

THE ANDHRA PRADESH PROHIBITION ACT, 1995
ACT No. 17 OF 1995

ARRANGEMENT OF SECTIONS

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THE ANDHRA PRADESH PROHIBITION ACT, 1995

ACT No. 17 OF 1995

(20th February, 1995)

¹[AN ACT TO INTRODUCE PROHIBITION OF THE MANUFACTURE, SALE AND CONSUMPTION OF ARRACK AND REGULATION OF THE MANUFACTURE, SALE AND CONSUMPTION OF OTHER INTOXICATING LIQUORS IN THE STATE OF ANDHRA PRADESH AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO:]

Whereas, article 47 of the Constitution of India enjoins that the State shall endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks which are injurious to health;

²[AND WHEREAS, there is urgent need in public interest to bring about the prohibition of the manufacture, sale and consumption of arrack and regulation of the manufacture, sale and consumption of other intoxicating liquors in the State of Andhra Pradesh:]

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-sixth Year of the Republic of India as follows:-

CHAPTER - I PRELIMINARY

1. Short title, extent and commencement – (1) This Act may be called the Andhra Pradesh Prohibition Act, 1995.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. Definitions - In this Act, unless the context otherwise requires,-

³[(1) 'arrack' means country liquor including arrack brewed, coloured, flavoured or spiced.]

⁴ [(1A)] 'buy' or 'buying' includes any receipts including gift;

⁵[(1B) "Boot Legging Offence" means manufacturing, storing, transporting, importing, exporting, selling of illicitly distilled alcoholic liquor, intoxicating drug or other intoxicant, illegally or clandestinely without a valid license in contravention of the provisions of the A.P Excise Act, 1968.

Explanation: For the purpose of this clause "Boot Legging Offence" shall also include knowingly or clandestinely supplying of any raw materials, vessels, receptacles or any substance which is though not expressly prohibited.]

(2) 'Collector' means the Collector of a district and includes the joint Collector or any person appointed by the Government to exercise the powers and perform the functions of a Collector under this Act;

1. Substituted by Act No.5 of 1997, section 2.

2. Substituted by Act No.5 of 1997, section 3.

3. Clause inserted by Act No.5 of 1997, section 4.

4. Clause renumbered by Act No.5 of 1997, section 4.

5. The clause 1B was inserted by the Act No. 18 of 2020, section 2.

(3) 'Commissioner' means the Commissioner of Prohibition and Excise appointed under section 3 of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968);

(4) 'foreign liquor' includes every liquor imported into India, other than Indian Made Foreign Liquor;

(5) 'Government' means the State Government;

(6) 'Indian Liquor' means liquor produced, manufactured or compounded in India after the manner of gin, brandy, whisky or rum imported from foreign countries and includes 'milk punch' and other liquors consisting of or containing any such spirits, but does not include foreign liquor;

¹ [(7) 'liquor' includes,-

(a) spirits of wine, denatured spirits, methylated spirits, rectified spirits, wine, beer, toddy and every liquid consisting of or containing alcohol; and

(b) any other intoxicating substance which the Government may, by notification, declare to be liquor for the purposes of this Act;]

(8) 'local body' means any Municipal Corporation Municipality, Notified Area, Gram Panchayat, Mandal Parishad, Zilla Parishad, Township or a Cantonment constituted under the relevant law for the time being in force;

(9) 'notification' means a notification published in the Andhra Pradesh Gazette and the term 'notified' shall be construed accordingly;

(10) 'place' includes an open place, a house, club, shed, enclosure, building, shop, tent, vessel, raft and vehicle;

(11) 'police station' includes any place which the Government may, by notification, declare to be a police station for the purpose of this Act;

(12) 'prescribed' means prescribed by rules made under this Act;

(13) 'Prohibition Officer' means the Commissioner, a Collector or any Officer or other person to whom the Commissioner or the Collector ²[an Executive Megistrate] delegates his powers or functions under section 6 ³[and includes the Commissioner of Special Enforcement Bureau or any other officer employed/posted in Special Enforcement Bureau or invested with powers under the relevant provisions of this Act];

(14)'sale' or 'selling' includes any transfer including gift;

⁴[(14-A) 'Special Enforcement Bureau' means the Department of Special Enforcement Bureau.]

