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### ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 1<sup>st</sup> July, 2020 and the said assent is hereby first published on the 2<sup>nd</sup> July, 2020 in the Andhra Pradesh Gazette for general information:

#### ACT No. 18 of 2020.

#### AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PROHIBITION ACT, 1995.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy-First Year of the Republic of India as follows:-

- |   |                                      |
|---|--------------------------------------|
| <p>1. (1) This Act may be called the Andhra Pradesh Prohibition (Amendment) Act, 2020.</p> <p>(2) It shall be deemed to have come into force with effect on and from the 20<sup>th</sup> May, 2020.</p>   | <p>Short title and commencement.</p> |
| <p>2. In the Andhra Pradesh Prohibition Act, 1995 (hereinafter referred to as the Principal Act), in section 2,-</p> <p>(i) after clause (1A), the following clause shall be inserted, namely,-</p> <p><b>(1 B). "Boot Legging Offence"</b> 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.</p> | <p>Amendment of section 2.</p>       |



**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.

(ii) In clause (13),-

(a) after the words "a Collector", the words "an Executive Magistrate" shall be inserted; and

(b) after the expression "section 6" at the end, the words "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" shall be added.

(iii) after clause (14), the following clause shall be inserted namely,-

**(14-A)** 'Special Enforcement Bureau' means the Department of Special Enforcement Bureau.

Insertion of  
section 7-B.

3. In the principal Act, after section 7-A, the following section shall be inserted, namely,-

**"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."

Amendment of  
section 8.

4. In the principal Act, in section 8,

(i) in clause (b), in sub-clause(i), for the words "five years", the words "eight years" shall be substituted.

(ii) in clause (e), for the words "five years", the words "eight years" shall be substituted.

Insertion of  
sections 8-A, 8-B  
and 8-c.

5. In the principal Act, after section 8, the following sections shall be inserted, namely,-

**"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 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 persons shall on conviction be liable for the punishment in the same manner as if he had abetted such offence."

6. In the principal Act, in section 11-A, for the expression "sub- clause(i) or sub-clause (ii) or sub-clause(iii) of clause (b) or under clause (e) of section 8", the expression "sub-clause (i) or sub-clause (ii) of clause (b) or under clause (e) of section 8, section 8-A, section 8-B or section 8-C" shall be substituted.

Amendment of  
section 11-A.

7. In the principal Act, in section 11-B, in sub-section (1),-

Amendment of  
section 11-B.

- (i) after the words " Prohibition and Excise Officer", the words, "or any officer of Special Enforcement Bureau" shall be inserted.
- (ii) For the expression "clause (a) or sub-clause(i) of clause (b) or the proviso to sub-clause (ii) of clause (b) as it was in force, of section 8 or section 9", the expression "clause (a) of section 8 or section 9" shall be substituted.
- (iii) in the second proviso, after the words "Commissioner of Prohibition and Excise" at the end, the words "and / or Commissioner of Special Enforcement Bureau" shall be added.



Amendment of  
Section 13.

**8.** In the principal Act, in section 13-,

- (i) in sub-sections (1) to (6), after the words "the Deputy Commissioner of Prohibition and Excise" wherever they occur, the words "and / or Deputy Commissioner of Special Enforcement Bureau and / or the Superintendent of Police or the Executive Magistrate" shall be inserted.
- (ii) in sub-section (5), for the words "the Commissioner of Prohibition and Excise", the words "the District Magistrate or Commissioner of Prohibition and Excise and / or the Commissioner, Special Enforcement Bureau, as the case may be" shall be substituted.

Amendment of  
section 13-B.

**9.** In the Principal Act, in section 13-B, after the words "Prohibition and Excise Superintendent", the words "or the Assistant Commissioner, Special Enforcement Bureau" shall be inserted.

Amendment of  
section 13-C.

**10.** In the principal Act, in section 13-C,-

- (i) for the words "the Deputy Commissioner of Prohibition and Excise", the words "Executive Magistrate or Deputy Commissioner of Prohibition and Excise and / or the Deputy Commissioner of Special Enforcement Bureau and / or the Superintendent of Police" shall be substituted.
- (ii) for the words, "Commissioner of Prohibition and Excise", the words "the District Magistrate or Commissioner of Prohibition and Excise or the Commissioner, Special Enforcement Bureau, as the case may be" shall be substituted.

Amendment of  
section 14.

**11.** In the principal Act, in section 14, after the words "the Deputy Commissioner of Prohibition and Excise", the words "and / or the Deputy Commissioner of Special Enforcement Bureau and / or the Superintendent of Police or the Executive Magistrate" shall be inserted.

Amendment of  
section 17.

**12.** In the principal Act, in section 17,-



- (i) for the words "or Magistrate", the words "or Executive Magistrate or Special Enforcement Bureau Officer" shall be substituted.
- (ii) for the expression "or section 8", the expression "section 7-B , section 8, section 8-A, section 8-B or section 8-C " shall be substituted.

**13.** In the principal Act, in section 18,-

Amendment of  
section 18.

- (i) after the words "Whenever, a Collector,", the words "Executive Magistrate" shall be inserted.
- (ii) after the words, "in charge of a police station", the words "or any Special Enforcement Bureau Officer not below the rank of Sub-Inspector" shall be inserted.
- (iii) for the expression "or section 8", the expression, "section 7-B , section 8, section 8-A, section 8-B or section 8-C" shall be substituted.

**14.** In the principal Act, in section 19,-

Amendment of  
section 19.

- (i) for the words "any Prohibition Officer", the words "Executive Magistrate , any Prohibition Officer, any Special Enforcement Bureau Officer" shall be substituted.
- (ii) For the expression "or section 8", the expression "section 7-B , section 8, section 8-A, section 8-B or section 8-C" shall be substituted.

**15.** In the principal Act, in section 21,-

Amendment of  
section 21.

- (i) after the words "Any Prohibition Officer", the words "any Executive Magistrate, any Special Enforcement Bureau Officer" shall be inserted.
- (ii) in clause (a), for the expression "section 8 or section 9", the expression "section 7-B, section 8, section 8-A, section 8-B or section 8-C or section 9" shall be substituted.

**16.** In the principal Act, in section 22, after the words "any Prohibition Officer", the words "any Executive Magistrate, any Special Enforcement Bureau Officer" shall be inserted.

Amendment of  
section 22.



Amendment of  
section 24.

- 17.** In the principal Act, in section 24,-
- (i) in the marginal heading, after the words "Prohibition and Excise Officer", the words "or Special Enforcement Bureau Officer" shall be substituted.
  - (ii) in sub section (1), after the word "Sub-Inspector", the words "and / or any Special Enforcement Bureau Officer not below the rank of Sub-Inspector" shall be inserted.
  - (iii) in sub-section (2), after the words "Prohibition and Excise Officer", the words "and / or Special Enforcement Bureau Officer" shall be inserted.

Amendment of  
section 28.

- 18** In the principal Act, in section 28, for the words "or Police Officer", the words "any Executive Magistrate or Police or Special Enforcement Bureau Officer" shall be substituted.

Amendment of  
section 29.

- 19.** In the principal Act, in section 29,-
- (i) for the words "Police or any Prohibition Officer", the words "Executive Magistrate or Police, Prohibition or Special Enforcement Bureau Officer" shall be substituted.
  - (ii) after the words "to a Prohibition Officer", the words "to an Executive Magistrate or to a Special Enforcement Bureau Officer" shall be inserted.

**GONTU MANOHARA REDDY,**

Secretary to Government,  
Legal and Legislative Affairs & Justice,  
Law Department.