

Opium Act, 1878

Section 9A - Import, export, transport, sale or possession by one person on account of another 1 Sees. 9A to 9G ins. by Ben. Act 5

Section 5 or Section 8,- 1 Original clauses (a) and (b) om. by Act 2 of 1930, which were as under :- "(a) cultivates the poppy, or (b) manufactures opium, or". * * * 2 Original clauses (c), (d). (e). (f) and (g) renumbered as clauses (a), (b), (c). (d) and (e) by Act 2 of 1930. (a) possesses opium, or 3 Original clauses (c), (d). (e). (f) and (g) renumbered as clauses (a), (b), (c). (d) and (e) by Act 2 of 1930. (b) transports opium, or 4 Original clauses (c), (d). (e). (f) and (g) renumbered as clauses (a), (b), (c). (d) and (e) by Act 2 of 1930. (c) imports or exports opium, or 5 Original clauses (c), (d). (e). (f) and (g) renumbered as clauses (a), (b), (c). (d) and (e) by Act 2 of 1930. (d) sells opium, or 6 Original clauses (c), (d). (e). (f) and (g) renumbered as clauses (a), (b), (c). (d) and (e) by Act 2 of 1930. (e) omits to warehouse opium, or removes or does any act in respect of warehoused opium, and any person who otherwise contravenes any such rule, shall, on conviction before a 7 Word subs. for the word "Magistrate" by Ben. Act 5 of 1933.[Court], be punished for each such offence with imprisonment for a term which may extend to 8 Words subs. for the words "one year, or with fine which may extend to one thousand rupees" by Ben. Act 5 of 1933.[two years or with fine], or with both ; and, where a fine is imposed, the convicting 9 Word subs. for the word "Magistrate" by Ben. Act 5 of 1933.[Court] shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months, and such imprisonment shall be in excess of any other imprisonment to which he may have been sentenced. 10 'Expln.' ins. by Ben. Act 5 of 1933. [Explanation.-The possession of a railway receipt or a steamer or mate's receipt relating to an undelivered parcel of opium lying in a railway or steamer office prima facie constitutes possession of the opium within the meaning of clause (a) of Section 9, unless the accused person is able to give a satisfactory explanation for its possession. 1) When opium is imported, exported, transported, sold or possessed by any person on account of any other person, and such other person knows or has reason to believe that such import, export, transport, sale or possession is on his account, the article shall; for the purposes of this Act, be deemed to be imported, exported, transported, sold or possessed by such other person. (2) Nothing in sub-section (1) shall absolve any person who imports, exports, transports, sells or possesses opium on account of another person from liability to any punishment under this Act, for the unlawful import, export, transport, sale or possession of such article.