⁵(15) [XXXX]

(16) words and expressions used in this Act but not defined shall have the meanings assigned to them in the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968).

CHAPTER - II ESTABLISHMENT AND CONTROL

¹. The clause 7 was substituted by the Act No. 5 of 1997, section 4.

². The words were inserted by the Act No. 18 of 2020, section 2.

³. The words were inserted by the Act No. 18 of 2020, section 2.

⁴. The clause 14-A was inserted by the Act No. 18 of 2020, section 2.

⁵. The clause 15 was omitted by the Act No.35 of 1995, section 4.

3. Appointment of Commissioner - The Commissioner of Prohibition and Excise for the State appointed under section 3 of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968) shall, subject to the general or special orders of the Government in this behalf, be, the Chief controlling authority in all matters connected with the administration of this Act.

4. General control of Commissioner over Collectors - The Collector shall exercise the powers and perform the functions assigned by or under this Act subject to the general control of the Commissioner.

5. Officers and staff - The officers and staff referred to in section 5 of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968) shall be deemed to be officers and staff appointed also for the purposes of giving effect to this Act and for this purpose it shall be competent for the Government to give such directions and to make such rules as they may deem fit with regard to their powers and functions.

6. Delegation - For purposes of giving effect to this Act, the Commissioner, ¹[the Collector, the Assistant Commissioner of Prohibition and Excise] or the Prohibition and Excise Superintendent may, by order, delegate to any officer subordinate to him any of the powers conferred on or functions entrusted to the Commissioner, ¹[the Collector or the Assistant Commissioner of Prohibition and Excise] or the Prohibition and Excise Superintendent by or under this Act, subject to such restrictions and control as may be prescribed, and subject all of such limitations and conditions, if any, as may be specified in the order of delegation.

CHAPTER-III PROHIBITION AND PENALTIES

7. Prohibition of selling, buying and consumption of liquor - The selling, buying, being in possession and consumption of liquor, otherwise than in accordance with the provisions of this Act, or as the case may be, the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968) is hereby prohibited.

²[7A. Prohibition of Production etc., of arrack - The production, manufacture, storage, possession, collection, purchase, sale and transport of arrack is hereby prohibited.]

³["7-B. Prohibition of Boot Legging Activities: The manufacturing, transporting, setting, buying, importing, exporting or storing of any alcoholic liquor and supplying or transporting of any raw materials for the manufacture of alcoholic liquor illegally or clandestinely, otherwise than in accordance with the provisions of the A .P. Excise Act, 1968 is hereby prohibited."]

8. Punishment for buying, selling consumption of liquors - Whoever,-

(a) ⁴[xxxx] consumes any liquor except ⁵[in accordance with the provisions of this Act or the Andhra Pradesh Excise Act, 1968], or the terms of any rule, notification order, licence or permit issued thereunder shall be punished with imprisonment for a term which may extend upto six months or with fine which may extend upto one thousand rupees or with both;

1. The words substituted by the Act No.35 of 1995, section 5.

2. The section 7A inserted by the Act No. 5 of 1997, section 5.

3. The section 7B inserted by the Act No. 18 of 2020, section 3.

4. The words "buys, or" omitted by the Act No.35 of 1995, section 7.

5. The words substituted by the Act No. 5 of 1997, section 6.

(b) ¹[possesses, collects, buys, ²[sells, transports,] produces or manufactures any liquor other than arrack except in accordance with the provisions of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968) or the terms of any rule, notification, order, licence or permit issued thereunder] shall be punished,-

³[(i) with imprisonment for a term which shall not be less than six months but which may extend upto ⁴[eight years] and with fine which shall not be less than rupees two lakhs for the first offence and which shall not be less than rupees five lakhs for the second offence”:]

⁵[⁶(ii)] where the commission of any offence either ⁷[under sub-sub-clause (i)] is a betted, the abettor shall be liable for punishment with imprisonment and with fine of either description as provided therein.]

(c) having obtained a license or permit granted under the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968), ⁸[sells any liquor other than arrack] otherwise than in accordance with the provisions of this Act or terms of any rule, notification, order, license or permit issued there under shall be punished with imprisonment for a term which may extend upto six months or with fine which may extend upto rupees one thousand or with both;

(d) allow consumption of ⁹[arrack] upon premises in his immediate possession shall be punished with imprisonment for a term which may extend upto ¹⁰[three years or with fine which may extend upto ten thousand rupees] or with both.

