

Extra No. 29



सत्यमेव जयते

REGISTERED No. L2/RNP/G/GNR/84

વાર્ષિક લવાજમનો દર રૂ. ૩૦૦૦/-

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LII] FRIDAY, DECEMBER 2, 2011/AGRAHAYANA 11, 1933

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been
assented to by the Governor on the 1st December, 2011, is hereby
published for general information.

C. J. GOTHİ,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 29 OF 2011.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 2nd December, 2011).

AN ACT

further to amend the Bombay Prohibition Act, 1949.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Prohibition (Gujarat Amendment) Act, 2009. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of Bom. XXV of 1949.

2. In the Bombay Prohibition Act, 1949 (hereinafter referred to as "the principal Act"), in section 2, after clause (23), the following clause shall be inserted, namely:- Bom.XXV of 1949.

“(23A) “*Laththa*” means spurious liquor, which contains methanol or any other poisonous substances, which may cause harmful or injurious effects to the human body or death of a person;”.

Amendment of section 65 of Bom. XXV of 1949.

3. In the principal Act, in section 65, the proviso shall be deleted.

Insertion of new section 65A in Bom.XXV of 1949.

4. In the principal Act, after section 65, the following section shall be inserted, namely:-

Punishment for *laththa*.

“65A. (1) Notwithstanding anything contained in this Act, whoever, -

- (a) manufactures *laththa*,
- (b) constructs or works any distillery or brewery for it,
- (c) sells or buys *laththa*, or
- (d) uses, keeps, transports or has in his possession *laththa*,

shall, on conviction, be punished with imprisonment for a term which may extend to ten years, but shall not be less than seven years and also with fine.

(2) When there has been death of any person by the consumption of the said *laththa* mentioned in sub-section (1) above, the person who has manufactured, kept, sold or arranged to make it drink or distributed *laththa* shall, on conviction, be punished with death or imprisonment for life and shall also be liable to fine.

(3) Whoever keeps, sells, buys or supplies any material for manufacture of the *laththa* and when there has been death of person by the consumption of the said *laththa* shall, on conviction, be punished for a term up to imprisonment for life and shall also with fine.”.

5. In the principal Act, after section 94, the following section shall be inserted, namely:-

Insertion of
new section
94A in
Bom.XXV of
1949.

Punishment
for failure in
duty by
Prohibition
Officer or
Police Officer.

“94A. Any Prohibition Officer or Police Officer duty bound under section 116C, fails to send the sample of liquor to Forensic Science Laboratory of the State for its detailed report shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to three thousand rupees.”.

6. In the principal Act, in section 98, in sub-section (2), after the words “order of the Court”, the words “but it shall not be released on bond or surety till the final judgement of the Court where the quantity of the seized liquor is exceeding the quantity as may be prescribed by the rules.” shall be added at the end.

Amendment
of section 98
of Bom.
XXV of
1949.

7. In the principal Act, in section 115, -

(1) section 115 shall be renumbered as sub-section (1) of that section and in sub-section (1) as so renumbered, after the words “authorised by this Act”, the words and figures “except any sentence under section 65A” shall be inserted;

Amendment
of section
115 of
Bom.XXV
of 1949.

(2) after sub-section (1), the following sub-section shall be inserted, namely:-

2 of 1974. “(2) The provisions of the Code of Criminal Procedure, 1973 shall apply for trials of the offences under section 65A.”.

8. In the principal Act, after section 116B, the following section shall be inserted, namely :-

Insertion of
new section
116C in
Bom. XXV of
1949.

Duty to send
sample to
Laboratory.

“116C. It shall be the duty of the Prohibition Officer or the Police Officer who has seized any liquor to forward immediately without any loss of time the sample of the same to the Forensic Science Laboratory of the State for detailed analysis report.”.

Amendment
of section
119 of Bom.
XXV of
1949.

9. In the principal Act, in section 119, for the words, figures and letter “sections 65, 67, 67-1A and 68”, the words, figures and letter “sections 65, 65A, 67, 67-1A and 68” shall be substituted.
