

**THE GUJARAT PROHIBITION (AMENDMENT) BILL, 2024.**

**GUJARAT BILL NO. 06 OF 2024.**

***A BILL***

*further to amend the Gujarat Prohibition Act, 1949.*

It is hereby enacted in the Seventy-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prohibition (Amendment) Act, 2024.  
(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short title and commencement.**

**Amendment of  
Section 98 of  
Bom. XXV of  
1949.**

2. In the Gujarat Prohibition Act, 1949, 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.

**Bom. XXV of  
1949.**

## **STATEMENT OF OBJECTS AND REASONS**

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, the State Government considers it necessary to amend said sub-section (2) so as to dispose of such vehicles by way of auction. *Clause 2* of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid object.

**(HARSH SANGHAVI)**

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in following respects:-

**Clause 1.-** Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

**Clause 2.-** Sub-section (2) of section 98 proposed to be amended by this clause empowers the State Government to prescribe by rules, the manner in which confiscated vehicles may be auctioned by the Deputy Superintendent before the final judgment, with the permission of the Court, where the quantity of the seized liquor exceeds the quantity as prescribed by the rules; it also

empowers the State Government to prescribe by rules, the quantity of seized liquor exceeding for which the vehicle shall be confiscated.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 23<sup>rd</sup> February, 2024.

**(HARSH SANGHAVI)**

*ANNEXURE***EXTRACT FROM THE GUJARAT PROHIBITION ACT, 1949.****(Bom. XXV of 1949)**

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**Things liable  
to confiscation.****98. (1)           XXX                                   XXX                                   XXX**

(2) Any receptacle, package or covering in which any of the articles liable to confiscation under sub-section (1) is found and the other contents of such receptacle, package or covering and the animals, carts, vessels or other conveyances used in, carrying any such article shall like-wise be liable to confiscation by the order of the Court. but it shall not be released on bond or surety till the final judgement of the Court where the quantity of the seized liquor is exceeding the quantity as may be prescribed by the rules.





**GUJARAT LEGISLATURE SECRETARIAT**

**GUJARAT BILL NO. 06 OF 2024.**

*A BILL*

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**[ SHRI HARSH SANGHAVI,  
MINISTER OF STATE FOR HOME]**

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**D.M.Patel,  
Secretary,  
Gujarat Legislative Assembly.**