

The Madhya Pradesh Excise (Exercise on Powers to Search without a Warrant) Rules, 2014

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The Madhya Pradesh Excise (Exercise on Powers to Search without a Warrant) Rules, 2014

No. F-B-1-07-2014-2-V (13) . In exercise of the powers conferred by sub-section (1), clause (a) of sub-section (2) and proviso to sub-section (3) of Section 62 read with Section 54 of the Madhya Pradesh Excise Act, 1915 (No. II of 1915), the Government of Madhya Pradesh, hereby, makes the following rules, namely:-

RULES

1. Short title and commencement.- These rules may be called the Madhya Pradesh Excise (Exercise on powers to search without a warrant) Rules, 2014.

(2) They shall come in to force with effect from the date of their publication in the "Madhya Pradesh Gazette"

2. Definitions.— In these rules unless the context otherwise requires,

(a) "Act" means the Madhya Pradesh Excise Act, 1915 (No. II of 1915);

(b) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Exercise of power to search without a warrant by Excise Officers. Every Officer empowered under section 54 of the Act for entering and searching any place without search warrant, shall before entering the place, record the grounds of his belief and satisfaction in Form-A that the offence under Section 34, 35, 36 36A, 36B, 36C, 37, 38, 38A, 39 or 40 has been, is being or is likely to be committed by the accused. He shall hand over a copy of this document to the accused, in whose custody the place is, before the search. This document shall be the part of his case diary.

4. Report to the Collector.—Every Officer shall submit a detailed report in Form-B of the result regarding such search carried out under section 54 of the Act, to the Collector as soon as possible.

5. Monthly submission of Report— Every Officer shall submit a monthly report in Form-C to the Collector about such searches and the results thereof.

6. Savings.—Any action taken under Section 54 of the Act shall, in so far as it is not inconsistent with the provisions of these rules, be deemed to have been taken under the corresponding provisions of these rules.

FORM—A
(See rule 3)

PROCLAMATION ABOUT SEARCH WITHOUT WARRANT

1. Details of information received

[illegible]

2. On the basis of above information I, í í í í í í í í í í í í í í í í í í í (name and designation) believe and satisfy thatí í í í í í íplace (describe Place, house, vehicle, etc) is used/being used as a place for manufacturing/transporting/importing/exporting/collecting/possessing liquor/intoxicant* í í í .. (mention liquor/intoxicant's name). After satisfying myself that the offence under section 34/35/36/36A/36B,.36C/37/38/38M39/ 40* of the Act has been is being or is likely to be committed* shortly, and as a search warrant from a Magistrate can not be obtained without affording the offender an opportunity of escape or of concealing evidence of the offence, I am proceeding to carry out a search operation of the place mentioned above under section 54 of the Madhya Pradesh Excise Act.

Time .

Dated í í ..day of í í ...2014.

Place í í í í .

(Signature) í í í í ..

(Name) í í í í í ...

(Designation) í í í í í í

FORM—B
(See rule 4)
RESULT OF SEARCH UNDER SECTION 54 OF THE ACT

To,

The Collector

I beg to state that under section 54 of Madhya Pradesh Excise Act 1915, I have searched í í .. place details of Place, House, Vehicle etc.) The result of this search is given below :

I. Details of seizure—

*(a) (i) Name of accused (occupier of the Place) í í í í í í í í í í í í í í í í í í í í í í .

(ii) The section of Excise Act under which the offence alleged to be committed í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í ..

(iii) Details of seizure (intoxicant, vehicle etc.) í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í ...

(iv) Brief of the case í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í ..
í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í í ...

*(b) No unauthorized liquor or intoxicant has been seized and the place has been handed over to the occupier.

2. I had recorded the grounds of my belief and satisfaction that the offence under section 34/35/36/36A/36B/ 36C/ 37/38/38A/39/40* had been, was being or was likely to be committed* and a copy of Fromô A had been given to the accused/occupier of the place before the search. A copy of From ô A is attached herewith.

Time .

Dated í í ..day of í í ...2014.

Place í í í í .

(Signature) í í í í ..

(Name) í í í í í ..

(Designation) í í í í í í

FORM—C
(See rule 5)
MONTHLY REPORT OF SEARCHES AND RESULTS THEREOF

Name of month

S. No.	Date of search	Name of accused/occ upier of the Place	Details of Place searched	Search successful of blank search	Details of seizures	Section Of Madhya Pradesh Excise Act	Date on which challan put up in the Court	Decision or current position of the case in the Court
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Place í í í í í í í ..

Date í í í í í í í í

(2)

(Signature) í í í í í í í ..

(Name) í í í í í í í í

(Designation) í í í í í í .