1961 (M. G., Pt. IV-B, p. 1162)

In exercise of the powers conferred by clause (d) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and in supersession of Government Order, Revenue Department No. 10484/45 dated the 1st April 1950, the Government of Bombay is pleased to exempt the intoxicants specified in column 1 of the Schedule hereto annexed from the provisions of the said Act specified against them in column 2 of the said Schedule.

## SCHEDULE

Intoxicant (1)	Provisions of Act (2)
1. Duty-paid essences, other than those used in the manufacture of potable liquors.	(i) Section 12 (c) (ii) Section 12 (d), in so far as relates to buying of such essences; (iii) Section 13 (b), in so far as it relates to use of such essences for culinary, aerated water and flavouring purposes.
2. Duty-paid spirituous toilet preparations which are fit for use as intoxicating liquor.	(i) Section 12 (c) (ii) Section 12 (d), in so far as it relates to buying or such preparations. (iii) Section 13 (b), in so far as it relates to use of such preparations for purposes of toilet.
3. Duty-paid medicinal preparations containing alcohol which are fit for use as intoxicating liquor.	(i) Section 12 (c), in so far as it relates to import export, transport and possession of such preparations by a person in such quantity as has been at one time dispensed or sold to him in accordance with the prescription of a registered medical practitioner; (i) Section 12 (d), in so far as relates to buying of such preparations by person in such quantity as has been at one time dispensed or sold to him in accordance with the prescription of a registered medical practitioner; (iii) Section 13 (b), in so far as it relates to consumption or use of such preparations by a person in such quantity as has been at one time dispensed or sold to him in accordance with the prescription of a registered medical practitioner.
4. Methyl Alcohol, also called Methanol or Carbinol of Methyl Hydrate having chemical formula CH <sub>3</sub> OH.	Sections 12 to 24.
5. Higher Alcohols, namely Amyl Alcohol, Butyl Alcohol, Capryl Alcohol, Iso, Propyl Alcohol and Fusai Oil.	Sections 12 to 24.

*Explanation.*—For the purpose of this order an intoxicant is duty-paid when

- (i) the duty leviable under the Indian Tariff Act, 1934, or the Sea Customs Act, 1978, or
- (ii) the excise or countervailing duty under the Bombay Prohibition Act, 1949, or the Bombay Abkari Act, 1878, has been paid thereon.

**{172} G.N., H.D., No. FLR. 1068/C-1273-(b)-III****dated 25th April 1968** (M.G. Pt. IV-B, p. 437)*Amended by the G.N., H.D., No. FLR. 1068/C-1273-II, dated 8th January 1969**(M.G., Pt. IV-B p.64)*

## SCHEDULE

Preparations (1)	Provisions of the Act (2)	Extent of exemption (3)
1. Any preparation containing not more than 4/7th of one per cent or alcohol by volume (equivalent to one per cent of proof spirit), being a preparation which may be used for human consumption as a beverage.	Sections 12(a), 12(c), 12(d), 13(a), 13(b), 23(a) and 105	whole
2. Any preparation other than toddy containing more than 4/7th of one per cent of alcohol by volume (equivalent to one per cent of proof spirit) but containing not more than five per cent of alcohol by volume (equivalent to 8.75 per cent of proof spirit), being a preparation which may be used for human consumptions as a beverage.	(i) Section 12 (c)	So far as section 12(c) relates to the transport and possession of such preparation by a person not less than 21 years of age.
	(ii) section 12(d)	So far as section 12(d) relates, to buying of such preparations by a person not less than 21 years of age.
	(iii) Section 13(b)	<sup>1</sup> [So far as section 13(b) relates to consumption or use of such preparations by persons not less than 21 years of age, provided they are not consumed in a public place. <sup>1</sup>
	(iv) Section 23(a)	So far as section 23(a) related to soliciting the use of or offering such preparation by and to persons not less than 21 years of age.
	(v) Sections 43(2)(v), 35(2)(i) and 44(1).	So far as these sections relate to sale of such preparations.

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<sup>1</sup> Subs. by G. N.of 8-1-1969.



**{173} G.N., R.D., No. BPA. 1953 dated 27th August 1953  
(B.G. Pt. IV-B, p. 1613)**

In exercise of the powers conferred by section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf and in supersession of Government Notifications, Revenue Department Nos. 8270/24 and 8270(a)/24, dated the 15th June 1927, the Government of Bombay if pleased to make the following rule, namely :

“All transactions of receipts in respect of excise revenue in the State of Bombay shall be taken to the nearest anna, that is to say, six pics and over shall be taken as one whole anna, amounts less than six pics being omitted.”

**{174} THE COMMISSIONER OF EXCISE AND PROHIBITION BOMBAY'S  
NOTIFICATION No. D.S.81-2/53 dated 1st December 1953.**

(B.G., Pt. IV-C p. 663)

As amended by Notifications—

1. No. DS. 81-2/53 & Erratum dated 17th December 1953 (B. G., Pt. IV-C. ps. 666 and 731)
2. No. ES. 81-2/55 dated 7th June 1955 (B. G., Pt. V-C. p. 779)
3. No. ES. 81-2/55 Corrigendum, dated 11th July 1955 (B. G., Pt. IV-C. p. 930)
4. No. AS. 73-1/57 dated 15th July 1957 (B. G., Pt. IV-C. p. 1907)
5. No. AH. 81-2/59 dated 20th August 1959 (B. G., Pt. IV-C. p. 1195)
6. No. ES. 25-8/61 dated 2nd June 1961 (B. G., Pt. IV-C. p. 1777)
7. No. FH. 81-2/62 dated 15th December 1962 (B. G., Pt. IV-C. p. 2798)
8. No. RTS. 1171/A. III dated 14th May 1971 (M. G., Pt. IV-C. p. 348)

In exercise of the powers conferred by clause (i) of sub-section (1) of section 144 of the Bombay Prohibition Act 1949 (Bom. XXV of 1949), and in supersession of the Commissioner of Excise, Bombay's Notification No. 81/6/39 (d) dated 13th March 1939, the Commissioner of Excise and Prohibition, Bombay is pleased to make the following regulation namely :

**1. Short title :** The regulations may be called the Bombay Prohibition Confiscated or Forfeited Articles (Disposal) Regulations, 1953.

**2. Confiscated or forfeited articles to be made over to the Collector :** Subject to the provisions of the Bombay Prohibition Act, 1949, when any article animal or thing is duly confiscated or forfeited either by order of a Court or other wise, such articles, animal or thing shall be made over to the Collector for disposal or be disposed of under orders of the Collector, according to the regulations hereinafter contained.

**3. Potable Foreign Liquor :** (1) Confiscated or forfeited potable foreign liquor, if it is in sealed bottles or in other receptacles the contents of which may reasonably be believed not to have been tampered with, shall be disposed of in the following manner :

(a) Such liquor shall be disposed of by public auction after fixing a reserve price in parity with the ordinary local price of such liquor and sold to the highest bidder provided that the bid offered does not exceed the maximum price, if any fixed by Government and that such bidder holds a licence to sell foreign liquor under the Act or the rules and order made thereunder.

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

(2) (a) All other confiscated or forfeited potable foreign liquor shall be destroyed.

(b) All confiscated or forfeited rectified spirit and absolute alcohol shall be destroyed if it is less than one litre. In all other cases a sample of such rectified spirit and absolute alcohol shall be sent to the Commissioner, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra, Bombay for analysis as to whether it conforms to the specifications of rectified spirit permitted for sale. If the analysis shows that the confiscated or forfeited rectified spirit and absolute alcohol conforms to such specifications, it shall be sold by public auction to the highest bidder provided that he holds a licence for it or as may be decided by the Commissioner, If no adequate bid is received in auction, a report shall be made to the Commissioner for orders regarding its disposal. If the analysis shows that the confiscated or forfeited rectified spirit and absolute alcohol does not conform to the prescribed specifications, a report shall be made to the Commissioner for order regarding its disposal.

4. *Denatured Spirit*—All confiscated or forfeited denatured spirit, other than that in bottles bearing the seal of a Prohibition and Excise Officer, shall be destroyed if it is less than five litres. The denatured spirit in bottles bearing the seal as aforesaid shall be sold by public auction to the highest bidder provided that he holds a licence for a retail sale of denatured spirit. In all other cases a sample of such denatured spirit shall be sent to the Commissioner, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra, Bombay, for analysis as to whether it conforms to the specification of denatured spirit permitted for sale. If the analysis shows that the confiscated or forfeited denatured spirit conforms to such specifications, it shall be sold by public auction to the highest bidder provided that he holds a licence for the wholesale sale of denatured spirit. If no adequate bid is received in auction, a report shall be made to the Commissioner for orders regarding its disposal. If analysis shows that the confiscated or forfeited denatured spirit does not conform to the prescribed specifications, a report shall be made to the Commissioner for orders regarding its disposal.

5. *Methyl Alcohol and higher Alcohols*—All confiscated or forfeited methyl alcohol and higher alcohols shall be destroyed.

6. *Medicinal and Toilet preparations containing alcohol, Perfumed Spirits and Alcoholic Essences*—(1) All confiscated or forfeited medicinal and toilet preparations, perfumes and essences containing alcohol other than essences used in the manufacture of potable liquors shall be sold by public auction :

Provided that where such articles are not of the nature, substance or quality which they purport to be, they shall be destroyed.

(2) Essences containing alcohol used in the manufacture of potable liquors shall be destroyed.

7. *Country Liquor and Toddy*—Confiscated or forfeited country liquor, toddy and neera shall be destroyed.

8. *Intoxicating Drugs*.—(1) All confiscated or forfeited hemp and intoxicating drugs, other than ganja and bhang, shall be destroyed.

(2) All confiscated or forfeited ganja or bhang, as the case may be, if less than sixty grams in weight, shall be destroyed.

(3) All confiscated or forfeited ganja or bhang which on examinations is found to be unfit for human consumption shall, with the previous sanction of the Commissioner, be destroyed.

(4) All confiscated or forfeited ganja or bhang, as the case may be, if sixty grams or more in weight and not found unfit for human consumption, shall be sent to the Officer-in-charge of the Bombay State Hemp Drugs and Opium Packing and Supply Depot at Ahmedabad.

(5) The said Officer shall utilise the ganja and bhang sent to him under sub-regulation (4) for issue in packets to permit-holders. Any ganja or bhang out of the stock sent to him, if found by him to be unfit for human consumption, shall, with the previous sanction of the Commissioner, be destroyed.

(6) The said officer shall maintain a register showing proper accounts of the receipts and subsequent disposal of the confiscated or forfeited ganja and bhang sent to him under sub-regulation (4).

**9. Opium**—(1) Subject to the provisions of sub-regulation (3), all confiscated or forfeited opium in any part of the State shall be sent to the Officer in charge of the State Warehouse at Sewree.

(2) The Officer-in-charge of the warehouse at Sewree shall send the opium collected by him if it is five kilograms or more to the Opium Factory at Ghazipur only twice a year that is on 1st June and 1st December under intimation to the Commissioner and the Superintendent of Prohibition and Excise, Bombay.