¹¹[(e) contravenes the provisions of section 7A shall on conviction be punished with imprisonment for a term which shall not be less than one year but which may extend upto ¹²[eight years] and with fine which shall not be less than ¹³[rupees two lakhs for the first offence and which shall not be less than rupees five lakhs for the second offence.]]

¹⁴[8-A. Penalty for manufacture or storage of illicitly distilled alcoholic liquor:- whoever in contravention of Section 7-B of this Act indulges in the manufacture or storage of illicitly distilled alcoholic liquor shall be punished with imprisonment for a term which shall not be less than three years but which may extend upto eight years and with fine which shall not be less than rupees two lakhs for the first offence and which shall not be less than rupees five lakhs for the second offence;

8-B. Penalty for sale, export, import and transport of alcoholic liquor manufactured illegally and clandestinely:- whoever in contravention of section 7-B of this Act indulges in sale, export, import or transport of illicitly distilled alcoholic liquor shall on conviction be liable for imprisonment for a

1. The words substituted by the Act No.35 of 1995, section 7.

2. The words substituted by the Act No. 5 of 1997, section 6

3. The clauses i and ii substituted by the Act No. 5 of 2020, section 2.

4. The words inserted by the Act No. 18 of 2020, section 4.

5. The clause inserted by the Act No.35 of 1995, section 7.

6. The sub-clause iii renumbered as sub-clause ii by the Act No. 5 of 2020, section 2.

7. The words inserted by the Act No. 5 of 2020, section 2

8. The words substituted by the Act No. 5 of 1997, section 6.

9. The word substituted by the Act No. 5 of 1997, section 6.

10. The words substituted by the Act No.35 of 1995, section 7.

11. The clause added by the Act No.35 of 1995, section 7.

12. The words inserted by the Act No. 18 of 2020, section 4.

13. The words substituted by the Act No. 5 of 2020, section 2.

14 Sections 8-A, 8-B, and 8-C inserted by the Act No. 18 of 2020, section 5.

term which shall not be less than one year but which may extend upto eight years and with fine which shall not be less than rupees two lakhs for the first offence and which shall not be less than rupees five lakhs for the second offence;

8-C. Penalty for Conspiracy: When two or more persons agree-

- (a) to commit any offence punishable under this Act, or
- (b) to commit breach of condition(s) of licence, permit etc., each of such person shall on conviction be liable for the punishment in the same manner as if he had abetted such offence.]

9. Punishment for being found in a state of intoxication - Whoever is found in a state of intoxication in and public place ¹[otherwise than as permitted under any law], shall be ²[punishable with imprisonment which shall not be less than two months but which may extend upto ³[one year, or with fine] which may extend upto two thousand rupees], or with both.

⁴ [Explanation:- For the purposes of this section "intoxication" means a state state of mind and behavior in which a person is incapable of knowing the nature of his actions or incapable of judging the consequences thereof by reason of intoxication.]

10. Punishment for abetment of escape of persons arrested, etc - Any officer or person exercising powers under this Act, who,-

- (a) unlawfully releases or abets the escape of any person arrested under this Act ⁵[xxxx].
- (b) acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything where by any of the provisions of this Act may be evaded or broken ⁶[xxxx] shall be punished with imprisonment which may extend upto six months, or with fine which may extend up to five hundred rupees, or with both.

11. Punishments for offences not otherwise provided for - Whoever is guilty of any willful act or intentional omission in contravention of any of the provisions of this Act or of any rule, notification or order made thereunder and not otherwise provided for in this Act, shall be punishable with fine which may extend upto five hundred rupees.

⁷[11-A. Grant of bail- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 no Court shall grant any bail to any person accused of an offence under ⁸[sub-clause (i) or sub-clause (ii) or sub-clause (iii) of clause clause (b) or under clause (e) of section 8, section 8-B or section 8-C] unless the prosecuting officer is given an opportunity to oppose the application and the Court shall record reasons while granting the bail.]

⁹[11-B. Compounding of Offences- (1) The Collector or any Prohibition and Excise Officer ¹⁰[or any officer or Special Enforcement Bureau] specially empowered in that behalf may accept from any person who is reasonably suspected of having committed an offence falling under ¹¹[clause (a) of section

¹. The words substituted by Act No. 5 of 1997, section 7.

