

The Rajasthan Excise (Amendment) Act, 2007

Section 12 - Insertion of section 58A, Rajasthan Act No. II of 1950

After the existing section 58 of the principal Act, the following new section shall be inserted, namely :-"58A. Penalty for adulteration, etc., by licensed vendor or manufacturer.- Whoever being the holder of a license for the sale or manufacturer of any intoxicant under this Act, or a person in the employment of such holder:-(a) mixes or permits to be mixed with intoxicant sold or manufactured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality, or any article prohibited by any rule made under this Act where such admixture does not amount to the offence of the adulteration under section 272 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860); or(b) sell or keeps or exposes for sale as foreign liquor, liquor which he knows or has reason to believe to be Indian made foreign liquor; or(c) marks any bottle or the cork of any bottle, case, packing or other receptacle containing Indian made foreign liquor, or uses any bottle, case, package or other receptacle, with any mark thereon or on the cork thereof, to contain Indian made foreign liquor with the intention for causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to be offence of using a false property mark with intention to deceive or injure any person under section 482 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860); or(d) sells or keeps or exposes for sale any Indian made foreign liquor in a bottle; case, package or other receptacle with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall into amount to be offence of selling goods marked with a counterfeit property mark under section 486 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860); or(e) makes any block for the purpose of counterfeiting excise adhesive labels or holograms or prepares copies by any means of such labels or holograms for the purpose of counterfeiting such labels or holograms or counterfeits excise adhesive labels or holograms or makes any block for the purpose of counterfeiting corks or capsules to be used on bottles, cases, packing or other receptacles containing Indian made foreign liquor or foreign liquor or counterfeits such corks or capsules or is in possession of counterfeit excise adhesive labels, holograms, corks, capsules or blocks or any other material to be used for counterfeiting such labels, holograms, corks, capsules, Shall, on conviction, be punished with imprisonment, -(i) in case of first offence, for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than ten thousand rupees but which may extend to three lakh rupees;(ii) in case of a second or subsequent offence, for a term which shall not be less than two years but which may extend to five years and with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.Explanation. - For the purposes of this section, the expression "counterfeit" shall have same meaning as is in section 28 of the Indian Penal Code,1860 (Central Act No. 45 of 1860)