

The Odisha Excise Act, 2005

Section 79 - Power to search :-

1) The Collector or Sub- Divisional Magistrate, or Judicial Magistrate of the first class, or any Special Court constituted under this Act, having jurisdiction to try offences punishable under this Act upon information, received and after such inquiry, if any, as he or it thinks necessary, if he or it has reason to believe that any offence punishable under Section 52, 54, 55, 58, 62, or 63 has been or is likely to be committed or abetted, may by warrant authorize, any Police or Excise Officer above the rank of a Police or Excise Constable, as the case may be, to enter, with such assistance as may be required, any place and search, for any intoxicant, material, stills, utensil, implement or apparatus in respect of which the alleged offence has been, or is likely to be, committed or abetted, or any document which throws or is likely to throw any light on the alleged offence.

(2) Whenever an Excise Officer not below such rank as the State Government may, by notification, specify, has reason to believe that an offence punishable under Section 52, 54, 55, 58, 59, 62 or 63 has been or is being, or is likely to be, committed or abetted, and that a search warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, he may, after recording 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 seizure 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 have committed or abetted.

THE ODISHA EXCISE ACT, 2005 Section 80 - any such offence as aforesaid