(3) Where the confiscated or forfeited opium is or is suspected to be of foreign origin or presents any doubt or difficulty in determining its origin and exceeds 15 kilograms in quantity, a sample of 1.47 kilograms shall be sent to the Commissioner, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra, Bombay for analysis. The sample shall be sent with a forwarding letter containing the following particulars namely :

- (i) particulars of the criminal case, if any, in respect of such opium ;
- (ii) The total quantity of opium confiscated or forfeited ;
- (iii) the number and date of the order of confiscation or forfeiture, as the case may be and the authority by which the order was made;
- (iv) the country of origin, if known, of the opium, and
- (v) such other particulars as may be necessary for distinguishing such opium from any other opium.

(4) On receipt of the sample under sub-regulation (3) the Commissioner, Forensic Science Laboratory and Chemical Analyser to the Government of Maharashtra Bombay, shall utilise therefrom such quantity as he may require for analysis and send the remaining quantity to the Chief Chemist, Central Revenue and Control Laboratory, New Delhi, along with a full report of the tests carried out by him and his own conclusions. He shall also send a copy of each of his report and conclusions to the Narcotics Commissioner, 19, The Mall, Morar, Gawalior, and the Officer from which he had receive the sample who shall after obtaining the previous sanction of the Collector, send the remaining quantity of the confiscated or forfeited opium to the Opium Factory at Gazipur along with a copy of the aforesaid report and conclusions.

**10. Mhowra flowers and Molasses.**—(1) Confiscated or forfeited Mhowra flowers and molasses, if fit for use and if the quantity in the case of mhowra flowers is more than 37 quintals may, after consultation with the Superintendent, Government Distillery, Chitali, and if required by him be sent to him if it be advantageous to Government to do so considering the quantity and quality and the cost of transport.

(2) Confiscated or mhowra flowers if they are not more then 37 quintals of if they are not required by the Superintendents, Government Distillery, Chitali, shall be sold to any Co-operative Society approved by the Collector in this behalf holding a licence for the sale of mhowra flowers under the Bombay Prohibition Act, 1949, or, if that is not possible to any other person holding such licence.

(3) Confiscated or forfeited molasses not required by the Superintendent, Government Distillery, Chitali, shall be sold to a person holding a licence for the sale of molasses under the Bombay Prohibition Act, 1949.

(4) All confiscated or forfeited mhowra flowers and molasses which are not fit for use or which cannot be sold as above shall be destroyed.

**11. Destruction of articles or hemp to be in presence of responsible Officer—**Whenever any confiscated or forfeited articles or hemp has to be destroyed in conformity with these regulations, it shall be destroyed.

(1) in Greater Bombay, at the Court premises, if it is lying in the Court premises, or at the Police Station, if it is lying there, by the Officer-in-charge of the Police Station which committed the case to the Court or by the Sub-Inspector of Police deputed by him for the purpose in the presence of a Prohibition and Excise Officer deputed by the Superintendent of Prohibition and Excise, Bombay, and

(2) elsewhere by the Officer-in-charge of the Police Station having custody of the articles or hemp in question or by the sub-Inspector of Police deputed by him for the purpose, in the presence of a Sub-Divisional police Officer or a local Revenue Officer not lower in rank than an Aval Karkun or a Revenue Officer of corresponding status.

**12. Other Articles—**(1) All confiscated or forfeited articles other than those dealt with in the preceding regulations shall, unless otherwise directed by the Commissioner in any particular case, be put up to auction and sold to the highest bidder; but if there is no bid they shall be destroyed.

(2) Stills, and all implements and apparatus for the manufacture of liquor or intoxicating drugs shall be broken up or otherwise rendered useless for such manufacture before being offered for sale.

(3) Confiscated or forfeited utensils and such other articles of metal shall, if the Commissioner so orders, be broken up and rendered useless before they are offered for sale.

(4) Articles are not likely to fetch any value or which are capable of being used in the manufacture of liquor or intoxicating drug or for any unlawful purpose, shall except in Greater Bombay, be broken up and sold as scrap at the Courts premises if they are lying in the Court or at the Police Station if they are lying there by the Officer-in-Charge of the Police Station having the custody of the articles or by the sub-Inspector of Police deputed by him for purpose in the presence of a sub-Divisional Police Officer or a local Revenue Officer not lower in rank than an Aval Karkun or a Revenue Officer of corresponding status.

**13. Disposal to be deferred till period of appeal has expired except in certain cases—**The sale or other disposal of confiscated or forfeited articles shall be deferred till the period of appeal against the order of the Court, Commissioner, Collector or any other officer ordering confiscation or forfeiture 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 it to be destroyed.

**14.** *Procedure to be adopted if order of confiscation be reversed*—If an order of confiscation of any intoxicant or hemp or other thing be reversed on appeal, such article, hemp or thing, or the sale-proceeds thereof and the balance of the amount, if any, deposited for keeping in 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 article, hemp or thing or the sale proceeds thereof, the same shall be handed over to the police for disposal in accordance with the provisions of Sections 82 to 88 of Bombay Police Act, 1951.

**15.** *Unclaimed confiscated intoxicants*—Intoxicants and hemp in respect of which an offence has been committed and the offender is not known or cannot be found and intoxicants and hemp which are found unclaimed on Railway and in the Post shall, when forwarded to the Collector, be dealt with under these regulations.

**16.** Any intoxicant, hemp, mhowra flowers or molasses and any other property, if any, confiscated in a case compounded under Section 104 of the Act shall be disposed of in accordance with these regulations.

**{175} COMMISSIONER OF EXCISE AND PROHIBITION,  
BOMBAY NOTIFICATION  
No. D. S. 81-1/54, dated 7st January, 1954.  
(B.G., Pt. IV-C, p. 56)**

In exercise of the powers conferred by clause (h) of sub-section (I) of Section 144 of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), and in supersession of the Commissioner of Excise, Bombay's Notification No. 81-6/39 (c), dated the 13th March, 1939 the Commissioner of Excise and Prohibition, Bombay is please to make following regulations, namely—

**1. Short title :** These regulations may be called the Bombay Prohibition Intoxicants (Destruction) Regulations, 1954.

**2.** In these regulations :

(a) "Act means the Bombay Prohibition Act, 1949";

(b) "licensed premises" means the Premises in respect of which a licence has been issued under the Act.

**3.** Any foreign liquor kept in any licensed premises which may, on examination be declared to be unfit for use by reason of admixture with such liquor of substances deemed to be noxious or objectionable in contravention of the regulations made or deemed to have been made under sub-clause (i) of clause (f) of sub-section (I) of Section 144 or any other shall be destroyed under the orders of the Collector concerned.

**4.** Any neera kept in any licensed premises which may, on examination be declared to be unfit for use by reason of its being fermented or admixed as aforesaid shall be destroyed by the Prohibition and Excise Officer in whose jurisdiction the licensed premises are situated.

**5.** Whenever any foreign liquor is ordered to be destroyed under these regulations, it shall be destroyed in the presence of such officer as the Superintendent or District inspector of prohibition and Excise may depute in that behalf.

**6.** No compensation shall be payable to any person in respect of the foreign liquor or neera destroyed under these regulations.

**7.** The destruction of foregin liquor or neera under these regulations shall be without prejudice to any proceedings that may be deemed necessary in respect of the breach, if any, of the conditions or restrictions subject to which any licence in respect of such foreign liquor or neera, may have been graned.

**{176} G.N.R.D. No. 3469/49 dated 3rd May, 1950.  
(B.G.PT.IV-B.P.803-A)**

**Subject :** Prescribing licence for the sale of rotten Gur or/and rotten dates.  
Cancelled by G.O.,H.D. No. BPA 1062/9842-III dated 25th July 1962  
(M.G, Pt. IV-B, p. 2580)

**{177} G.O.H.D. LAG 1094/108890/CASSU-235/EXC-3 dated 30th June, 2003.  
(Superceded by G.O.H.D. dated 25th March 2008.)**

**{178} G.O.H.D. No. MIS-1108/CR-7/EXC.-3, dated 25th March, 2008.**

1. Amended by G. O., H. D., No. MIS.1108/CR-7/EXC-3, dated 12th February 2009 (M. G., Pt. IV-B., p.186-189)

In exercise of the powers conferred by sub-section (1) read with sub-section (2) of Section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and all other process enabling it in this behalf and in supersession of the Government Order, Home Department, No. LAQ. 1094/108890/(Assu-235). EXC-3, dated the 30th June, 2003, the Government of Maharashtra is hereby pleased to make the following Order, namely :—

1. *Short title.*—This order may be called the Bombay Prohibition (Closure of licence on Resolution by *Gram Sabha* or representation by Voters in the Ward of Municipal Council/ Corporation) Order, 2008.

2. *Definitions.*—In this Order, unless the context requires otherwise,—

(a) “Act” means the Bombay Prohibition Act, 1949 (Bom. XXV of 1949);

(b) “Block Development Officer” means a Block Development Officer as defined under clause (5) of Section 2 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962);

(c) “Chief Officer” means a Chief Officer as defined under clause (5) of Section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965);

(d) “Collector” means Collector as defined under clause (4) of Section 2 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949);

(e) “Corporation” means a Corporation under the Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949), the Bombay Municipal Corporation Act (Bom. III of 1888), or the City of Nagpur Corporation Act, 1949 (C. P. and Berar II of 1959);

(f) “Deputy Commissioner” means a Deputy Commissioner as appointed under Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949);

(g) “*Gram Sabha*” means the *Gram Sabha* under the Bombay Village Panchayats Act, 1958 (Bom. III of 1959);

(h) “Inspector of State Excise” means an Inspector of State Excise as authorised by notification under Section 5 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949);

(i) “Licence” means a licence for the retail sale of country liquor in Form CL-III, permit room in Form FL-III, beer bar in Form E, retail sale of foreign liquor in Form FL-II granted under the Act;

(j) “Municipal Council” means a Municipal Council under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965);

(k) “Resolution” means a Resolution passed by the *Gram Sabha* in the concerned village;

(l) “Secretary” means Secretary of a Panchayat as defined under clause (20) of Section 3 of the Bombay Village Panchayats Act, 1958 Bom. III of 1959);

(m) “Superintendent of State Excise” means a Superintendent of State Excise as authorised by notification under Section 5 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949).



3. *Resolution by Gram Sabha for closing down liquor shop.*—(1) The Collector shall closed down such liquor shop if not less than fifty per cent of the total voters or women voters present in the *Gram Sabha* pass the resolution by a simple majority for closing down the liquor shop. Any such resolution shall be passed in accordance with the Bombay Village Panchayats Act, 1958 (Bom. III of 1959) and rules made thereunder. The voters shall produce their photo identity before the *Gram Sabha* for verification as the voter is resident of the same village. If photo identity is not produced, under such circumstances the Secretary of Panchayat shall certify regarding the bona fide of voters. The voters, those produce such proofs, shall be allowed to participate in *Gram Sabha*.

