


ગુજરાત વટહુકમ નં.૦૨/૨૦૨૪

ગુજરાત નશાબંધી (સુધારા) વટહુકમ, ૨૦૨૪ અંગે નિવેદન નિવેદન

ગુજરાત નશાબંધી અધિનિયમ, ૧૯૪૯ની કલમ ૯૮ ની પેટા-કલમ (૨) ની વિધમાન જોગવાઈથી, કોઈ કેફી પદાર્થ, ભાંગ-ગાંજા, મહુડાના કુલો વગેરે લઈ જતા પશુઓ, ગાડાં, વહાણો અથવા બીજા વાહનો જેવી વસ્તુઓને જમ કરવાની અને જમ થયેલા દારૂનો જથ્થો, નિયમોથી ઠરાવ્યા પ્રમાણેના જથ્થા કરતા વધુ હોય, ત્યારે કોર્ટના આખરી ચુકાદા સુધી, બોન્ડ અથવા જામીન પર તેને મુક્ત કરવો જોઈશે નહિ તે માટેની જોગવાઈ કરી છે. આ સંદર્ભમાં, આ રીતે સરકાર દાખલ કરેલા વાહનો માલિકોને પરત કરી શકાતા નથી અને તે કેસના આખરી ચુકાદા સુધી પોલીસ સ્ટેશન અથવા કોર્ટ કમ્પાઉન્ડમાં વણવપરાયેલા પડી રહે છે અને આ સંજોગોમાં, વાહનોની સ્થિતિ બગડતી જાય છે. આ પરિસ્થિતિને હલ કરવા માટે, સદરહું પેટા-કલમ (૨) સુધારવાનું જરૂરી જણાયુ છે જેથી કરીને, ઠરાવ મારફત આવા વાહનોનો નિકાલ કરી શકાય.

ગુજરાત વિધાનસભાનું સત્ર ચાલુ ન હોવાથી, ઉપર્યુક્ત ઉદ્દેશ સિદ્ધ કરવા માટે, ગુજરાત નશાબંધી અધિનિયમ, ૧૯૪૯ સુધારવા માટે, ગુજરાત નશાબંધી (સુધારા) વટહુકમ ૨૦૨૪ પ્રસિદ્ધ કરવામાં આવેલ છે.


(હર્ષ સંઘવી)

Gujarat Ordinance No. 2/2024

Statement of Reasons for The Gujarat Prohibition (Amendment) Ordinance, 2024

STATEMENT

Existing provision of sub-section (2) of section 98 of the Gujarat Prohibition Act, 1949 provides for the confiscation of things such as animals, carts, vessels or other conveyances carrying any intoxicant, hemp, mhowra flowers, etc. shall not be released on bond or surety till the final judgment of the court where the quantity of the seized liquor exceeds the quantity as prescribed by rules. In view of this, the vehicles so confiscated cannot be returned to the owners and they remain unused in the police station or in the court compound till the final judgement of the case and in these circumstances, the condition of the vehicles becomes deteriorated. To overcome this situation, it is considered necessary to amend said sub-section (2) so as to dispose of such vehicles by way of auction.

As The Legislative Assembly Of State Of Gujarat is not in session, the Gujarat Prohibition (Amendment) Ordinance, 2024 is promulgated to amend the Gujarat Prohibition Act, 1949 to achieve the aforesaid object.



(Harsh Sanghavi)

Extra No. 8



सत्यमेव जयते

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PART IV

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

HOME DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 31st July, 2024.

GUJARAT ORDINANCE NO. 2 OF 2024.

AN ORDINANCE

further to amend the Gujarat Prohibition Act, 1949.

WHEREAS the Legislative Assembly of the State of Gujarat is not in Session;

Bom. XXV
of 1949.

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Prohibition Act, 1949;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely: -

1. *Short title and commencement.* - (1) This Ordinance may be called the Gujarat Prohibition (Amendment) Ordinance, 2024.
(2) It shall come into force at once.
2. *Bom. XXV of 1949 to be temporarily amended.* - During the period of operation of this Ordinance, the Gujarat Prohibition Act, 1949 (hereinafter referred to as "the principal Act"), Bom. XXV of 1949, shall have effect subject to the amendment specified in sections 3.
3. *Amendment of Section 98 of Bom. XXV of 1949.*- In the principal Act, in section 98, in sub-section (2), for the words "but it shall not be released on bond or surety till the final judgment of the Court where the quantity of the seized liquor is exceeding the quantity as may be prescribed by the rules", the words "and the vehicle so confiscated may be auctioned before the final judgment in the manner as may be prescribed, with the permission of the Court where the quantity of the seized liquor exceeds such quantity as may be prescribed; and in such cases the Deputy Superintendent of Police shall be the competent authority for such auction" shall be substituted.

STATEMENT

Existing provision of sub-section (2) of section 98 of the Gujarat Prohibition Act, 1949 provides for the confiscation of things such as animals, carts, vessels or other conveyances carrying any intoxicant, hemp, mhowra flowers, etc. shall not be released on bond or surety till the final judgment of the Court where the quantity of the seized liquor exceeds the quantity as prescribed by rules. In view of this, the vehicles so confiscated cannot be returned to the owners and they remain unused in the police station or in the court compound till the final judgment of the case and in these circumstances, the condition of the vehicles becomes deteriorated. To overcome this situation, it is considered necessary to amend said sub-section (2) so as to dispose of such vehicles by way of auction.

As the Legislative Assembly of State of Gujarat is not in session, the Gujarat Prohibition (Amendment) Ordinance, 2024 is promulgated to amend the Gujarat Prohibition Act, 1949 to achieve the aforesaid object.

Gandhinagar,
Dated the 26th July, 2024.

ACHARYA DEVVRAT,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

A. K. RAKESH,
Additional Chief Secretary to Government.



Signature valid

Signed by: BHOLUSINGH THAKUR
Date: 2024.08.01 18:46:38 +05:30
Reason: Validate Document
Location: Government Central Press,
Gandhinagar

Government Central Press, Gandhinagar.