

## The Tripura Excise Act, 1987

<b>Section</b>	<b>Provision</b>
45	<p>Penalty for unlawful import, export, transport, manufacture, possession, sale etc :- If any person, in contravention of this Act, or of any rule, notification or order made, issued or given, or license, permit or pass granted, under this Act-</p> <ul style="list-style-type: none"><li>(a) imports, exports, transports, manufactures, possesses or sells any intoxicant, or</li><li>(b) cultivates, any hemp plant (Cannabis Sativa), or</li><li>(c) collects or sells any portion of the hemp plant (Cannabis Sativa) from which an intoxicating drug can be manufactured or produced ; or</li><li>(d) bottles, any liquor for purposes of sale; or</li><li>(e) works any distillery or brewery ; or</li><li>(f) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus, whatsoever for the purpose of manufacturing any intoxicant other than tari, or</li><li>(g) establishes any distillery, brewery or warehouse, or</li><li>(h) removes any intoxicant from any distillery, brewery, warehouse or other place of storage licensed, established, authorised or continued under this Act, he shall be liable to imprisonment for a term which may extend to two years or to fine which may extend to five thousand rupees, or to both.</li></ul>
46	<b>Offences by Companies :</b>

	<p>(1) where an offence under this Act has been committed by a Company, every person, at the time the offence was committed was in charge of and was responsible to the Company for the conduct of the business of the Company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:  Provided that nothing contained in this sub-section shall render such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section(1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any Director, Manager, Secretary or other Officer of the Company, such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation :—For the purpose of this section. (a) ‘Company’ means anybody corporate and includes a firm or other association of individual, and (b) ‘Director’ in relation to a firm means a partner in the firm.</p>
48	<p>Penalty for altering or attempting to alter any denatured spirit-thousand rupees, or to both.  If any person alters or attempts to alter any denatured spirit, whether manufactured in India or not, with the intention that such spirit may be used for human consumption whether as a beverage, or internally as a medicine, or in any other way whatsoever, by any method whatsoever, or has in his possession any spirit in respect of which he knows or has reason to believe that any such alteration or attempt has been made, he shall be liable to imprisonment for a term which may extend to two years or to fine which may extend to five thousand rupees, or to both.</p>

51	<p>Penalty for adulteration by licensed manufacturer or vendor or his servant :</p> <p>If any licensed manufacturer or licensed vendor, or any person employed by him and acting on his behalf, mixes, or permits to be mixed, with any intoxicant manufactured, sold or kept or exposed for sale by him, any noxious drug or any article prohibited by rule made under section 88, and such mixing does not amount to an offence punishable under section 272 of the Indian penal code (Act XLV of 1860) ; or has in his possession any intoxicant in respect of which such admixture has been made, he shall be liable to imprisonment for a term which may extend to eighteen months, or to fine which extend to three thousand rupees, or to both.</p>
52	<p>Penalty for fraud by licensed manufacturer or vendor or his servant :</p> <p>If any licensed manufacturer or licensed vendor, or any person employed by him and acting on his behalf,</p> <p>(a) sells or keeps or exposes for sale, as foreign liquor, any liquor which he knows or has reason to believe to be country liquor, and such sale does not amount to an offence punishable under section 417 or section 418 of the Indian penal code, or</p> <p>(b)marks any bottle, case, package or other receptacle containing country liquor, or the cork of any such bottle, or deals with any bottle, case, package or other receptacle containing country liquor, with the intention of causing it to be believed that such bottle, case package or other receptacle contains foreign liquor, and such marking or dealing does not amount to an offence punishable under section 482 of the said Indian Penal Code, he shall be liable to imprisonment for a term which may extend to eighteen months or, to fine which may extend to two thousand Rupees or to both.</p>

53	<p>Penalty for certain unlawful acts of licensed vendors or their servants :-</p> <p>(1) If any licensed vendor, or any person in his employees and acting on his behalf,</p> <p>(a) in contravention of section 23 employs or permits to be employed, in any part of his licensed premises referred to in that section, any person under age of 21 years or any doman, or</p> <p>(b) sells any intoxicant to a person who is drunk and intoxicated, or</p> <p>(c) sells or delivers any spirit or intoxicating drug to any persons apparently under the age of twenty one years whether for consumption by such person or by any other person, and whether for consumption on or off the premises of such vendor, or</p> <p>(d) Permits drunkenness, intoxication, disorderly conduct, gambling or gamming on the premises of such vendor, or</p> <p>(e) Permits any person whom he knows or has reason to be believe, to have been convicted of any non-bailable offence, or</p> <p>(f) permits any prostitute to meet, or remain on the premises of such vendor, whether for the purpose of crime or prostitution or not, he shall be liable to fine which may extend to two thousand rupees.</p> <p>(2) When any licensed vendor, or any person in his employ and acting on his behalf is charged with permitting drunkenness or intoxication on the premises of such vendor, and it is proved that any person was drunk or intoxicated on such premises, it shall lie on the person charged to prove that the vendor and the persons employed by him took all reasonable steps for preventing drunkenness or intoxication on such premises.</p>
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54	<p>Penalty for possession of intoxicant in respect of which an offence has been committed:-          If any person, without lawful authority, has in his possession any quantity of any intoxicant, knowing the same to have been unlawfully imported, transported or manufactured, or knowing that the prescribed duty has not been paid thereon, he shall be liable to imprisonment for a term which may extend to twelve months, or to fine which may extend to three thousand rupees, or to both.</p>
55	<p>Penalty for consumption in chemist's shop, etc:-          (1) If any chemist, druggist, apothecary or keeper of a dispensary allows any intoxicant which has not been bonafied medicated for medicinal purpose to be consumed on his business premises by any persons not employed in his business, he shall be liable to imprisonment for a term which may extend to one year or to fine which may extend to three thousand rupees, or to both.          (2) If any person not employed as aforesaid consumers any such intoxicant on such premises, he shall be liable to imprisonment which may extend to three months or to fine which may extend to one thousand rupees, or to both.</p>
56	<p>Penalty for certain acts by licensee or his servants:-          If any holder of a license permit or pass granted under this Act, or any person in his employ and acting on his behalf :          (a) fails to produce such license, permit or pass on the demand of any officer empowered by the State Government, by notification, to make such demand, or            (b) in any case not provided for in section 45 willfully contravenes any rule made under section 88, or            (c) willfully does any act, in breach of any of the conditions of the license, permit or pass, for which a penalty is not prescribed elsewhere in this Act,          he shall be liable, in case (a), to fine which may extend to one thousand rupees, and in case (b) or case (a) to fine which may extend to two thousand rupees.</p>

58	Criminal liability of licensee for acts of servant:- When any offence punishable under section 45, section 51, section 52, section 53, section 54, or section 56 is committed by any person in the employ and acting on behalf of the holder of a license, permit or pass granted under this Act, such holder shall also be punishable in addition to the accused as if he had himself committed the offence, unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence.
59	Imprisonment under section 54 or section 55:- No person other than the actual offender shall be punished under section 57 or section 58 with imprisonment, except in default of payment of a fine.