(2) The verification of voters shall be done by the Block Development Officer alongwith the Inspector of State Excise of the area. The *Gram Sabha* shall be held in the presence of these two officers and representative of the liquor licence holder. There shall be video shooting of such *Gram Sabha* and said shooting shall be used as an evidence.

(3) The Collector shall not take into consideration the resolution passed by the *Gram Sabha* for reopening a shop at least one year from the date of passing resolution for closure of shop. If the *Gram Sabha* fails to pass the resolution for closure of liquor shop then at least one year, *Gram Sabha* shall not pass any such resolution for closure of shop.

<sup>1</sup>[(3A) If, not less than Twenty-five per cent of the women voters or total voters in any village give a representation in writing to the concerned Superintendent of State Excise and demand to close down the liquor shop in a village, such application shall be verified by the Superintendent of State Excise. After verification of authenticity of signature on the representation and its genuinity, the Collector shall direct the concerned Tahasildar, to take secret poll fearlessly by utilizing a specimen balot paper appended herewith. Thereafter, the concerned Tahsildar shall declare place, date and time of election at least seven days in advance. The latest list of voters shall be used for such election. The election process of voters of that concerned village shall be completed by secret ballot under the supervision of the concerned Tahsildar or an Officer not below the rank of Naib Tahsildar, authorised by him. The representative of Superintendent not below the rank of Inspector of State Excise and the liquor license shall be allowed to remain present during the poll. If, in such election more than fifty per cent, of the women voters or total voters of the concerned village vote for closing down the liquor shop, the Collector shall pass an order for closing down such liquor shop.”]

4. If, not less than twenty-five per cent of the women voters of total voters in any ward of Municipal Council or Corporation give a representation in writing to the concerned Superintendent of State Excise and demand to close down the liquor shop in the area of the ward, such application shall be verified by the Superintendent of State Excise. After verification of truth's of signature on the representation and if found correct then the Collector shall direct the concerned Chief Officer/Deputy Commissioner, as the case may be, to take secret poll fearlessly by utilizing a specimen ballot paper appended herewith. Thereafter, the Chief Officer/Deputy Commissioner, as the case may be shall declare place, date and time of election at least seven days in advance. The latest list of voters shall be used for such election. The election process of voters of that ward shall be completed by secret ballot under the supervision of Chief Officer/Deputy Commissioner or an Officer not below rank of Deputy Chief Officer or Assistant Commissioner, respectively, authorised by the Chief Officer or Deputy Commissioner, as the case may be. The representative of Superintendent not below the rank of Inspector of State Excise and the liquor licensee shall be allowed to remain present during the poll. If in such election more than fifty percent of the women voters or total voters of that ward vote for closing down the liquor shop, the Collector shall pass an order for closing down such liquor shop.

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1. Ins. by G. N. 12/2/2009.

5. *Time for completion of action on resolution under clause <sup>1</sup>[(3) or representation under clause(3A) and (4) received.]*—After receiving the resolution by *Gram Sabha* under clause (3) or <sup>1</sup>[representation from village or ward of Municipal Council or Corporation under clause (3A) and (4)] above for closing down the liquor shop, the Collector shall complete the necessary final action within three months from the date of receipt of such resolution or representation. If for any reason action is not completed within a period of three months, the Collector shall obtained prior permission from the Commissioner of Prohibition and Excise as appointed under the Bombay Prohibition Act, 1949, for extending the period.

6. *Selection of place of voting under clause (4).*—The Chief Officer/Deputy Commissioner as the case may be, shall select and fix the place of voting on the norms on which the place for voting for elections of Municipal Council/Municipal Corporation is to be selected.

7. *Declaration of the place, date and time of poll.*—(1) If the Collector was decided to take secret poll to close down the liquor shop in any ward of Municipal Council or Corporation, the place, date and time of the poll shall be published on the notice board of the ward office and the Head Office of concerned Municipal Council or Municipal Corporation at least seven days in advance of the date of election.

(2) The voting time shall be from 8.00 a.m. to 2.00 p.m.

8. *Declaration of the place, date and time of counting.*—(1) The Chief Officer/Deputy Commissioner, as the case may be shall publish the place, date and time of counting on the notice board of the ward office concerned, and also Head Office of the Municipal Council or Municipal Corporation concerned, at least seven days in advance of the date of election.

(2) Counting shall be started at 4.00 p.m. on the date of election.

(3) Counting process shall be completed under the supervision of the Chief Officer/Deputy Commissioner or an officer not below the rank of Deputy Chief Officer/Assistant Commissioner respectively authorised by the Chief Officer or Deputy Commissioner, as the case may be.

(4) The Chief Officer/Deputy Commissioner, as the case may be, shall declare the result after completion of the counting of votes and shall submit the report to the Collector immediately.

9. *Specimen of Ballot Paper :—*

(1) <sup>1</sup>[Name of the (villager or) Ward in case of  
Municipal Corporation/Municipal Council.]

Name of the CL.III/FL-II/FL-III

(2) Form-E-Licensee/Name of Firm.

(3) Date and Time of Voting.

Licence to be continue.

Licence not to be continue.

Signature of the Polling Officer.

1. Sub. by G. N. 12/2/2009.



(179) **THE MAHARASHTRA POTABLE LIQUOR  
(Periodicity and Fees for Grant, Renewal or Continuance of a Licences) Rules, 1996**  
**G.N.H.D. No. BPA- 1096/ 1543 / EXC-2 dated 30<sup>th</sup> December 1996**  
**(M.G. Part IV-B. E.O. No. 296)**

*Amended by G.N.H.D. No. BPA.2001/19/EXC-II, dated 28<sup>th</sup> March 2002.*

*Amended by G.N.H.D. No. BPA.2003/CR-1/EXC-2, dated 29<sup>th</sup> January 2003 (M.G. Pt. IV-B; p. 171)*

*Amended by G.N.H.D. No. BPA.2005/CR-26/EXC-2, dated 29<sup>th</sup> January 2007 (M.G. Pt. IV-B; p. 160)*

Whereas the Government of Maharashtra considers that the following rules should be brought into force at once and therefore, the rules should be made without previous publication as provided by the proviso to sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as "the said Act");

Now, therefore, in exercise of the powers conferred by Sections 49, 53 and 143 of the said Act and all other powers enabling it in that behalf, the Government of Maharashtra is hereby pleased to make the following rules, namely: —

1. Short title. - These rules may be called the Maharashtra Potable Liquor (Periodicity and Fees for Grant, Renewal or Continuance of Licences) Rules, 1996.
2. Definitions. - In these rules unless the context otherwise, requires,—
  - (i) "Fee" means respective fees payable for grant or renewal or continuance of a licence in 1996-97 as in force immediately preceding the date of coming into force of these rules and fee for any subsequent year means <sup>1</sup>[the previous year's fee <sup>2</sup>[or less than previous year's fee or the fee increased upto 10 per cent or more] on previous years' fee to be rounded off to the nearest rupees hundred as notified by the Commissioner before the <sup>2</sup>[commencement of a licensing year, provided that, no such fee which is less than previous year's fee or more than 10 per cent of the previous year's fee shall be notified by the Commissioner without direction of the State Government in that behalf.]
  - (ii) "Licence" means any type of licence granted under any of the following rules framed under the said Act, namely: -
    - (a) The Maharashtra Distillation of spirit and Manufacture of Potable Liquor Rules, 1966.
    - (b) The Maharashtra Manufacture of Beer and Wine Rules, 1966.
    - (c) The Maharashtra Country Liquor Rules, 1973.
    - (d) Licence in form 'E' granted under the Special Permits and Licences Rules, 1952.
    - (e) Bombay Foreign Liquor Rules, 1953.
    - (f) Certificate of registration in form 'K' Granted under the Maharashtra foreign Liquor (Import and export ) Rules 1963.
3. Periodicity of Licences – Subject to the fulfillment of other requirements a Licences shall be granted, renewed or continued by the Licensing Authority, either for a period of one year or five years as per the request of the applicant Licensee in that behalf:

1 Subs. by 29-01-2003.

2 Subs. by 29-01-2007.

Provided that no Licence, under rules mentioned in rule 2 (ii) (f) of this rules, shall be granted period of more than year

*Explanation.* —For the purpose of these Rules,

- (a) An Year means the Financial Year ending March 31<sup>st</sup>; and
- (b) A period of five years would mean the end of fourth year immediately following the year in which the Licence is granted or renewed or continued.

4. Fee for grant, renewal or continuance: —

(a) Fee for grant, renewal or continuance of a licence for one year shall be as notified by the Commissioner at least sixty days in advance of the financial year; and

(b) Fee for grant or renewal of a licence for five years shall be equal to four and a half times the fees chargeable for the grant or renewal or continuance, as the case may be, of that licence, for one year.

<sup>1</sup>[4(A) Notwithstanding anything contained in rule 4 or any other provisions of these rules, the Commissioner may notify that, the rates of licence fees notified under clause (b) read with clause (a) of rule 4 shall also be applicable to licences issued, renewed or continued, for a period of five years under clause (b) of rule 4 prior to the coming into force of the revised rates of fees for the financial year 2002-2003, for the remainder of the period of such licence on *pro-rata* basis:

Provided that, the yearly enhancement in the rates of licensees fees notified by the Commissioner hereafter for the financial year 2003-2004 onwards shall not be charged and recovered from the licensees holding the licences for period of five years, prior to the coming into force of the revised licence fees for the year 2002-2003.]

5. Refund of fees. — (a) In case of the cancellation of a licence under Section 56 of the said Act, fee proportionate for the unexpired portion of the licence is refundable.

(b) In case of the surrender of a licence or cancellation under Section 54 of the said Act, the fee paid for the years subsequent to the year of cancellation or surrender is refundable proportionately.

6. Repeal. — These rules shall supersede all the provisions relating to periodicity of licences and the amount of fees chargeable for grant, renewal or continuance there of made in the relevant rules mentioned in sub-rule (ii) of rule 2 above, and the remaining provisions of those rules shall continue to be in force.

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<sup>1</sup> Inserted by G.N. of 28-03-2002.

