

Opium Act, 1878

Section 12 - Order of confiscation by whom to be made When the offender is convicted, or when the person charged with an offence in

section 9" by Ben. Act 5 of 1933.[under Section 9A, Section 9B, Section 9C,Section 9D,Section 9E, Section 9F,Section 9G] has been committed,- 2 Original clause (a) om. by Act 2 of 1930. which was as under :- "(a) the poppy so cultivated;". * * * * * 3 Original clause (b). (c) and (d) renumbered as clauses (a), (b), and (c) by Act 2 of 1930. (a) the opium in respect of which any offence 4 Words "under the same section" om. by Ben. Act 5 of 1933.* * * * * has been committed, 5 Original clause (a) om. by Act 2 of 1930. which was as under :- "(a) the poppy so cultivated;". (b) where, in the the case of an offence 6 Words subs. for the words, letters and brackets "under clause (b) or (c) of the same section" by Ben. Act 5 of 1933.[relating to the transport, import or export of opium], the offender is transporting, importing or exporting any opium exceeding the quantity (if any) which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting, importing or exporting 7 Original clause (b). (c) and (d) renumbered as clauses (a), (b), and (c) by Act 2 of 1930. (c) where, in the case of an offence 8 Words subs. for the words, letter and brackets "under clause (d) of the same section" by Ben. Act 5 of 1933. [relating to the sale of opium], the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium, shall be liable to confiscation. The 9 Words subs. for the word "vessels" by Ben. Act 5 of 1933.[receptacles], packages and coverings in which any opium liable to confiscation under this section is found, and the other contents (if any) of the 10 Words subs. for the word "vessel" by Ben. Act 5 of 1933.[receptacle] or package in which such opium may be concealed, and the animals, 11 Words Ins. by Ben. Act 5 of 1933.[carts, vessels, rafts] and conveyances used in carrying it, shall likewise be liable to confiscation. Adaptation of Indian Laws) Order, 1937 and thereafter, the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950. [State Government] in this behalf, either personally or in right of his office, who may order such confiscation : Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing the persons; (if any) claiming any right thereto, and the evidence (if any) which they produce in support of their claims.