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## **EXTRA ORDINARY**

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#### **NOTIFICATION**

No. H. 12018/67/96-LJD, the 23rd April, 1999. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Liquor Total Prohibition (Amendment) Act, 1999.

The Mizoram Act No. 3 of 1999.

(Received the assent of the Governor of Mizoram on the 12th April, 1999).

#### **AN ACT**

to amend the Mizoram Liquor Total Prohibition Act, 1995 (herein referred to as the Principal Act) and to make the Act more effective in its implementation.

Be it enacted by the Legislative Assembly of the State of Mizoram in the Fiftieth Year of the Republic of India as follows.

- Short title, extent and commencement.
1. (1) This Act may be called the Mizoram Liquor Total Prohibition (Amendment) Act, 1999.
  - (2) It shall have the like extent as the principal Act.
  - (3) It shall come into force on such date as the State Government may, by notification in the official Gazette appoint and different date may be appointed for different areas.
2. (1) In the principal Act, in sub-section (1) of section 2, after clause (f), the following clause shall be inserted as sub-

clause (i) of clause (f) namely—

(i) "Excise Station" means any post or place declared generally or specially by the Government, to be an Excise Station, and it shall include any local area specified by the Government in this behalf;

(2) after clause (k), the following clause shall be added as sub-clause (i) of clause (k) namely—

(i) "Officer-in-charge of an Excise Station" means an Excise Officer who is in-charge of an Excise Station and includes an Excise Officer posted at the Station who is next in rank to such Officer and is above the rank of Constable or, when the Government so directs, any other Excise Officer so present;

Amendment  
of section 6

3. In section 6 of the principal Act, for the words—".. all officers including the Officer of the Police and other Departments .." the words —" .. all Officers of other Departments excluding the Officers of the Police Department .." shall be substituted.

Amendment  
of section 29

4. In section 29 of the principal Act, for the word, "Government," the word "Commissioner", shall be substituted.

Bar of appli-  
cation of sec-  
tion 360 of  
the Code of  
Criminal Pro-  
cedure, 1973  
and of the  
Probation of  
Offenders  
Act, 1958

5. After section 39 of the Principal Act, the following section shall be inserted as section 39-A namely—  
"39-A. Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) or in the Probation of Offenders Act, 1958 (20 of 1958), shall apply to a person convicted of an offence under this Act, unless such person is an infirm, old aged or under eighteen years of age".

Amendment  
of sub-sec-  
tion (1) of  
section 50

6. In sub-section (1) of section 50 of the principal Act, for the words— "not below the rank of Sub-Inspector" the words— "not below such rank as may be prescribed by the Government", shall be substituted.

Amendment  
of sub-section  
(1) of section  
53

7. In sub-section (1) of section 53 of principal Act, the words and expressions.. "or an officer of the Excise Department not below the rank of superintendent of Excise, as the case may be" occurring in between the words — "first class" and "may issue" shall be deleted.

- Amendment of sub-section (1) of section 54 8. In sub-section (1) of section 54 of the principal Act, for the words — “not below the rank of Sub-Inspector”, the words—“not below such rank as may be prescribed by the Government”, shall be substituted.
- Arrest by private person and procedure on such arrest 9. After section 55 of the principal Act, the following section shall be inserted as section 55-A, namely— “55A. Any private person or persons may arrest or cause to be arrested any person who, in his/their presence commits a non bailable and cognizable offence under this Act, and, without unnecessary delay, shall make over or cause to be made over any person so arrested to the Excise or Police Officer, or, in the absence of the Excise or Police Officer, take such person or cause him to be taken in custody to the nearest Excise Station or Police Station”.
- Amendment of section 58. 10. In section 58 of the principal Act, for the word—“Collector”, the words “Officer-in-charge of an Excise Station or Police Station,” shall be substituted.
- Offences cognizable and non-bailable 11. After section 58 of the principal Act, the following section shall be inserted as section 58-A namely —  
 “58-A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974)—  
 (a) every offence punishable under this Act shall be cognizable;  
 (b) no person accused of an offence punishable for a term of imprisonment of three years or more under this Act shall be released on bail or on his own bond unless—  
 (i) the prosecutor has been given an opportunity to oppose the application for such release, and  
 (ii) where the Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail”.
- Amendment of section 59 12. In sub-section (2) of section 59 of the principal Act, for the words,—“for a district or part thereof and for such period as it may deem fit, Prohibition Committees consisting of official and non-official residents of the district” the following words shall be substituted, namely—

“for every District, Sub-Division, Block, Village or area, and for such period as it may deem fit, Prohibition Committees consisting of such officials and non-officials posted or residing in such District, Sub-division, Block, Village or area, as may be prescribed by the Government”.

P. Chakraborty,  
Secretary to the Government of Mizoram,  
Law & Judicial Department.