## CHAPTER—XV

## GENERAL POWERS

(180) **G.N.R.D.NO. 10484/45(S),DATED 16<sup>TH</sup> JUNE 1949**  
(B.GPT.IV-B.P.1303)

1. Amended by G.N.,R.D. N.O.10484/45,dated 13<sup>th</sup> October1949.
2. Amended by G.N.,R.D. N.O.10484/45,dated 24<sup>th</sup> November 1949.
3. Amended by G.N.,R.D. N.O.10484/45,dated 24<sup>th</sup> January 1950.
4. Amended by G.N.,R.D. N.O.10484/45,dated 24<sup>th</sup> February 1950.
5. Amended by G.N.,R.D. N.O.10484/45,dated 28<sup>th</sup> February 1950.
6. Amended by G.N.,R.D. N.O.10484/45,dated 7<sup>th</sup> July 1950.
7. Amended by G.N.,R.D. N.O.808140 (f),dated 11<sup>th</sup> August 1950.
8. Amended by G.N.,R.D. N.O.19484/45 (a) ,dated 21<sup>st</sup> September 1950.
9. Amended by G.N.,R.D. N.O.19484/45,dated 24<sup>th</sup> January 1951.
10. Amended by G.N.,R.D. N.O.99/8749 (c) ,dated 28<sup>th</sup> June 1951.
11. Amended by G.N.,R.D. N.O.2280/51,dated 4<sup>th</sup> December 1951.
12. Amended by G.N.,R.D. N.O.10484/45,dated 18<sup>th</sup> March 1953.
13. Amended by G.N.,R.D. N.O.FLR.1156/51338 (b),dated 17<sup>TH</sup> May 1957.
14. Amended by G.N.,R.D. N.O.PRT.1357/132748,dated 16<sup>TH</sup> October 1957.
15. Amended by G.N.,R.D. N.O.DDR.1048/15934 (a) – J dated 24<sup>th</sup> April 1959.
16. Amended by G.N.,R.D. N.O.FLR.137/A82-III,dated 11<sup>TH</sup> April 1972.
17. Amended by G.N.,R.D. N.O.DNS.0872/64-III,dated 7<sup>TH</sup> March 1974.
18. Amended by G.N.,R.D. N.O.DNS.0872/64-XXVIII,dated 11<sup>TH</sup> September 1975.
19. Amended by G.N.,R.D. N.O.FLR.101175/I-XXV,dated 10<sup>TH</sup> October 1975.
20. Amended by G.N.,R.D. N.O.1088/1794/PRO-3,dated 16<sup>TH</sup> January 1991.
21. Amended by G.N.,H.D. No. B.P.A.1098/30(i)/Exc-3,,dated 6<sup>th</sup> March 2002.

In exercise of the powers conferred by Section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) ( hereinafter referred to as the said Act), and of all other powers enabling it in this behalf and in supersession of all previous notifications issued in this behalf under the Bombay Akbari Act, 1978, the Opium Act, 1978 and the Bombay Molasses Act, 1947, the Government of Bombay is pleased to invest the Officers mentioned in column 1 of Schedule A hereto appended with the powers under the said Act, specified against them in column 3 of the said Schedule A, specified against them in column 3 of the said Schedule A, within the area specified in column 2 of the said Schedule A.

## Schedule A

Designation of Officer	Area within which	Powers which may be exercised
(1)	(2)	(3)
<b>I. Excise Department</b>		
1. Commissioner of Excise and Prohibition.	The State of Bombay.	(i) Power under Section 28 to grant passes ; (ii) Powers under Sections 52, 60(I), <121 (I) and 123.
2. Officers of and above the rank of Prohibition and Excise Sub-Inspectors having jurisdiction at air ports or at the Mole Station, Bombay.	Air-ports or Mole Station, Bombay, as the case may be.	Power under Section 52 to grant tourists permits.
<sup>1</sup> [2A Prohibitions and Excise Sub- Inspectors appointed for excise supervision at a licensed hotel under the Bombay Foreign Liquor Rule 1953.	Limits of their respective jurisdiction.	Power under Section 46-A to grant tourists.]
3. Superintendents of Excise	The limits of their respective jurisdictions.	Power under Section 28, to grant passes for <sup>2</sup> [the transport and export of] liquor and the transport of intoxicating drug or hemp. <sup>3</sup> * * <sup>4</sup> [i-a)Power under Section 28 to grant passes for the export do denatured spiri <sup>5</sup> (rectified spirit and absolute alcohol) to other States where prior approval of the Commissioner has been obtained for the release of such spirit. and) (ii) Power under Sections 30,61(3), 77(a),120,121 (I), 122, 123,(I), 124 (I) 125, 126, 127, 128, and 129 (I)
4. Superintendent, Nashik Distillery.	The State of Bombay	Powers under section 28— (i) to grant passes for the transport of country spirit or foreign liquor issued form the Nashik Distillery; and

1. Ins. by G. N. of 16-10-1957.

2. Subs by G. N. of 11-9-1975.

3. Deleted by G. N. of 11-4-1972.

4. Ins., *ibid.*

5. Ins. by G. N. of 4-3-1974.

## Schedule A

Designation of Officer	Area within which	Powers which may be exercised
(1)	(2)	(3)
<b>I. Excise Department-<i>contd.</i></b>		
		(ii) To grant passes for the export of foreign liquor issued from the Nasik Distillery
		(ii) Powers under Section 61 (3) to grant permits for the transport of molasses from the Nashik Distillery to the premises of a licensee holding a licence in form M II.
5. Chief Accounts Officer	Greater Bombay	Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp.
6. Inspectors of Warehouses.	The limits of their respective jurisdictions	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under Sections 77 (a) 120, 121 (I), 122, 123, 125, 126, 127, 128, (2) and 129 (I)
7. Chief Inspector of excise	D o	D o
8. Excise Inspector Drug, permit office Bombay.	Greater Bombay	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Power under Section 31
8A	<sup>1</sup> * * * *	* *
9. All Excise Inspectors and Assistant Inspectors.	The Limits of their respective Jurisdictions.	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. (ii) Power under Section 61 (3), 77 (a), 120, 121 (I), 122, 123, 125, 126, 127, 128 (2) and 129 (I)
<sup>2</sup> [9A. All Inspectors of Prohibition and Excise in charge of distilleries.	The Limits of their respective Jurisdictions.	Power under Section 28 to grant grant passes for the export of denatured spirit to other States where prior approval of the Commissioner has been obtained for the release of such spirit

1. Not printed as it pertains to Gujarat State.

2. Ins. by G. N. of 11-4-1972.

## Schedule A

Designation of Officer	Area within which	Powers which may be Powers may be exercised exercised
(1)	(2)	(3)
<b>I. Excise Department-<i>contd.</i></b>		
10. All Excise Sub-Inspectors.	The Limits of their respective Jurisdictions.	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under Sections 77 (a) 120,121 (I),122,123, 125, 126, 127, <sup>4</sup> 128,(2) and 129 (I)]
11. Officer in charge of warehouses or distilleries.	The limites of the areas in which liquor is supplied from the warehouses or distilleries.	(i) Powers under Section 28 to grant passes for the transport of country spirit; and (ii) Powers under Section 61(3) to grant passed for the transport of molasses from sugar factories to which distilleries are attached.
<sup>1</sup> [11A. Managers or clerks in charge of Government Depots.	Limits of their respective jurisdiction	Power under Section 28 to grant passes for the transport of foreign liquor sold from Government Depots.
<sup>2</sup> [11B. <sup>3</sup> [Officers of and above the rank of Sub-Inspector in-charge of Potable liquor manufactories and breweries.]	The limits of their respective jurisdiction	Power under Section 28 to grant passes for the transport and export of foreign liquor)
12. All petty officers of the rank of Jamadar, Havaldar and Naik.	The limits of their respective jurisdiction.	Power under Sections 120,121 (I), 122, 125, 126 and 128 (2)
13. All Excise Constables	D o	Powers under Section 125.
<b>II. Revenue Department</b>		
14. All Collectors jurisdictions	The limits of their respective	(i) Power under Section 28 to grant passes. (ii) Powers under Section 30,31, 32,33 34, 35, 36, 37,38 40 (i), 45 (I),46 (I), 48 and 52. (iii) (Deleted) (iv) Powers under Sections 54 (I),77 (a), 121 (I) and 123. (iv) Powers under Sections 61(2) and (3) to grant licences and permits.

1. Ins. by G. N. of 17-5-1957.  
3. Subs. by G. N. of 6-3-2002.

2. Ins. by G. N. of 10-10-1975.  
4. Subs. by G. N. of 16-1-1991.

## Schedule A

Designation of Officer	Area within which	Powers which may be exercised
(1)	(2)	(3)
<b>II. Revenue Department-<i>contd.</i></b>		
15. All Assistant and deputy Collectors.	Do.	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under Sections 77 (a) 120,121 (I),122,123, 125, 126, 127, and 128.
16. All Mamladaras and Mahalaris.	Do	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. (ii) Powers under Sections 77 (a) 120, 121 (I),122,123, 125, 126, 127, and 128.
17. All Magistrates	Do	(ii) Powers under Sections 77 (a) 121 (I),122,123, 125, 126, 127, and 128.
18. Revenue Officers not lower in rank than an Aval Karkun.	Do	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. (ii) Powers under Sections 125.
<b>III Police Department</b>		
19. * * *		
20. * * *		
21. * * *		
22. Officers of and above the rank of sub-Inspectors of Police having jurisdiction at air-ports or at the Mole Station, Bombay	Air ports or Mole Station Bombay, as the case may be	Power under Section 52 to grant Tourist's permits
23. Police Patels	The limit of their respective jurisdictions.	Powers under Section 125.
<b>IV Forest Department</b>		
24. Divisional Forest officer, West Nasik.	The limits of the Peint Taluka of the Nasik District.	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under Sections 77 (I) 120,121 (I),122,123, 125, 126, 127, 128. and 129 (I)

## Schedule A

Designation of Officer	Area within which	Powers which may be exercised
(1)	(2)	(3)
<b>IV Forest Department-contd.</b>		
25. Divisional Forest Officer, and Ex. Office Assistant Collector of Akrani.	The limits of the Akrani Mahal of the West Khandesh District.	Do Do
26. Range Forest Officer Akrani.	Do	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. And (ii) Powers under Sections 77 (a) 120,121 (I),122,123, 125, 126,127,128(2). And 129(I)
27. All Forest Officer in the Akrani Mahal above the Rank of Forest Guard.	Do	Powers under Sections 77 (a) 120,121 (I),122,, 125, 126, 128(2).
28. Round Officers of the Forest Department in the Akrani Mahal.	The Limits of their respective jurisdictions.	Powers under Section 125
29. Range Forest Officers, Peint, Harsul and Barhe.	The limits of the Peint Taluka of the Nasik District.	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp, and (ii) Powers under Sections 120,121 (1),122,123, 125, 126, 127, 128. and 129 (1)
<b>V Customs department</b>		
30. Collector of Customs Bombay <sup>1</sup> [and Additional Collector of Customs Bombay.]	The limit of Greater Bombay	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. (ii) Powers under Sections 123 and 125.
31. All Preventive Officers and Inspector of the Customs Department in Greater Bombay.	The limit of their respective jurisdictions.	Power under Sections 120, 123, 125 and 126.
32. All officer of the Customs Preventive Service in Bombay.	Do	Powers under Section 123 and 125.
<b>VI Central Excise Department</b>		
33. All Assistant Collectors of Central Excise.	The limits of their respective jurisdiction	Power under Section 120, 123, 125, 126, 127, 128, and 129 (I)
34. Assistant Collectors of Central Excise , Goa Frontier, Anand, Thana, Ratnagiri and Karwar Divisions.	Do	(i) Power under Section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and