². The words substituted by Act No. 35 of 1995, section 8.

³. The words substituted by Act No.23 of 2000, section 3.

⁴ The explanation added by Act No. 35 of 1995, section 8.

⁵. The words "abets the commission of any offence against this Act, or" omitted by Act No. 35 of 1995, section 9.

⁶. The words "and any other officer of the Government or of a local body who abets the commission of any offence against this Act" omitted by Act No. 35 of 1995, section 9.

⁷. Section 11-A inserted by Act No. 35 of 1995, section 10.

⁸. Inserted by Act No. 18 of 2020, section 6.

⁹. Section inserted by Act No. 23 of 2000, section 4.

¹⁰. Inserted by Act No. 18 of 2020, section 7.

¹¹. Inserted by Act No. 18 of 2020, section 7.

8 or section 9], a sum of money as may be prescribed but not exceeding the maximum fine which can be imposed for the offence under the provisions of the Act, by way of compensation for the offence which may have been committed and in all cases in which any property has been seized as liable for confiscation under this Act, may release the same on payment of the value thereof as estimated by such officer:

Provided that where the property so seized is a liquor produced or manufactured in contravention of this Act, such liquor shall not be released but shall be disposed of in such manner as may be prescribed:

Provided further that such sum of money shall not be accepted from any person who is reasonably suspected of having committed an offence under sub-clause (i) of clause (b) of section 8 without the prior approval of the Commissioner of Prohibition and Excise ¹[and/ or Commissioner of Special Enforcement Bureau].

(2) On the payment by the person the sum of money or the value or both, as the case may be, such person, if in custody shall be set at liberty, and all the property seized may be released and no proceedings shall be instituted or continued against such person in any Criminal Court. The acceptance of compensation shall be deemed to amount to an acquittal and in no case any further proceedings be taken against such person or property with reference to the same act.]

12. Things liable to confiscation. - Without prejudice to the powers of the Excise Officers under section 46 of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968), in case in which an offence has been committed against this Act, the liquor by means of which the offence has been committed shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same.

13. Confiscation of things by prohibition and Excise Officers in certain cases - ²[(1) Notwithstanding anything contained in this Act or in any other law for the time being in force where, anything liable for confiscation under section 12 is seized and detained under the provisions of this Act, the officer seizing and detaining such property shall without any unreasonable delay, produce the said seized property before the Deputy Commissioner of Prohibition and Excise ³[and/or the Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or Executive Magistrate] who has jurisdiction over the area.

(2) On production of the said seized property under sub-section (1), the Deputy Commissioner of Prohibition and Excise ¹[and / or the Deputy Commissioner of Special Enforcement Bureau and / or the Superintendent of Police or Executive Magistrate] if satisfied that an offence under this Act has been committed may whether or not a prosecution is instituted for the commission of such an offence, order confiscation of such property:

⁴[Provided that the Deputy Commissioner of Prohibition and Excise ¹[and / or or the Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or Executive Magistrate] specially empowered in that behalf may accept such sum of money as may be prescribed in lieu of confiscation and release the animals or vessels or carts or other vehicles reasonably suspected of involvement in any offence falling under sub-clause (i) of clause (b) of section 8 of this Act.]

¹. Inserted by Act No. 18 of 2020, section 7.

². Section substituted by Act No. 35 of 1995, section 11.

³. Inserted by Act No. 18 of 2020, section 8.

⁴. Proviso added by Act No. 23 of 2000, section 5.

(3) While making an order of confiscation under subsection (2), the Deputy Commissioner of Prohibition and Excise ¹[and / or the Deputy Commissioner of Special Enforcement Bureau and / or the Superintendent of Police or Executive Magistrate] may also order that such of the properties to which the order of confiscation relates which in his opinion need not be preserved; or are not fit for human consumption be destroyed.

(4) Where the Deputy Commissioner of Prohibition and Excise ¹[and/or the Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or Executive Magistrate] after passing an order of confiscation under subsection (2) is of the opinion that it is expedient in public interest so to do, he may order the confiscated property or any part thereof to be sold by public auction or dispose of departmentally.

