

REFERENCE POLICE NOTICE PARA NO.36/08, PART-III, DATE 02.12.2008

Subject :- Breaches by Prohibition and
Excise licensee under the
Bombay Prohibition Act, 1949
Action to be taken for the

GOVERNMENT OF MAHARASHTRA
HOME DEPARTMENT
NO. FLR. 2781/15-PRO-3,
Mantralaya, Bombay - 400 032.
Dated the 20th April, 1982.

CIRCULAR

A point was raised recently as to whether cases under the Bombay prohibition act, 1949 should or should not be detected and registered by the police against the licensees holding Excise Licence under the Bombay prohibition Act, 1949 and the rules framed thereunder, in case there is definite information with the police Department that they are selling types of liquor not covered by their licenses. The position relating to the action required to be taken by the police against these licensees has been made very clear in the circular memorandum no.C/5414/74, dated 4th May 1974 issued by the Inspector general of police, Maharashtra state, Bombay. A Copy of that circular is attached. These instructions require that cases involving breaches of licence or matters which can be dealt with by the Prohibition and Excise Department are left to law or departmental rules, as the case may be. Normally cases involving breach of rules and condition of licence are dealt with departmentally as per provisions contained in section 54 of the Act for cancellation or suspension of licence of section 104 abid for imposition of penalty. The officers of the Prohibition and Excise Department have been invested with powers of investigation and prosecution. It is open to them to take recourse to the penal action and prosecution of the licensee as well, if need be. In order that the instructions already issued do not escape notice due to passage of time and to remove any misgivings in this regard Government is pleased to reiterate that the police should not register offences against the excise licensees for breach of rules or conditions of licence and complaints, if any, received by them against the excise licensees should be reported to the nearest Prohibition and Excise Officer for suitable action according to law or departmental rules as the case may be.

By order and in the name of the Government of Maharashtra,

Sd /-

(M.V.Kulkarni)

Assistant Secretary to the Government of Maharashtra
Home Department

*Police Notice
Dated. 02.12.2008.*

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Circular memorandum No.
C/5414/74, Bombay, 4th May, 1974

Sub : Alleged interference of
Police in the matters
Concerned with Prohibition
& Excise Department.

Circular Memorandum :

It appears from the representation recently made by the Prohibition and Excise Department to Government that the exact position relating to the action needed by Police against Abkari licensees committing breaches of conditions of their licenses is not properly understood by some Police Officers who happen to visit shops where sale of intercants is carried on. In this connection it is to be reiterated that the Prohibition and Excise Department alone has to deal with such breaches, and in a Police Officer come to know of any breach by a licence, he should report case to the nearest Prohibition & Excise Officers, and thereby render necessary Co-operation to that department despite the fact that the responsibility of the Police subsequently has vastly increased for prevention and desecelen of offences since the Bombay Prohibition Act, 1949 came into force.

It is, therefore, directed that suitable instructions in the light of the above stated position may please be issued to the subordinate Police Officers to ensure that in future when breaches of licenses are involved of matters which can be dealt with by the Prohibition and Excise Department such items are left to that department for action according to law or departmental rules, as the case may be.

Sd/-
for Inspector General of Police,

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