1. Added. by G. N. of 24-4-1959.



## Schedule A

Designation of Officer	Area within which	Powers which may be Powers may be exercised exercised
(1)	(2)	(3)
<b>VI Central Excise Department-contd.</b>		
35. All Deputy superintendents and inspectors in charges of Separate Custom Houses.	The limits of their respective jurisdictions.	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under sections 120, 123, 125, 126, 127, 128.(2). and 129 (1)
36. All Bunder Karkuns in charge of separate Custom Houses.	D o	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. (ii) Powers under sections 120, 123, 125, 126, and 128 (2)
<b>On the Goa Frontier</b>		
37. (a) Superintendent Central Excise, Castle Rock.	D o	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under sections 120, 123, 125, 126, 127, 128.(2) and 129 (1)
(b) Deputy Superintendent and Inspectors of Central Excise at Castle Rock.	D o	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under sections 120, 123, 125, 126, 128.(2) and 129 (1)
(c) The Clerks of Central Excise department on train duly at Castle Rock Station.	D o	Power under 28 to grant Passes for the transport of foreign liquor imported <i>via</i> customs out posts and land customs stations.
(d) Deputy superintendents, Inspectors and Nakedras in charge of Land Customs Stations at Diggi, Poy, Anmod, Talewadi, Charla and Majali.	D o	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under sections 120, 123, 125, 126, 127, 128.(2) and 129 (1)

## Schedule A

Designation of Officer	Area within which	Powers which may be exercised
(1)	(2)	(3)
<b>On the Daman Frontier</b>		
38. (a) Deputy Superintendent or Inspector of Central Excise in charge of the Challa Customs House, Vapi.	D o	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under sections 120, 125, 126, 127, 128.(2)
(b) The Nakedars of Kumta, Kalai, Patharpunja, Kolak and Bagwada.	D o	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under sections 120, 123, 125, 126, 128(2). and 129 (I)
<b>On the Pakistan Frontier</b>		
39. (a) Superintendent of Suigam and Inspectors at Santalpur, Gokhantar, Jhajham Suigam, Asara and Mavsari.	D o	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under sections 123, 125, 126, 127, 128 (2) and 129 (I)
(b) Nakedars at Gokhantar, Jhajham and suigam.	D o	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and (ii) Powers under sections 120, 125, 126 and 128(2)
40. All Superintendents, Deputy Superintendents Inspectors and Coast Guards Inspectors.	The limits of their respective Jurisdiction.	Powers under sections 120, 123, 125, 126, 127, 128.(2) and 129 (1)
41. All Bunder karkuns, Sajedars Nakedars, Jamadars, Havildars and Defedras.	D o	Powers under sections 120, 125, 126, 128.(2)
42. All Sowars, peons Syranges, Tindels and lascars.	Do	Power under section 125
43. Inspectors at Sugar Factories.	The limits of the Sugar Factory	(i) Power under section 61 (3) to grant passes for the transport of molasses from sugar factories.

*Schedule A*

Designation of Officer	Area within which	Powers which may be Powers may be exercised exercised
(1)	(2)	(3)
<b>On the Pakistan Frontier-contd.</b>		
		(ii) Powers under sections 120, 123, 125, 126, 128.(2)
44. Jamadars at Sugar Facctories	The limits of the Sugar Factory	Powers under section 120, 123, 125,126,and 128 (2)
45. Deputy Superintendent and Inspectors at the Ahmedabad Customs Aerodrome.,	The limits of their respective jurisdictions.	(i) Power under section 28 to grant passes for the transport of liquor, intoxicating drug or hemp. and  (ii) Powers under sections 120, 123, 125, 126,127, 128(2) and 129 (1)
<b>VII Home Guards Department</b>		
46. The Commandant General, The State of Bombay Home Guards.		Powers under sections77(a), 120, 121 (1), 122, 123, 125, and 126
47. The Commissioner of Prohibition, Home Guards.	D o	D o
48. All District Commandants of Home Guards, and Commondant, Home Guards, Greater Bombay.	The limit of their respective jurisdictions.	Powers under sections 120, 121(1), 123, 125 and 126.
49. All Staff Officers, Prohibition.	D o	D o
50. All Taluka Commandants of Home Guards.	D o	Powers under sections 123, 125 and 126.
51. The Administrative Officer (Prohibition) and All Officers Commanding, section and sub sections in Greater Bombay.	D o	D o
52. All other members of the Home Guards.	D o	Powers under section 125
<b>VII Narcoties Department, Government of India</b>		
53. Inspecting Officer and Intelligence Officers, Narcoties Intelligence Bureau, Simla.	State of Bombay	Power under section 123 and 125.

**SCHEDULE - B**

(Deleted)

**{181} G.N.R.D, No. 10484/45 (B), dated 30<sup>th</sup> March 1950  
(B.G.,Pt.IV-B.p.548)**

1. Amended by G.N.R.D. No. 8081/45 (b) dated 11<sup>th</sup> August 1950.
2. Amended by G.N.R.D. No. 10484/45 (b) dated 21<sup>st</sup> September 1950
3. Amended by G.N.R.D. No. 10434/45 (a) dated 20<sup>th</sup> January 1951
4. Amended by G.N.R.D. No. 2280/51 , dated 4<sup>th</sup> December 1951
5. Amended by G.N.R.D. No. FLR1154 (b) dated 18<sup>th</sup> August 1954
6. Amended by G.N.R.D. No. FLR1156/51 338 (c) dated 17<sup>th</sup> May 1957
7. Amended by G.N.R.D. No. PRT.1357/132748. dated 16<sup>th</sup> October 1957
8. Amended by G.N.R.D. No. DDR.10581/15934 (b)-J, dated 24<sup>th</sup> April 1959.
9. Amended by G.N.R.D. No. ELR.371/As2-111,dated 11<sup>th</sup> April 1972
10. Amended by G.N.R.D. No. DNS. 0872/64-111,dated 7<sup>th</sup> March 1974 (M.G.
11. Amended by G.N.R.D. No. DNS. 0872/64-XXVIII,dated 11<sup>th</sup> September 1975.
12. Amended by G.N.R.D. No. FLR.017511/XXV,,dated 10<sup>th</sup> October 1975.

In exercise of the powers conferred by sections 28,30,3,32,33,34,35,36,37,38,40 (1),45, 46 (1),<sup>1</sup> [46(A),48,52,54, (1),60 (1) 61 (2),61 (3),100, 101 and 123 of the Bombay Prohibition Act,1949 Bom. XXV) of 1949) and all other powers enabling it in this behalf, the Government of Bombay is pleased to authorise the officers specified in column 1 of the Schedule hereto annexed to exercise the powers, discharge the duties and perform the functions mentioned in the section or sections specified against them in column 3 of the said schedule within the areas specified in column 2 of the said Schedule.

*Schedule*

Designation of Officer (1)	Area (2)	Sections (3)
-------------------------------	-------------	-----------------

**1. Prohibition and Excise Department**

- |  |   |   |
|--|---|---|
| 1. Commissioner of Excise and Prohibition.   | State of Bombay                                       | 28, 60 (1) and 122.                               |
| 2. Officers of and above the rank of Prohibition and Excise Sub-Inspectors having jurisdiction at airports or at the mole Station, Bombay. | Air-port or Mole Station, Bombay, as the case may be. | Power under section 52 to grant Tourists permits. |

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1. Added by G.O. of 29-7-1957.

## Schedule--- Contd.

Designation of Officer (1)	Area (2)	Sections (3)
<sup>1</sup> [2A. Prohibition and Excise Sub-Inspector appointed for Excise supervision at a licensed hotel under the Bombay Foreign Liquor Rules, 1953.	Limits of their respective Jurisdiction.	Power under section 46-A to grant tourists permits.
3. All Superintendents of Excise.	Limits of their respective jurisdiction.	(i) 28, so far as it relates to the power to grant passes for <sup>2</sup> (the transport and export of liquor and the transport of intoxicating drug or hemp.  <sup>3</sup> [I-A)28,so far as it relates to the power to grant passes for the export do denatured spirit (rectified spirit and absolute alcohol) to other States where prior approval of the Commissioner has been obtained for the release of such spirit.  (ii) 30,123.  (iii) (Deleted).
4. Superintendent Nasik Distillery.	State of Bombay	28,so far as it relates to the power to grant passes (i) for the transport of country liquor or foreign liquor issued from the Nasik Distillery and ii) for the export of foreign liquor issued from the Nasik Distillery.
5. Chief Accounts Officer of Excise.	Greater Bombay	28, so far as it relates to the power to grant passes for the transport of liquor intoxicating drug or hemp.
6. All Inspectors Warehouses	Limit of their respective jurisdictions.	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp.  (ii) 123.
<sup>4</sup> [6A..All Inspectors of Prohibition and Excise in charge of distilleries.	Do	28,so far as it relates to the power to grant passes for the export of denatured spirit to other States where prior approval of the Commissioner has been obtained for the release of such spirit.

1. Ins. by G.N. of 16-10-1957.

2. Ins. by G.N. of 11-4-1972.

3 Subs by G. N. of 11-9-1975.

4 Ins. by G.N. of 7-3-1974.

## Schedule--- Contd.

Designation of Officer (1)	Area (2)	Sections (3)
7. All Chief Excise Inspectors.	Do	Do do
8. Excise Inspector Drugs Permit Office, Bombay.	Greater Bombay	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp. (ii) (Deleted).
9. (Deleted.)		
10. All Excise Inspectors and Assistant Inspectors.	Limits of their respective jurisdictions.	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp. (ii) 123
	Do.	Do
11. All Excise Sub-Inspectors	Do	Do
12. (i) All Officers in -charge of Liquor Warehouses of Distilleries.	Limit of the areas in which liquor is supplied from their respective warehouses or distilleries	(i) 128, so far as it relates to the power to grant passes for the transport of country liquor. (ii) 61 (3) so far as it relates to the power to grant permits for the transport of molasses from Sugar Factories to which distilleries are attached.
<sup>1</sup> ii) Managers or clerk in Charge of Government Depots.	Limit of their respective jurisdiction.	28,so far as it relates to the power to grant passes for transport of (foreign liquor sold from the Government Depots.
<sup>2</sup> [12A. Inspectors of Prohibition and Excise in-charge of breweries manufacturing beer.	Limit of their respective jurisdiction.	28,so far as it relates to the power to grant passes for transport and export of foreign liquor.
<b>II. Revenue department</b>		
13. All collectors	Limit of their respective jurisdiction.	28,30,31,32,33, 34, 35, 36, 37, 38,40(1),45 (1),46(1),48, 54(1),61(2),61(3) and 123
14. All Assistant and Deputy Collectors.	Do	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp. (ii) 123

1. Subs. by G.N., of 17-5-1957.

2. Ins. by G.N. of 10-10-1975.

## Schedule--- Contd.

Designation of Officer (1)	Area (2)	Sections (3)
15. All mamladars and Mahalkaris.	Limits of their respective jurisdictions.	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp. (ii) (Deleted) (iii) 123.
16. All Magistrates	Do	123
17. All Revenue Officers not lower in rank than an Aval Karkun.	Do.	28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp.
<b>III Police Department</b>		
18. * * *		
19. * * *		
20. * * *		
21. Officer of and above the rank of sub-Inspectors of Police having jurisdiction at airports or at the mole Station	Airports or Mole Station, Bombay as the case may be	Power under section 52 to grant Tourist's permits.
<b>IV Forest Department</b>		
22. Divisional Forest Officer, west Nasik.	Limits of the Peint Taluka of the Nasik District.	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp. (ii) 123.
23. Divisional Forest Officer and Ex-officer Assistant Collector of Akrani.	Limits of the Akrani Mahal of the West Khandesh District	Do do
24. Range Forest Officer Akrani.	Do	Do do
25. Range Forest Officers, Peint, Harul and Barhe.	Limits of the Peint Taluka of the Nasik District	Do do
<b>V Customs Department</b>		
26. Collector of Customs Bombay <sup>1</sup> (and Additional Collector of Customs Bombay)	Greater Bombay	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp. (ii) 123
27. All Preventive Officers and Inspectors of the Customs Department in Greater Bombay.	Limits of their respective jurisdiction	123
28. All Officers the Customs Preventive Service in Bombay.	Do	123

\* Superseded by G.N. H.D. dt. 11-8-1980.