(5) The Deputy Commissioner of Prohibition and Excise ¹[and/or the Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or Executive Magistrate] shall submit a full report of all particulars of confiscation to the Commissioner of Prohibition and Excise ¹[the District Magistrate or Commissioner of Prohibition and Excise and /or the Commissioner, Special Enforcement Bureau, as the case may be]within twenty four hours of such confiscation.

(6) The Deputy Commissioner of Prohibition and Excise ¹[and/or the Deputy Commissioner of Special Enforcement Bureau and/or the Superintendent of Police or Executive Magistrate] shall, for purposes of this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908(Central Act 5 of 1908) when making enquiries under this section in respect of the following matters, namely:-

(a) receiving evidence on affidavits;

(b) summoning and enforcing the attendance of any person and examining him on oath; and

(c) compelling the production of documents.

13A. Issue of show cause Notice : No order of confiscation of any property shall be made under section 13 unless the person from whom the said property is seized,-

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate such property; and

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice.

13B. Order of confiscation in the absence of offender: When an offence under this Act has been committed but the offender is not known or cannot be found, or when anything liable to confiscation under this Act, and not in the possession of any person cannot be satisfactorily accounted for, the Assistant Commissioner of Prohibition and Excise or the Prohibition and Excise Superintendent ²[or the Assistant Commissioner, Special Enforcement Bureau] may by order confiscate such property:

Provided that no such order shall be made until the expiration of one month, from the date of seizing the goods intended to be confiscated.

¹. Inserted by Act No. 18 of 2020, section 8.

². Inserted by Act No. 18 of 2020, section 10.

13C. Appeal: Any person aggrieved by an order passed by ¹[Executive Magistrate or Deputy Commissioner of Prohibition and Excise and/or the Deputy Commissioner of Special Enforcement Bureau and / or the Superintendent of Police] under section 13 may, within sixty days from the date of passing such order, appeal to the ²[the District Magistrate or Commissioner of Prohibition and Excise or the Commissioner, Special Enforcement Bureau, as the case may be] and Excise, who may after giving reasonable opportunity to the appellant pass such orders as he deems fit.

13D. Order of confiscation not to interfere with other punishments: The order of confiscation under sub-section (2) of section 13 or section 13B shall not prevent from initiation of criminal proceedings against the accused under this Act. The result of criminal proceedings either acquittal or conviction or otherwise under the provisions of this Act, will have no bearing on the order of confiscation passed under this Act.

13E. Bar of Jurisdiction: Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act II of 1974) when the Deputy Commissioner of Prohibition and Excise or the appellate authority is seized with the matter under this Act, no Court shall entertain any application in respect of liquor, any receptacle, package, covering, any animal, cart, vehicle or other conveyance used in carrying such liquor as far as its release, or confiscation is concerned and the jurisdiction of the Deputy Commissioner of Prohibition and Excise or the appellate authority with regard to the disposal of the same shall be exclusive.

13F. Property confiscated when to vest in Government: When an order for confiscation of any property has been passed under section 13 or section 13B and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, as the case may be, shall vest in Government free from all encumbrances.]

14. Police to take charge of articles seized – ²[All officers in charge of police stations shall take charge of and keep in safe custody under seal all articles seized under this Act along with samples which shall also be sealed with the seal of the officer in charge of the police station. The seized property including vehicles involved shall be produced before Executive Magistrate or the Deputy Commissioner of Prohibition and Excise ³[and / or the Deputy Commissioner of Special Enforcement Bureau and / or the Superintendent of Police or Executive Magistrate] having jurisdiction, to take action in accordance with the procedure specified in section 13.]

CHAPTER - IV

⁴[REGULATION OF MANUFACTURE, TRADE ETC. OF LIQUOR

15. Regulation of liquor other than arrack - The production, manufacture, storage, possession, collection, purchase, sale and transport of liquor other than arrack and all other matters connected therewith shall be regulated in accordance with the provisions of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968) or the Andhra Pradesh (Regulation of Wholesale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor) Act, 1993 (Act 15 of 1993), as the case may be and the rules and notifications and orders issued thereunder.]

CHAPTER-V

DETECTION, INVESTIGATION AND TRIAL OF OFFENCES

17. Issue of Search Warrants – ¹[If any Collector, Prohibition Officer ²[or Executive Magistrate or Special Enforcement Bureau Officer] upon information

¹ Inserted by Act No. 18 of 2020, section 10.

