

Chapter IV

MANUFACTURE, POSSESSION AND SALE

Sections

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17. Manufacture of intoxicant prohibited except under the provision of this Act - (1) (a) No [intoxicant]² shall be manufactured ;

- (b) no hemp plant (cannabis sativa) shall be cultivated ;
 - (c) no portion of the hemp plant (cannabis sativa) from which any intoxicant drug can be manufactured shall be collected ;
 - (d) no liquor shall be bottled for sale ; and
 - (e) no person shall use, keep or have in his possession any materials, still, unensil, implement or apparatus whatsoever for the purpose of manufacturing any [intoxicant]² other than tari.
- Except under the authority and subject to the terms and conditions of a licence granted in that behalf-by the Collector.

(2) No distillery or brewery shall be constructed or worked except under the authority and subject to the terms and conditions of a license granted in that behalf by the Excise Commissioner under section 18.

18. Establishment or licensing of distilleries and warehouses - The Excise Commissioner may -

- (a) establish a distillery in which spirit may be manufactured under a license granted under section 17 in such conditions as the [State Government]¹ deems fit to impose ;
- (b) discontinue any distillery so established ;
- (c) license, on such conditions as the [State Government]¹ deems for to impose the construction and working of a distillery or brewery ;
- (d) establish or license a warehouse wherein any [intoxicant]² may be deposited and kept without payment of duty ; and
- (e) discontinue any warehouse so established.

19. Removal of intoxicants in excess of the quantity prescribed by State Government prohibited except under permit -

(1) No person not being licensed to manufacture, cultivate, collect or sell any [intoxicant]² shall have in his possession any quantity of any [intoxicant]² in excess of such quantity as the [State Government]¹ has under section 6 declared to be the limit of sale by retail, except under a permit granted by the Collector in that behalf.

(2) [* * *]⁴

(3) A licensed vender shall not have in his possession, at any place other than that authorised by his licence, any quantity of any [intoxicant]² in excess of such quantity as the [State Government]¹ has under section 6 declared to be the limit of sale by retail, except under a permit granted by the Collector in that behalf.

(4) [* * *]⁵

21. Sale of intoxicants without license prohibited - No {intoxicant}² shall be sold without a license from the Collector : Provided that -

(1) a person licensed under section 17 to cultivate or collect hemp plant (cannabis sativa) may sell without a license those **portion of the** plant from which any intoxicating drug can be manufactured to any person licensed under this Act to deal in the same or to any officer whom the Excise Commissioner may prescribed;

(2) a license for sale in more that one district [Uttar Pradesh]³ shall be granted only by the Excise Commissioner;

(3) [* * *]⁴

22. Prohibition of sale to persons under the age of [Twenty One Years]⁵ - No license vendor and no person in the employ of such vendor and acting on his behalf shall sell or deliver any [liquor]⁶ or intoxicating drug to any person apparently under the age of [Twenty One Years]⁵ whether for consumption by such person or by any other person and whether for consumption on or off the premises of such vendor.

23. Prohibition of employment of persons under the age of [Twenty One Years]⁵ and of women - (1) No person who is licensed to sell [liquor]⁶ for consumption on his premises shall during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration any [person]⁶ under the age of [Twenty One Years]⁵, in any part of such premises in which such liquor or spirit is consumed by the public.

(2) No person who is licensed to sell foreign liquor for consumption on his premises shall, without the previous permission in writing of the [Excise Commissioner]⁶ during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration, any woman in any part of such premises in which liquor is consumed by the public.

(3) Every permission granted under sub-section(2) shall be endorsed on the license, and may be modified or withdrawn.

24. Grant of exclusive privilege of manufacture, etc. - Subject to the provisions of section 31, the Excise Commissioner may grant to any person a license for the exclusive privilege -

- (1) of manufacturing or of supplying by wholesale, or of both, or
- (2) of selling by wholesale or by retail; or
- (3) of manufacturing or of supplying by wholesale, or of both, and of selling retail;

any country liquor or intoxicating drug within any local area.

¹[24-A. Grant of exclusive or other privilege in respect of foreign liquor - (1) Subject to the provisions of Section 31, the Excise Commissioner may grant to any person a license or licenses for the exclusive or other privilege,-

- (a) of manufacturing or of supply by wholesale, or of both; or
- (b) of manufacturing or of supplying by wholesale, or of both and selling by retail; or
- (c) of selling by wholesale (to wholesale or retail vendors);
- (d) of selling by retail at shops (for consumption 'off' the premises only);

any foreign liquor in any locality.

(2) The grant of license or licenses under clause (d) of sub-section (1) in relation to any locality shall be without prejudice to the grant of licenses for the retail sale of foreign liquor in the same locality in hotels and restaurants for consumption in their premises.

(3) Where more licenses than one are proposed to be granted under clause (d) of sub-section (1) in relation to any locality for the same period, advance intimation of the proposal shall be given to the prospective applicants for every such license.

(4) The provisions of Section 25, and proviso to Section 39 shall apply in relation to grant of a license for an exclusive or other privilege under this section as they apply in respect of the grant of a license for an exclusive privilege under Section 24.

24-B. Removal of doubts- For the removal of doubts, it is hereby declared -

(a) that the State Government has an exclusive right or privilege of manufacture and sale of country liquor and foreign liquor;

(b) that the amount described as license fee in clause (c) of Section 41 is in its essence the rental or consideration for the grant of such right or privilege by the State Government;

(c) that the Excise Commissioner as the head of the Excise Department of the State shall be deemed, while determining or realising such fee, to act for and on behalf of the State Government⁹.]

25. Manufacture and sale of liquor in military cantonments- Within the limits of any military cantonment, and within such distance from those limits as the [Central Government]¹ in any case may prescribe, no licenses for the manufacture or sale of liquor or for an exclusive privilege in respect of liquor under section 24 shall be granted unless with the consent of the Commanding Officer.

26. Grant of exclusive privilege may let or assign- Subject to the conditions of his licence the grantee of any exclusive privilege may let or assign the whole, or any portion of his privilege, but no lessee or assignee of such privilege or portion of a privilege shall exercise any rights as such unless and until a licence has been granted to him by the Excise Commissioner on application made by the grantee.

27. Recovery by grantee of exclusive privilege of sums due to him- Any grantee, lessee or assignee as aforesaid may recover from any person holding under him any money due to him in his capacity of grantee, lessee or assignee as if it were an arrear of rent recoverable under the law for the time being in force with regard to landholder and tenant;

Provided that nothing contained in this section shall affect the right of any such grantee, lessee or assignee to recover by civil suit any such amount due to him from any such person as aforesaid.