1. Added by G.N. of 24-4-1959.

## Schedule--- Contd.

Designation of Officer (1)	Area (2)	Sections (3)
<b>VI Central Excise Department</b>		
29. All Assistant Collectors of Central Excise,	Limits of their respective jurisdiction.	123
30. Assistant Collectors of Central Excise, Goa Frontier, Anand Thana, Ratnagiri and Krwar divisions.	Do	(i) 28, so far as it relates to the power to grant passes for the transport of liquor intoxicating drug or hemp.  (ii) 123
31. All Deputy Superintendents and Inspectors in charge of Separate Customs Houses.	Do	Do do
32. All Bunder Karkuns in charge of separate Customs House	Do	Do
<b>On the Goa Frontier</b>		
33. (a) Superintendent Central Excise, Castle Rock.	Do	Do do
(b) Deputy Superintendent and Inspectors of Central Excise at Castle Rock.	Do	Do do
(c) Clerks of Central Excise Department on Train duty at Castle Rock Station.	Do	28, so far as it relates to the power to grant passes for the transport of foreign liquor imported via Customs Outposts and Land Customs Stations.
(d) Deputy Superintendents Inspector and Nakedars in-charge of land Customs Stations at diggi Poy Anmod, Talewadi, Charla and Majali.	Do	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp.  (ii) 123.
<b>On the Daman Frontier</b>		
34. (a) Deputy Superintendent, or Inspector of Central Excise, in-charge of the Chalka Customs House, Vapi.	Do	Do
(b) Nakedars of Kunta Kalai Patharpunja, Kolak and Bagwada.	Do	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp.
<b>On the Pakistan Frontier.</b>		
35. (a) Superintendent Of Suigam and Inspectors at Santapur, Gokhantar, Jhajham Suigam, Asara and Mavsari.	Do	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp.



*Schedule---* Contd.

Designation of Officer (1)	Area (2)	Sections (3)
		(ii) 123
(b) Nakedars at Gokhantar, Jhajham an Suigam.	Do	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp.  (ii) 123.
36. All Superintendents, Deputy Superintendents, Inspectors and Coast Guard Inspectors.	Do	Do.
37. All Inspectors at Sugar Factories	Limits of the Sugar Factory	(i) 61 (3), so far as it relates to the power to grant permits for the transport of molasses from sugar factories.  (ii) 123.
38. Deputy Superintendent and Inspectors at the Ahmebad Customs Aerodraome.	Limit of their respective jurisdictions i)	(i) 28, so far as it relates to the power to grant passes for the transport of liquor of intoxicating drug or hemp.  (ii) 123

**VII. Home Guards Department**

39. The Commandant General, Home Guards.	State of Bombay	123
40. The Director of Prohibition, Home Guards.	Do	123
41. All District Commandants of Home Guards and Commandant Home Guards, Greater Bombay.	Limit of the their respective jurisdictions	123
42. All Staff Officers, Prohibition.	Do	123
43. All Taluka Commandants of Home Guards.	Do	123
44. The Administrative Officer (Prohibition) and all Officers Commanding, sectors and sub sectors in Greater Bombay.	Do	123

{182} **G.N.R.D, No. 10484/45 (B), dated 25<sup>th</sup> August 1950**  
**(B.G.,Pt.IV-B,p.1752)**

1. Amended by G.N.R.D. No. 9935/49 dated 4<sup>th</sup> October 1951.
2. Amended by G.N.R.D. No. RTS 1660/35607(a)-III, dated 11<sup>th</sup> July 1961. (M.G.,Pt.IV-B,p.588)
3. Amended by G.N.R.D. No. BPA 1059/5536-III,dated 30<sup>th</sup> November 1961. (M.G.,Pt.IV-B,p.1162)
4. Amended by G.N.R.D. No. EST 2168/60216-III,dated 5<sup>th</sup> December 1970. (M.G.,Pt.IV-B,p.335)
5. Amended by G.N.R.D. No. EST 2168/60216-III,dated 17<sup>th</sup> February 1972. (M.G.,Pt.IV-B,p.335)
6. Amended by G.N.R.D. No. BPA 1082/32PRO-I,dated 3<sup>rd</sup> September 1985. (M.G.,Pt.IV-B,p. 2060)

In exercise of the powers conferred by sections 10 of the Bombay Prohibition Act, 1949 Bom. XXV) of 1949) and in supersession of Government Notification, Revenue Department, No. 10484/45 (a), dated the 16<sup>th</sup> June 1949, as amended by Government Notification, Revenue Department, No. 2843/49, dated the 4<sup>th</sup> April 1950, the Government of Bombay is hereby pleased to delegate to the officers specified in column 1 of Schedule hereto annexed the powers exercisable by it under the provisions of the said Act specified against them in column 3 of the said Schedule in respect of the areas specified in column 2 hereof.

SCHEDULE

Designation of Officers (1)	Areas (2)	Provisions of the Act (3)
(1) Commissioner of Prohibition and Excise	The State of Bombay	(i) Section 41, 44(1) and 47 (1) [(ii) section 104, in so far as it relates to the powers to sanction the acceptance of a sum of money in lieu of cancellation or suspension of a licence, permit, pass or authorisation 2] or by way of composition for the offence which may have been committed under sections 69, 70, 77, 82 or 108 from any person who is reasonably suspected of having committed such offence but who does not hold any licence, permit, pass or authorisation on the date of such composition for offence), provided that the sum of money to be

## SCHEDULE—Contd.

Designation of Officers (1)	Areas (2)	Provisions of the Act (3)
		accepted in each case does not exceed <sup>4,6</sup> [One lakh rupees].
(2) Collector of Bombay	Greater Bombay	(i) Section 41,44 (1) an 47 (1).  (ii) <sup>3</sup> [sections 139 (1) (d1), in so far as it relates to the powers to exempt any person or institution or class of person or institutions from the payment of excise duty on rectified spirit and absolute alcohol, provided that the power is exercised subject to the provisions of the Bombay Rectified Spirit Rules,1951.)
(3) Collectors of other Districts.	Districts within their respective Jurisdiction.	(i) Section 41,44 (1) an 47 (1). <sup>3</sup> (ii) sections 139 (1) (d1), in so far as it relates to the powers to exempt any person or institution or class of person or institutions from the payment of excise duty on rectified spirit and absolute alcohol, provided that the power is exercised subject to the provisions of the Bombay Rectified Spirit Rules,1951.)
<sup>1</sup> [4] All Collectors	District within their	Section 104, in so far as it relates to the power to sanction the acceptance of sum of money in lieu of cancellation or suspension of a licence, permit or authorisation provided that the sum of money to be accepted in each case does not exceed Rupees <sup>4,6</sup> (fifty thousand).
(5) <sup>5</sup> *	* * *	* * *

1. Subs by G. N. of 5-12-1970.

3. Added by G. N. of 11-7-1961

5. Deleted by G. N. of 11-7-1961.

2. Ins. by G. N. of 17-2-1972

4. Subs. by G. N. of 3-9-1985.

6. Ins. by G. N. of 3-3-1999.

(183) **G.N.H.D. No. SEP.1354/39604 DATED 17<sup>th</sup> August 1952**  
(B.G. Pt. IV-B, p. 2678)

In exercise of the powers conferred by section 93 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) the Government of Bombay in consultation with the High Court, is pleased to empower all salaried Presidency Magistrates with powers under the said section.

(184) **G.N.H.D. No. 1048/45 (a) DATED 30<sup>th</sup> March 1958.**  
(B.G.,Pt. IV-B, p.548)

In pursuance of sub- section (1) of section 127 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Bombay is pleased to direct that the rank of the Prohibition Officer for the purposes of sub-section (1) of the said section 127 shall be not below that of an Excise Sub- Inspector or a Mahalkari.

(185) **G.N.H.D. No. BPA 0173/3 –III, dated 30th July 1974**  
(M.G., Pt IV-B, P921)

In exercise of the powers conferred by sub-section (3) of section 4 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby appoints Additional Collectors (being Additional Collectors dealing with the work of Prohibition and Excise department within their respective jurisdiction to exercise all the powers and to perform all the duties of functions as are assigned by or under the said Act, to a Collector.

(186) **G.N.H.D. No. EST. 2369/49046-PRO-3,dated 11<sup>th</sup> August 1980**  
(M.G., Pt IV-B, p.611)

In exercise of the powers conferred by section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as “ the said Act”), and of all other powers enabling it in this behalf and in supersession of all previous notifications issued in this behalf, the Government of Maharashtra is pleased to invest the officers mentioned in column 1 of Schedule hereto appended with the powers under the said Act, specified against them in column 3 of the said Schedule within the area specified in column 2 of the said Schedule.

#### SCHEDULE

Designation of Officer	Area within which Powers may be exercised	Powers which may be exercised
(1)	(2)	(3)
I. <i>Police department—</i>		
(1) Assistant Superintendents of Police/deputy superintendents of police working as sub Divisional Police officers in the Districts.	The limits of their respective jurisdiction.	Power under sections 100 and 101 in cases where the estimated value of the things liable to confiscation under the said section is less than Rs. 1000 .
(2) Assistant Commissioner of police in Bombay Pune, Nagpur.	D o	D o

**SCHEDULE**

Designation of Officer (1)	Area within which Powers may be exercised (2)	Powers which may be exercised (3)
<sup>1</sup> [II. <i>Prohibition and Excise Department—</i>		
(1) Superintendents of State Excise.	Do.	Power under sections 100 and 101, in cases where the estimated value of the things liable to confiscated under the said section is upto Rs. 25,000.
(2) Divisional Deputy Commissioners of State Excise.	Do.	Power under sections 100 and 101, in cases where the estimated value of the things liable to confiscated under the said section is more than Rs. 25,000 and upto Rs. 1,00,000.
(3) Commissioner of State Excise, Maharashtra State Mumbai.	All Districts in Maharashtra State	Power under sections 100 and 101, in cases where the estimated value of the things liable to confiscated under the said section is mor than Rs. 1,00,000.