². Section substituted by Act No. 35 of 1995, section 12.

³. Inserted by Act No. 18 of 2020, section 11.

⁴. Chapter substituted by Act No. 5 of 1997, section 8.

obtained after such inquiry as he thinks necessary, has reason to believe that an offence under section 7, section 7A ³[section 7-B, section 8 section 8-A, section 8-B or section 8-C] has been committed, he may issue a warrant for a search for any liquor, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed. Any person who has been entrusted with the execution of such a warrant may detain and search, and if he thinks proper, arrest any person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Act and also seize and detain any excisable or other articles which he has reason to believe to be liable to confiscation under this Act.]

18. Powers of entry without search warrant – Whenever a Collector, ⁴[Executive Magistrate], any Prohibition Officer or any Police Officer, ⁵[not below the rank of Sub-Inspector], any officer in charge of a Police Station, ⁶[or any Special Enforcement Bureau Officer not below the rank of Sub-Inspector], has reason to believe that an offence under ⁷[section 7, section 7A ⁸[section 7-B, section 8 section 8-A, section 8-B or section 8-C]] has been committed and that the delay occasioned by obtaining search warrant under section 17 will prevent the execution thereof, he may, after recording the reasons and the grounds of his belief, at any time by day or night enter and search any place and may seize anything found therein 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 any offence under this Act and also seize and detain any excisable or other article which he has reason to believe to be liable to confiscation under this Act.

⁹[XXXX]

19. Powers of entry and inspection -The Collector, ¹⁰[Executive Magistrate, any Prohibition Officer any Special Enforcement Bureau Officer] or any Police Officer, ¹¹[not below the rank of an Sub-Inspector] may enter and inspect at any time by day or by night, any place in which it is reasonably suspected,-

(a) that any liquor is kept for sale or stored ¹²[otherwise than in accordance with the provisions of the Andhra Pradesh Excise Act, 1968, and the rules made thereunder]; or

(b) that an offence under ¹³[section 7, section 7A ¹⁴[section 7-B, section 8 section 8-A, section 8-B or section 8-C]] is being committed;

and may examine, test, measure or weight any material, still, utensil, implement, apparatus or liquor found in such place.

20. Power to use force in case of resistance to entry - If any officer empowered to make an entry under sections 17, 18 and 19 cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place.

1. Section substituted by Act No. 35 of 1995, section 14.

2. Substituted by Act No. 18 of 2020, section 12.

3. Substituted by Act No. 18 of 2020, section 12.

4. Inserted by Act No. 18 of 2020, section 13.

5. Substituted by Act No. 35 of 1995, section 15.

6. Inserted by Act No. 18 of 2020, section 13.

7. Substituted by Act No. 35 of 1995, section 15.

8. Substituted by Act No. 18 of 2020, section 13.

9. Proviso omitted by Act No.35 of 1995, s 15.

10. Substituted by Act No. 18 of 2020, section 14.

11. Substituted by Act No. 35 of 1995, section 16.

12. Added by Act No.5 of 1997, section 9.

13. Substituted by Act No. 35 of 1995, section 16.

14. Substituted by Act No. 18 of 2020, section 14.

21. Arrest of offenders and seizure of contraband liquor and articles without warrant - Any Prohibition Officer ¹[any Executive Magistrate, any Special Enforcement Bureau Officer] or any Police Officer, ²[not below the rank of an Sub-Inspector],-

(a) may arrest without warrant any person found committing an offence punishable under ³[section 7, section 7-A, section 7-B, section 8 section 8-A, section 8-B or section 8-C or section 9];

(b) may seize and detain any liquor or other article which he has reason to believe to be liable to confiscation under this Act; and

(c) may search any person, vessel, vehicle, animal, package, receptacle or covering, upon whom or in which, he may have reasonable cause to suspect any such liquor or other article or to be concealed.

22. Arrest of persons refusing to give name or giving false name -

Any person, who may be accused or reasonably suspected of committing an offence under this Act, and who on demand made by any Prohibition Officer ⁴[any Executive Magistrate, any Special Enforcement Bureau Officer] or any Police Officer ⁵[not below the rank of an Sub-Inspector] refuses to give his name and residence or who gives a name or residence which such officer has reason to believe to be false, may be arrested by such Officer in order that his name and residence may be ascertained.

