

UTTARANCHAL (THE UTTAR PRADESH EXCISE ACT, 1910) (AMENDMENT)
ACT, 2002

(UTTARANCHAL ACT No. 16 OF 2002)

(Enacted by the State Assembly in the Fifty-third Year of the Republic of India)

To further amend The Uttar Pradesh Excise Act, 1910 (U.P. Act No. IV of 1910)
in its applicability to State of Uttaranchal—

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ACT

1. (1) This Act may be called the Uttaranchal (The Uttar Pradesh Excise Act, 1910 (Amendment) Act, 2002.

Short title,
extention and
Commencement

(2) It extends to the whole of Uttaranchal State.

(3) It shall be deemed to have come into force on the 1st day of October, 2002.

2. In Section 60, 63 and 68 of the Uttar Pradesh Excise Act, 1910 (Act No. 4 of 1910), hereinafter referred to as the Principal Act, shall be amended.

Amendment of
Section 60, 63
and 68 of Act
no. 4 of 1910

60. Penalty for unlawful import, export, transport, manufacture, possession, sale etc. — (1) Whoever, in contravention of this Act or of any rule or order made thereunder, or of any licence, permit or pass obtained thereunder —

Amendment of
Section 60

- (a) Import, export, transport or possesses any intoxicant other than charas; or
- (b) cultivates any hemp plant (*Cannabis sativa*); or
- (c) collects or sells any portion of the hemp plant (*Cannabis Sativa*) from which any intoxicating drug can be manufactured; or
- (d) constructs or works any distillery, brewery or vinery; or
- (e) uses, keeps or has in his possession any material, still, utensil implement or apparatus, whatsoever, for the purpose of manufacturing any intoxicant other than tari; or
- (f) removes any intoxicant from any distillery, brewery, vinery or warehouse licensed, established or continued under this Act; or
- (g) bottles any liquor for the purposes of sale; or
- (h) sells any intoxicant, save in the case provided for by

Section 61; or

- (i) taps or draws tari from any tari producing tree in the areas notified under section 42;

shall be punished with imprisonment which may extend to two years and with fine which shall, in the case of an offence under clause (i) not be less than ten times the amount of duty which would have been leviable if such intoxicant had been dealt with in accordance with this Act and the rules and orders made thereunder or in accordance with any licence, permit or pass obtained thereunder, and in any other case, not be less than ten times the amount of such duty, or five thousand rupees, whichever is greater.

(2) Whoever in contravention of this Act or any rule or order made thereunder or of any licence, permit or pass obtained under this Act, manufactures any intoxicant or imports, exports, transports or possesses any charas, shall be punished with imprisonment which shall not be less than six months and which may extend to three years and also with fine which shall not be less than five thousand rupees and which may extend to ten thousand rupees.

(3) Whoever in contravention of this Act or any rule or order made thereunder, consumes any intoxicant, shall be punished with fine which shall not be less than five thousand rupees and which may extend to ten thousand rupees.

Amendment of
Section 63

63. Penalty for possession of intoxicant unlawfully imported, etc – Whoever, without lawful authority, has in his possession any quantity of any intoxicant knowing them same to have been unlawfully imported, transported or manufactured or knowing the prescribed duty not to have been paid thereon, shall be punished with imprisonment for a term which may extend to one year or with fine which shall not be less than five thousand rupees and which may extend to ten thousand rupees or with both.

Amendment of
Section 68

68. Penalty for offences not otherwise provided for – Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this act, or of any rule or order made under this Act and not otherwise provided for in this Act, shall be punished for each such act or omission with fine which shall not be less than five thousand rupees and which may extend to ten thousand rupees.

Repeal

3. Ordinance No. 08 of 2002 hereby is repealed.

By Order,

(U. C. DHYANI)

Addl. Secy.