**CHAPTER XVI**

APPEALS AND REVISIONS

**{187} THE BOMBAY PROHIBITION (APPEAL) RULES, 1953**

G.N.,>R.D. No. 8216/51, dated 19<sup>th</sup> June 1953 (B.G., Pt. IV-B, p.1304)

In exercise of the powers conferred by section 143, read with section 137, of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), the Government of Bombay is pleased to make the following rules, namely;-

1. *Short title.*—These Rules may be called the Bombay Prohibition (Appeal) Rules, 1953.

2. *Form and contents of appeals.*— (1) Every appeal under section 137 of the Act shall be made in the form of a petition addressed to the authority to whom the appeal lies, and shall be drawn up in concise and intelligible language; and shall bear the signature or mark of the appellant or of his duly authorised agent and shall also bear the court fee stamp of the requisite amount fixed under the Court fees Act, 1870.

(2) The petition of appeal shall contain the following particular :-

(i) the name father's name, occupation and place of residence or address of the appellant;

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1. Subs by G. N. of 28-5-2002.

- (ii) the name and address of the writer of the petition;
- (iii) the date of the order appealed against;
- (iv) a brief and precise statement of the facts; and
- (v) the grounds of objection to the order appealed against.

(3) The petition shall be accompanied by the order appealed against in original or an authenticated copy thereof unless the omission to produce such order or its copy, as the case may be, is explained at the time of the presentation of the petition of appeal to the satisfaction of the appellate authority.

3. *Presentation*—The petition of appeal shall either be presented to the appellate authority by the appellant or his agent or be forwarded to such authority by registered post.

4. *Rejection of appeals*.—(1) If the petition of appeal does not comply with the requirements of rules 2 and 3, it may, summarily be rejected:

Provided that no appeal shall be rejected under this sub-rule unless the appellant is given such opportunity, as the appellate authority thinks fit, so as to enable him to comply with the requirements of the said rules.

(2) An appeal may also be rejected on other grounds which shall be reduced to writing by the appellate authority;

Provided that before an order rejecting an appeal under this sub-rule is passed, the appellant shall be given a reasonable opportunity of being heard.

5. *Date of hearing*.—(1) If the appellate authority does not reject the appeal under rule 4, it shall fix a date for hearing the appellant or his agent.

(2) The appellate authority may at any stage adjourn the hearing of an appeal to any other date.

(3) If on the date fixed for hearing or any other date to which the hearing may be adjourned, the appellant does not appear before the said authority either in person or through an agent, the said authority may dismiss the appeal or may decide it *ex parte* as it thinks fit.

6. *Notice to person likely to be affected adversely*.—Before an appellate authority passes any order in appeal, likely to affect any person adversely, it shall send to such person a notice and give such person a reasonable opportunity of being heard.

7. *Supply of copy of order to appellant and officer concerned*.—A copy of the order passed in appeal shall be supplied free of cost to the appellant or the person affected thereby and another copy shall be sent to the officer whose order forms the subject matter of the appeal.

**(188) G.O.,H.D. No. BPA-1180/CM.2-PRO-2, dated 11<sup>th</sup> August 1980****(M>G.Pt.IVB,p.685)**

In exercise of the powers conferred upon it by section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf, the Government of Maharashtra is hereby pleased to invest the Secretary to the Government of Maharashtra, Home Department (Transport), who is in charge of Prohibition Divisions, also with all the powers, duties and functions of the State Government under sub-sections (1) and (2) of section 137 and section 138 of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder.

**(189) G.O.,H.D. No. BPA-1089/PRO-2, dated 20<sup>th</sup> September 1989.****(M>G.Pt.IVB,p.685)**

In exercise of the powers conferred upon it by section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf, the Government of Maharashtra is hereby pleased to invest the Secretary to the Government of Maharashtra, Home Department (Transport), who is in charge of Prohibition Divisions, also with all the powers, duties and functions of the State Government under section 54 (3), sub-sections (1) and (2) of section 137 and section 138 of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder.

**(190) G.N.H.D. No. TPA-1089/10/EXC-2, dated 4<sup>th</sup> September 1998.**

In exercise of the powers conferred upon it by section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), read with section 21 of the Bombay General Clauses Act, 1904 (Bombay I of 1904) and of all other powers enabling it in this behalf, the Government of Maharashtra is hereby discontinues the Government Notification, Home Department, No. TPA. 1089/PRO-2, dated 20-9-1989.

**PART-III**  
**THE BOMBAY MOLASSES (CONTROL) ACT, 1956**  
**CONTENTS**

PREAMBLE

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Molasses Board, its constitution and procedure.
4. Functions of Molasses Board.
5. Inspectors and their powers and functions.
6. Powers to control supply, distribution *etc.* of Molasses .
7. Offences, penalty and forfeiture.
8. Offences by companies.
9. Cognizance of offences.
10. Compounding of offences.
11. Officers empowered to investigate offences.
12. Powers of entry, search, seizure and arrest.
13. Provisions of Criminal Procedure Code to apply to investigation *etc.*
  
14. Report of seizure of molasses to Magistrate.
15. Delegation of Powers.
16. Exemptions.
17. Power of State Government to call for and examine records of proceedings.
18. Officers and persons acting under the Act to be Public Servants.
19. Bar of proceedings.
20. Power to make rules.



**PART-III****BOMBAY ACT NO. XXXVIII OF 1956-I****[THE BOMBAY MOLASSES (CONTROL) ACT, 1956]**

This Act received the assent of President on the 21<sup>st</sup> June 1956; the assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 28<sup>th</sup> June 1956).

Adapted and modified by the Bombay Adaption of Laws (State and Concurrent Subject) Order, 1956.

Amended by Bom. 64 of 1958.

Amended by Mah. 1 of 1973.

Amended by Mah 5 of 1981 ( 22<sup>nd</sup> January 1981)§.

**An Act to provide for the regulation and control of the supply of molasses for the purpose of development of certain industries by securing their equitable distribution and availability at fair prices and for certain other matters.**

**WHEREAS**, it is expedient to provide for the regulation and control of the supply of molasses for the purpose of development of certain industries by securing their equitable distribution and availability at fair prices and for certain other matters hereinafter appearing; It is hereby enacted in the Seventh Year of the Republic of India as follows :

**1. Short title extent and commencement :** (1) This Act may be called the Bombay Molasses (Control Act, 1956.

<sup>2</sup>[(2) It extends to the whole of the State of Bombay.)

(3) It shall come into force on such date as the State Government may, by notification in the **Official Gazette**, appoint in this behalf.

**2. Definitions :**

(a) “Collector” means the Collector of land revenue’

<sup>3</sup>[(b) “Commissioner” mean the Commissioner of Prohibition and Excise appointed under the Bombay Prohibition Act, 1949;)\*

(c) “Inspector” means an Inspector appointed under section 5;

(d) “Molasses” means the heavy, dark coloured viscous liquid produced in the final stage of manufacture of sugar by vaccum or open pan, from sugarcane or gur when the liquid as such or in any from or admixture contain sugar;

(e) “Occupier of a sugar factory” means the person who has ultimate control over the affairs of a sugar factory;

(f) “prescribed” means prescribed by rules or orders under this Act;

(g) “sugar factory” means any premises, including precincts there of, whereon twenty or more workers are working, or were working on any day of the preceding twelve months and in any part of which a manufacturing process connected with the production of sugar by mean of vaccum pans or in open pans is being carried on, or is ordinarily carried on with the aid of power.

**3. Molasses Board, its constitution and procedure :** (1) For the Purpose of advising the state Government on matters relating to molasses, the State Government may constitute a Molasses Board,

(2) The Molasses Board constituted under sub-section 1) shall consist of such members, not less than six with such qualifications as may be prescribed. The member or members so appointed shall hold office during the pleasure of the State Government.

(3) Three members shall form a quorum for the disposal of the business of the Board.

(4) Any vacancy of the member of the Board shall be filled in as early as practicable: Provided that during any such vacancy the continuing members may act, as if no vacancy has occurred.

(5) The procedure regarding the work of the Board shall be such as may be prescribed.

**4. Functions of Molasses Board :** The Molasses Board shall .

(a) advise the State Government on matters concerning the grading and marketing of molasses, the prices at which molasses are to be sold and generally on their allocation for distilleries and other purposes, and

(b) perform such other functions as may be prescribed.

**5. Inspectors and their powers and function :** 1) The State Government may, by notification in the *Official Gazette*, appoint such persons as it thinks fit, having the prescribed qualifications to be Inspectors for the purposes of this Act within such local limits as it may assign to them, respectively :

Provided that no person who has any financial interests in the transport, sale supply or distribution of molasses shall be appointed as a Inspector under this sub-section.

(2) Every such Inspector shall, subject to the control of the State Government and 4(the Commissioner,) have power to inspect at all reasonable times the stocks of molasses held by any person or sugar factory, take samples from such molasses for analysis or testing or examine licences, permits, records, books accounts returns, documents or statements in the possession or custody of any person or sugar factory relating to transactions in molasses.

(3) Every such Inspector shall, exercise such other Powers and perform such functions as may be conferred or imposed on him by or under this Act.

**6. Powers to control, supply, distribution etc. of molasses :** (1) If the State Government is of the opinion that it is necessary or expedient so to do for maintaining supplies of molasses for the purpose of development of any industry by securing their equitable distribution and availability at fair prices, it may ,by order provide for regulating the supply and distribution of or trade and commerce in molasses .

(2) Without prejudice to the generally of the powers conferred by sub-section (1) an order made thereunder may provide.

(a) For controlling the price at which and the manner in which molasses may be bought or sold generally or for any industrial purpose :

- (b) For regulating by licences, permits or otherwise the storage, supply, transport distribution, disposal acquisition, possession, use or consumption of molasses,
- (c) For requiring any person or occupier of a sugar factory to sell molasses, held in stock by him or produced or to be produced in his factory, to the State Government to the exclusion, complete or partial, of other or to such person or class of persons and in such circumstances and upon such terms as may be specified in the order .
- (d) For the taking of samples and grading and testing of molasses :
- (e) for regulating or prohibiting any class of commercial or financial transactions relating to molasses, which in the opinion of the State Government are, or , if unregulated, are likely to be, detrimental to the public interest ;
- (f) For collecting any information or statistics with a view regulating or prohibiting any of the aforesaid matter,
- (g) For requiring occupiers of sugar factories and person engaged in the production, supply or distribution of , or trade and committee in molasses, to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating there to, as may be specified in the order, and
- (h) for any incidental and supplementary matters, including in particulars the grant or issue of licences, permits or other documents, their terms and conditions and the charging of fees therefor.
- (3) Where, in pursuance of any order made with reference to clause (c) of sub-section (2), any person sells molasses, there shall be paid to him the price therefor.
- (a) where the price can consistently with the controlled price calculated with reference to the controlled price, if any, fixed under this section: and
- (b) where no such agreement can be reached, the price calculated with reference to the controlling price, if any, fixed under this sections; and.
- (c) where neither clause (a) nor clause (b) applies, the price calculated at the market rate prevailing in the locality at the date of sale.
- (4) An order made under this section shall,
- (a) in the case of an order of a general nature of affecting a class of persons, be notified in the *Official gazette* :
- (b) in the case of an order affecting an individual corporation or firm be served in the manner provided for the service of a summons in rule 2 order XXIX or rule 3 of Order XXX, as the case may be in the First Schedule of the Code of Civil Procedure 1908; and
- (c) in the case of an order directed to a specified individual, be served on such individual –
- (i) by personally delivering or tendering to in the order, or
- (ii) by post, or
- (iii) where the individual cannot be found, by leaving an authentic cop of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain.