23. Arrest, search etc., how to be made - Any person arrested under this Act, shall be informed, as soon as may be of the grounds for such arrest and save as otherwise expressly provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (Central Act II of 1974), relating to arrests, detention in custody, searches, summons, warrants of arrests, search warrants, the production of persons arrested and the disposal of things, seized shall apply, as far as may be, to all actions taken in these respects under this Act.

24. Power to Prohibition and Excise Officer ⁶[or Special Enforcement Bureau Officer] in matters of investigation -

(1) Any Prohibition and Excise Officer ⁷[not below the rank of an Sub-Inspector] ⁸[and/ or any Special Enforcement Bureau Officer not below the rank of Sub-Inspector] may, as regards offences under this Act, exercise within such area as may be notified in this behalf, powers conferred on an Officer in charge of a police station by the provision of Code of Criminal Procedure, 1973 (Central Act II of 1974):

Provided that any such power shall be subject to such restrictions and modifications, as may be prescribed.

(2) For the purposes of section 156 of the said Code the area in regard to which a Prohibition and Excise Officer ⁹[and/ or any Special Enforcement Bureau Officer] is empowered under sub section (1) shall be deemed to be a police station and such officer shall be deemed to be the officer-in-charge of such station.

1. Inserted by Act No. 18 of 2020, section 15.

2. Substituted by Act No. 35 of 1995, section 17.

3. Substituted by Act No. 18 of 2020, section 15.

4. The words inserted by the Act No. 18 of 2020, section 16.

5. Substituted by Act No. 35 of 1995, section 18.

6. Inserted by Act No. 18 of 2020, section 17.

7. Substituted by Act No. 35 of 1995, section 19.

8. Inserted by Act No. 18 of 2020, section 17 (ii).

9. Inserted by Act No. 18 of 2020, section 17 (iii).

25. ¹[Cognizance and trial of offences]- Notwithstanding anything contained in the code of Criminal Procedure 1973 (Central Act II of 1974), all offences under this Act, shall be cognizable and provisions of the said code with respect to cognizable offences shall apply to them:

²[Provided that the offences punishable with imprisonment for a term not exceeding two years under this Act shall be tried in accordance with the procedure prescribed in Chapter XXI of the Code of Criminal Procedure, 1973(Central Act 2 of 1974).]

³[25A. Enhanced punishment after previous conviction - If any person after having been previously convicted of an offence punishable under this Act, subsequently commits and is convicted of an offence punishable under this Act, he shall be liable upto twice the punishment which might be imposed on the first conviction under this Act.]

26. Punishment for vexatious search of arrest - Any officer or person exercising powers under this Act who,-

(a) without reasonable ground of suspicion enters or searches or causes to be searched any closed place; or

(b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act; or

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) maliciously and falsely lays information leading to a search, seizure, detention or arrest; or

(e) in any other way maliciously exceeds his lawful powers,

shall be punished with imprisonment which may extend upto six months, or with fine which may extend upto five hundred rupees or with both.

CHAPTER - VI MISCELLANEOUS

⁴[27. [xxxx]]

28. Duty of officials of all Departments and local bodies to assist - Officials of all departments of the Government and of all local bodies shall be legally bound to assist any Prohibition ⁵[any Executive Magistrate or Police, Prohibition or Special Enforcement Bureau Officer] in carrying out the provisions of this Act.

29. Offences to be reported, etc., - Every Official employed by the Government or by any local body other than a ⁶[Executive Magistrate or Police, Prohibition or Special Enforcement Bureau Officer] shall be bound to give immediate information at the nearest police station or ⁷[to a Prohibition Officer to an Executive Magistrate or to a Special Enforcement Bureau Officer] of all breaches of any of the provisions of this Act which may come to his knowledge: and all such officials shall be bound to take all reasonable measures in their

1. Substituted by Act No. 10 of 1996, section 3.

2. Proviso substituted by Act No.5 of 1997, section 10.

3. Section inserted by Act No.10 of 1996, section 4.

4. Omitted by Act No.5 of 1997, section 11.

5. Substituted by Act 18 of 2020, section 18.

6. Substituted by Act 18 of 2020, section 19.

7. Inserted by Act 18 of 2020, section 19.

power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

30. Protection of action taken under this Act - No suit or other legal proceedings shall lie against the Government or any officer or any other person empowered to exercise powers or to perform the functions under this Act for anything in good faith done or intended to be done under this Act.

