

Bengal Excise Act, 1909

Section 63 - What things are liable to confiscation

section 46A and clause (1) of the proviso to section 48, be liable for the second and for every subsequent offence to imprisonment for a term which may extend to seven years and to fine. 1) Whenever an offence has been committed which is punishable under this Act, the 1717. Word subs. for the words "excisable article" by the Government of India (Adaptation of Indian Laws) Order, 1937. [intoxicant], materials, still, utensil, implement and apparatus in respect of or by means of which such offence has been committed shall be liable to confiscation. (2) Any 1717. Word subs. for the words "excisable article" by the Government of India (Adaptation of Indian Laws) Order, 1937. [intoxicant] lawfully imported, transported, manufactured, had in possession or sold along with, or in addition to, any 1717. Word subs. for the words "excisable article" by the Government of India (Adaptation of Indian Laws) Order, 1937. [intoxicant] which is liable to confiscation under sub-section (1), and the receptacles, packages and coverings in which any such 1717. Word subs. for the words "excisable article" by the Government of India (Adaptation of Indian Laws) Order, 1937. [intoxicant] as aforesaid, or any such materials, still, utensil, implement or apparatus as aforesaid, is found, and the other contents, if any, of such receptacles or packages, and the animals, carts, vessels, rafts or other conveyances used in carrying the same, shall likewise be liable to confiscation : Provided that no animal, cart, vessel, raft or other conveyance as aforesaid shall be liable to confiscation unless the owner thereof is proved to have been implicated in the commission of the offence. 1818. Clause (14) subs. by W.B. Act 34 of 1965. Previous clause (14) was as under : "(14) for regulating the disposal of things confiscated under this Act,". Explanation. For the purposes of this section, "owner" includes, in relation to any animal, cart, vessel, raft or other conveyance, (a) which is in the possession of a minor, the guardian of such minor, or (b) which is the subject of a hire purchase agreement, the person in possession thereof under that agreement.