(5) Where a question arises whether a person was duly informed of an order made in pursuance of this section, compliance with the requirements of sub-section (4) shall be conclusive proof that he was so informed; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

(6) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

(7) Where an order purports to have been made and signed by an authority in exercise of any power conferred by this section, a court shall within the meaning of Indian Evidence Act, 1872, presume that such order was so made by that authority.

**7. Offence, penalty and forfeiture :** (1) Whoever contravenes any provisions of this Act or any order made thereunder or any term or condition of any licence or permit granted or issued under an order made under this act, shall on conviction, be punished with imprisonment of either description which may extend to one year or with fine.

(2) Any court trying such contravention may direct that any stock of molasses, in respect of which the court is satisfied that the contravention has taken place, shall, along with any box, receptacle, package or covering containing such stock of molasses, be forfeited to the State Government.

**8. Offences by companies :** (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributed to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation*—For the purposes of this section—

(a) ‘company’ means a body corporate, and includes a firm or other association of individuals; and

(b) ‘director’ in relation to a firm means a partner in the firm.

**9. Cognizance of offences :** (a) No court shall take cognizance of any offence punishable under this Act, except with the previous sanction of <sup>5</sup>[the Commissioner].

(b) No court inferior to that of a <sup>6</sup>[Metropolitan Magistrate] or a Magistrate of the first Class shall try any offence punishable under this Act.

(c) Notwithstanding anything contained in <sup>7</sup>[the Code Criminal Procedure, 1973], an offence punishable under this Act shall be cognizable and bailable.

**<sup>8</sup>[10. Compounding of offences :1)** The State Government may, either before or after institution of any proceedings for any offence punishable under this Act, sanction the acceptance from any person charged with such offence, by way of composition of the offence, such sum of money as it may determine and may direct the release of any property which has been seized as liable to forfeiture under this Act on payment of the value thereof as estimate by it or by such officer as it may authorised in this behalf.

(2) On the payment by such person of such sum of money, or such value, or both, as the case may be, such person, if in custody, shall be set at liberty and the property seized may be released. If any proceedings shall have been instituted against such person in any Criminal Court, the composition shall be deemed to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same facts.]

**11. Officers empowered to investigate offences :** An Inspector and a police officer not below the rank of an officer in charge of a police station shall, within the limits of the area in which such officer exercise jurisdiction, have power to investigate any offence punishable under this Act.

**12. Powers of entry, search, seizure and arrest :** (1) <sup>9</sup>[The Commissioner], Collector or any officer empowered under section 11 to investigate an offence under this Act may.

(a) enter and search at all reasonable times, any premises in which he has reason to believe that any molasses in respect of which an offence punishable under this Act has been or is about to be committed is kept or concealed and seize such molasses and any box, receptacle, package or covering containing such molasses;

(b) seize in any open place or in transit any molasses in respect of which he had reason to believe that any offence punishable under this Act has been committed and also any box, receptacle, package or covering containing such molasses;

(c) seize in any books, account, documents or statements relating to transaction in the molasses so seized;

(d) detain, search and arrest any person whom he has reason to believe to be guilty of any offence punishable under this Act.

(2) The Provisions of <sup>10</sup>[the Code of Criminal Procedure, 1973] shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under section <sup>11</sup>[94] of the said Code.

**13. Provisions of Criminal Procedure Code to apply to investigations, etc. :** Save as otherwise expressly provided in this Act, all investigations, search, seizures, arrests and detentions in custody shall be made in accordance with <sup>12</sup>[the Code Criminal Procedure, 1973].

**14. Report of seizure of molasses to Magistrate :** (1) A report about any molasses or article seized under section 12 shall, as soon as possible, be submitted to the Magistrate having jurisdiction, who may, after making such inquiry as he may consider necessary, give such direction for its temporary custody as he thinks fit.

(2) Where no prosecution is instituted, or the offence is compounded under section 10, the magistrate may subject to the provisions of section 10, direct the return of such molasses or articles to the persons from whom they were seized.

**15. Delegation of powers :** The state Government or <sup>13</sup>[the Commissioner,] as the case may be, may by notification in the *Official Gazette*, direct that any power conferred or any duty imposed on it or him may, subject to such conditions as it or he may, specify, be exercisable also by any officer specified by it or him.

**16. Exemption :** The State Government may, by notification in the *Official Gazette*, exempt either wholly or partially any area or any person or any class of persons from all or any of provisions of this Act or any of the rules or orders made thereunder subject to such condition as may be specified in notification.

**17. Power of State Government to call for and examine records of proceedings :** The State Government may call for and examine the record of any proceeding before any officer exercising powers or discharging duties under this Act including those relating to the grant or refusal of a licence or permit under an order made under this Act for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed in, and as to the regularity of, such proceedings and may either annul, reverse, modify or confirm such order or pass such other order as it may deem fit.

**18. Officers and persons acting under the Act to be public servants :** All Officers, Inspectors and persons empowered to exercise any powers or to perform any functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**19. Bar of proceedings :** No suit or proceedings shall lie against the State Government or against any officer or against person empowered to exercise powers or to perform function under this act, for anything in good faith done or purporting to be done under this Act.

**20. Power to make rules :** (1) The State Government may, subject to the condition of previous publications, make rule to carry out the purpose of this Act.

(2) In Particular and without prejudice to the generality of the foregoing powers, such rules may.—

(a) prescribe the specification and tests in respect of the purity of molasses,

(b) prescribe the other functions of the Molasses Board the procedure for the conduct of its business and the performance of its functions.

1. For Statement of Objects and Reasons, see Bombay Government Gazette Extra ordinary, 1950 Part V, p. 84.
  2. Sub-section (2) was substituted of the original by Bom. 64 of 1958, s, 3(1).
  3. Clause (b) was substituted by Mah. 5 of 1981, s. 2.
  4. These words were substituted for the words “ the Director ” by Mah. 5 of 1981, s. 3.
  5. These words were substituted for the words “ the Director ” by Mah. 5 of 1981, s. 4(1).
  6. These words were substituted for the words “ a Presidency Magistrate ” *ibid*, s 4(2).
  7. These words and figures were substituted for the words and figures “ the Code 3 of Criminal Procedure, 1898 ”, *ibid*, s 4(3).
  8. Section 10 was substituted, *ibid*, s 4(3).
  9. The words were substituted for the words “ The Director ” by Mah. 5 of 1981, s. 6(1).
  10. These words and figures were substituted for the words and figures “ the code of Criminal Procedure, 1898 ”, *ibid* s. 6(2) (a).
  11. These figures were substituted for the figures “ 98 ” *ibid*, s. 6(2), (b).
  12. These words and figures were substituted for “ the code of Criminal Procedure, 1998 ”, *ibid*, s. 7.
  13. These words were substituted of the words “ The Director ” *ibid*, s. 8.
- † The Act was extended to that part of the State of Bombay to which immediately before the commencement of Bom. 64 of 1958, it did not extend (*vide* Bom. 64 of 1958, s. 2).
- § This indicates the date of commencement of Act.
- \* Section 9 of Mah. 5 of 1981 reads as under.

**Note : “9 \* Construction of reference to Director of Sugar in enactments or instruments :** On and after the commencement of this Act, any reference to the Director of Sugar, Maharashtra State Poona, in any law for the time being in force, including in any rules or orders made thereunder, or in any instrument or document shall, for the purposes of this Act and the rules and orders made thereunder, be constructed as and shall be deemed to be a reference to the Commissioner of Prohibition and Excise referred to in clause (b) of section 2 of the principal Act as amended by this Act.”

[2] **G.N., I & C.D., No. IDL. 4160 – IND-I dated 1st March 1960**  
(B.G., Pt. IV-B, P.429)

In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Molasses (Control) Act, 1956 (Bom. XXXVIII of 1956), read with section 2 of the Bombay Molasses (Control) (Extensions) Act, 1958 (Bom. LXIV of 1958), the Government of Bombay hereby appoints the 1st day of April 1960 to be the date on which the said act shall come into force.

[3] **THE BOMBAY MOLASSES (SALE, SUPPLY AND PRICE)**  
**CONTROL ORDER, 1960**  
**G.O., I & C. D., No. IDL 4159-IND – I dated 25th April 1960**  
(B.G., Pt. IV-B, p. 614)

*Note*—The above price Control order is rescinded by G.O.H.D., No. MLS 1093/1-EXC-2 dt. 22-6-1993 reproduced below.

G.O.,H.D.,No MLS 11093/EX C./2 dt. 22-6-1993 (M.G.Pt. IV-B, p)

In exercise of the powers conferred by section 6 of the Bombay Molasses (Control) Act, 1956 (Bom. XXXVIII of 1956) read with section 2 of the Bombay Molasses (Control) (Extension) Act, 1956 (Bom. XIV of 1938). the Government of Maharashtra hereby rescinds the Bombay Molasses. (Sale, Supply and Price) Control Order , 1960 with immediate effect except as respect things done or omitted to be done before such rescission.

[4] **THE BOMBAY MOLASSES FUND UTILIZATION ORDER, 1976**  
**CONTROL ORDER, 1960**  
**G.O., A & C.D., No. CKS 2072/32741/13-C dated 24th November 1977**  
(M.G., 1978, Pt. IV-B, p.75)

*Note*—Since the Bombay Molasses (sale, supply and price) Control order 1960 is rescinded, the above order framed under the said order also stands rescinded.

[5]

**GOVERNMENT OF INDIA**  
**MINISTRY OF CHEMICALS & FERTILISERS**  
**(DEPARTMENT OF CHEMICALS & PETROCHEMICALS)**

\* \* \*

**New Delhi, the 10 th June , 1993.**

**ORDER**

S.O.371 (E). In exercise of powers conferred by Section 18 G of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby rescinds the Molasses Control Order, 1961, with immediate effect except as respects thing done or omitted to be done before such rescission.

[6]

**GOVERNMENT OF INDIA**  
**MINISTRY OF CHEMICALS & FERTILISERS**  
**(DEPARTMENT OF CHEMICALS & PETROCHEMICALS)**

**New Delhi, the 10 th June , 1993.**

**ORDER**

S. O. 370 (E). In exercise of powers conferred by Section 18 G of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby rescinds the Molasses Control Order, 1961, with immediate effect except as respects thing done or omitted to be done before such rescission.