31. Overriding effect - Save as otherwise provided, the provisions of this Act shall have effect, notwithstanding anything in consistent therewith contained in the provisions of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968) and the rules made thereunder for the time being in force.

¹[31A. Power to remove difficulties: (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may make such orders not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid down before the Legislature of the State.]

32. Savings - Nothing in this Act shall be deemed to preclude,-

(a) the Andhra Pradesh State Beverages Corporation Limited to carry on trade in liquor in accordance with rules made in this behalf;

(b) the buying and selling of liquor carried on by the military canteens in the State under any licence granted in accordance with the provisions of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968) and the rule made thereunder; and

²[(c) the consumption and utilization of medicines, toilet preparations and other food material containing alcohol.]

³[Explanation:- Liquor for the purposes of this section does not include arrack.]

⁴[32A. Transitional provision: (1) Notwithstanding anything contained in the Telangana Prohibition Act, 1995, the Andhra Pradesh Liquor (Issue of Permit and Licence) Rules, 1995, the Indian Contract Act, 1872 or the terms and conditions of any agreement entered into with the licensing authority under this Act or under the said rules, for the grant of all such permits and licences on health grounds on the recommendation of the notified medical authorities specified under the said rules shall stand cancelled in public interest; and accordingly no suit or other proceeding shall be entertained or continued in any court against such permitting or licensing authority or any person or authority what so ever for the enforcement of any terms and conditions of such permit or licence so terminated or for any damages or compensation on the ground that any loss is sustained by the termination thereof before its expiry.

(2) within a period of seven days from the date of commencement of this Act, every licensee shall surrender to the permitting or licensing authority, the entire stock of liquor on the date of such commencement, is in the possession of any holder of any permit or

1. Section inserted by Act No. 35 of 1995, section 20.

2. Substituted by Act No. 35 of 1995, section 21.

3. Explanation added by Act No. 5 of 1997, section 12.

4. Section inserted by Act No. 35 of 1995, section 22.

licence which stood terminated under sub-section (1) on such terms and conditions, as may be prescribed.

(3) All applications made for grant of permit or licence pending before the permitting or licensing authority on the appointed date and every action taken, or enquiry made in respect of such application, shall abate and all fees paid in connection therewith (including the application fee and licence fee, if any) already paid shall be refunded.]

33. Power to make Rules - (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall, immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session, immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agree in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

34. Amendment of Act 17 of 1968 - In the Andhra Pradesh Excise Act, 1968,

(1) In section 1, for sub-section (2), the following shall be substituted, namely;

“(2) It extends to the whole of the State of Andhra Pradesh:

Provided that on and from the date of commencement of the Andhra Pradesh Prohibition Act, 1995 the provisions of this Act shall, in so far as they are inconsistent with the provisions of the said Act cease to operate.”;

(2) In section 5, for sub-section (1) the following shall be substituted, namely:-

“(1) The Government may appoint such number of Additional Commissioners, Joint Commissioners, Deputy Commissioners and Assistant Commissioners of Prohibition and Excise and District Prohibition and Excise Officers and such other officers as they think fit for the purpose of performing the functions respectively conferred on them by or under this Act”;

(3) Throughout the Act for the words “Excise Officer” “Commissioner of Excise”, “Additional Commissioners of Excise”, “Deputy Commissioner of Excise”, “Assistant Commissioner of Excise”, “Excise Superintendent”, “Assistant Excise Superintendent” and “Excise Department”, the words, “Prohibition and Excise Officers”, “Commissioner of Prohibition and Excise”, “Additional Commissioner of Prohibition and Excise”, “Deputy Commissioner of Prohibition and Excise”, “Assistant Commissioner of Prohibition and Excise”, “Prohibition and Excise Superintendent” “Assistant Prohibition and Excise and Superintendent” and “Prohibition and Excise Department” shall respectively be substituted.

35.Repeal Act x of 1937 and Ordinance 19 of 1994 - The Andhra Pradesh (Andhra Area) Prohibition Act, 1937 and the Andhra Pradesh Prohibition Ordinance, 19 of 1994 hereby repealed.