

## Chapter IX

### POWERS AND DUTIES OF OFFICERS ETC

#### Sections

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**48. Power to enter and inspect places of manufacture and sale-** The excise Commissioner, or a Collector, or any [Officer of the Excise Department]<sup>3</sup> not below such rank as the [State Government]<sup>1</sup> may prescribe, or any police officer duly empowered in that behalf, may enter and inspect, at any time by day or by night, any place in which any licensed manufacturer carries on the manufacture of or stores any [intoxicant]<sup>4</sup> and may enter and inspect at any time within the hours during which sale is permitted, and may enter and inspect at any time within the hours during which sale is permitted, and at any other time during which the same may be open, any place in which any [intoxicant]<sup>4</sup> is kept for sale by any licensed person, and may examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, or [intoxicant]<sup>4</sup> found in such place; and may seize any measures, weights or testing instruments which he has reason to believe to be false.

**49. Powers of certain officers to investigate into offences punishable under this Act-** (1) <sup>5</sup>[A police officer not below the rank of [Sub-Inspector]<sup>6</sup> and an officer of the Excise Department not below such rank as the [State Government]<sup>1</sup> may prescribe, may [intoxicant]<sup>5</sup> into any offence punishable under this Act committed within the limits of the area in which such officer exercises jurisdiction.

(2) [Any such officer may]<sup>1</sup> exercise the same powers in respect of such investigation as an officer-in-charge of a police station may exercise in a cognizable case under the provisions of <sup>2</sup>[Chapter XIX of the Code of Criminal Procedure, 1973] and if specially empowered in that behalf by the [State Government]<sup>3</sup>, such officer may, without reference to Magistrate, and for reasons to be recorded by him in writing, stop further proceedings against any person concerned or supposed to be concerned in any offence punishable under this Act. Into which he has investigated.

**50. Power of arrest, seizure and detention** – Any officer of the excise, police, salt, opium or land revenue department not below such rank and subject to such restrictions as the [State Government]<sup>3</sup> may prescribe, and any other person duly empowered in this behalf, may arrest without warrant, any person, found committing and offence punishable under section 60, section 62, section 63 or section 65; and may seize and detain any [intoxicant]<sup>4</sup> or ther article which he has reason to believe to be liable to confiscation under this Act or other law for the time being in force relating to excise revenue; and may detain and search any person upon whom, and any vessel, vehicle, animal, package, respectable or covering in or upon which he may have reasonable cause to suspect any such article to be.

**51. Power of Collector to issue warrant of arrest-** The Collector may issue a warrant for the arrest of any person whom he has reason to believe to have committed any offence punishable under section 60, [\*\*\*]<sup>5</sup>, section 62, section 63 or section 65.

**52. Power of Collector or Magistrate to issue a search warrant** – If a Collector or a Magistrate, upon information obtained, has reason to believe that an offence punishable under section 60, section 62, section

63 or section 65 has been or is likely to be committed, he may issue a warrant for the search for any [intoxicant]<sup>4</sup>, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been or is likely to be committed.

**53. Power of Collector or officer of the Excise Department to search without warrant – (1)** [Whenever a Collector or an officer of the Excise Department not below such rank as the [State Government]<sup>3</sup> may prescribe or a police officer not below the rank of [Sub Inspector]<sup>6</sup> has reason to believe that an Offence punishable under section 60, section 61, section 62, section 63, or section 65]<sup>1</sup> has been, is being or is likely to be committed in any place, and that a search warrant can not be obtained without affording the offender an opportunity of escape or of concealing evidence of the offence, he may, at any time, by day or night, enter and search such place.

Provided that [any officer]<sup>2</sup> other a collector taking action under this sub-section shall before entering such place record the grounds of his belief as aforesaid.

(2) Further powers of seizures, detention, search and arrest- [The Collector or other officer]<sup>3</sup> as aforesaid may seize anything found in such place which he has reason to believe to be liable to confiscation under this Act, and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of such offence as aforesaid.

**54. Procedure relating to arrest, searches, etc. –** The provision of the <sup>4</sup>[Code of Criminal Procedure, 1973], relating to arrests, searches, search warrants, production of persons arrested and investigation into offences shall be held to be applicable, so far as may be, to all action taken in these respects under this Act.:

Provided that an offence punishable under section 60, [\* \* \*]<sup>5</sup>, <sup>6</sup>[section 62, section 64-A Section 65] may be investigated into without the order of a Magistrate, and that any warrant issued by the Collector under section 51 or section 52 may be executed by any officer selected by the Collector for that purpose.

<sup>7</sup>[**55. Certain offences to be non-bailable –** All offences punishable under sub-section (2) of section 60, section 62 and section 64-A, shall be non-bailable within the meaning of the Code of Criminal Procedure, 1973.]

**56. Duty of officers of certain departments to report offences and to assist officers of the Excise Department –** Every officer of the police, salt, opium and land revenue department shall be bound to give immediate information to an [officer of the Excise Department]<sup>8</sup> of all breaches of any of the provisions of this Act which may come to his knowledge, and to aid, any [officer of the Excise Department]<sup>8</sup> in carrying out the provisions of this Act upon request made by such officer.

**57. Duty of owner, occupier, lekhpal or village policeman to report certain matters –** Every person who owns or occupies any land or building and the agent of such owner or occupier, on or in which there has been any unlawful manufacture of any intoxicant, or any unlawful cultivation or collection of any plants from which an intoxicating drug can be produced, and every owner of a vessel or vehicle in which any intoxicant is manufactured contrary to the provisions of this Act, and every lekhpal or village policeman in whose jurisdiction such land or building is situated or vessel or vehicle is found, shall, in the absence of reasonable excuse be bound to give notice of the same to a Magistrate or to an officer of the excise, police or land revenue department immediately the same comes to his knowledge.]<sup>1</sup>

**58. Duty of officer-in-charge of police station to take charge of articles seized –** Every officer-in-charge of a police station shall take charge of and keep the safe custody, pending the orders of a Magistrate or of the Collector, all articles seized under this Act which may be delivered to him, and shall allow any [officer of the Excise Department]<sup>2</sup> who may accompany such articles to the police station or may be deputed for the purpose by his superior officer, to affix his seal on such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer-in-charge of the police station.

**59. Power to close shops for the sake of public peace –** The District Magistrate by notice in writing to the licensee may require that any shop in which any [intoxicant]<sup>3</sup> is sold shall be closed at such times or for such period as he may think necessary for the preservation of the public peace.

If a riot of unlawful assembly is apprehended or occurs in the vicinity of any such shop, a Magistrate of any class or any police officer above the rank of constable who is present, may require such shop to be kept closed for such period as he may think necessary;

Provided that where any such riot or unlawful assembly occurs the licensee required, in the absence of such Magistrate or police officer, close his shop without any order.