

ASSAM ACT I OF 1949

THE ASSAM OPIUM PROHIBITION (SECOND AMENDMENT) ACT, 1948

(Passed by the Assembly)

[Received the assent of the Governor on the 11th January 1949]

[Published in the *Assam Gazette* of the 19th January 1949]

An

Act to further amend the *Assam Opium Prohibition Act, 1947*

Preamble.

WHEREAS it is expedient to amend further the Assam Opium Prohibition Act, 1947, for purposes hereinafter appearing ;

Short title.

It is hereby enacted as follows :—

1. This Act may be called the Assam Opium Prohibition (Second Amendment) Act, 1948.

Commencement.

2. It shall come into force at once.

Extent.

3. It shall have the like extent as the Assam Opium Prohibition Act, 1947, hereinafter referred to as the "Principal Act."

Amendment of section 5 of Assam Act XXIII of 1947.

4. In section 5 of the Principal Act, after clause (d)(ii), the following proviso shall be inserted :—

"Provided that an accused, who is found on evidence to be a smuggler of opium or a seller of opium, shall not receive a sentence of less than two years' rigorous imprisonment and fine."

Amendment of section 7 of Assam Act XXIII of 1947.

5. In section 7 of the Principal Act,

(i) after the words "ten years", the words "and fine", shall be added, and

(ii) the following proviso shall be inserted thereafter :—

"Provided that an accused who is found on evidence to be a smuggler of opium or a seller of opium shall not receive a sentence of less than three years' rigorous imprisonment and fine."

Amendment of section 10 of Assam Act XXIII of 1947.

6. After section 10 of the Principal Act, the following shall be added as a new paragraph :—

"Whoever, knowing or having reason to believe that an offence has been committed under this Act, causes any evidence of the commission of that offence to disappear or gives any information respecting the offence with the intention of screening the offender from punishment under the Act, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punished with the punishment provided for the offence."

[Price 1 anna or 1d.]

Amendment
of section 16
of Assam
Act XXIII
of 1947.

7. In section 16 of the Principal Act, the "comma" after the words "smuggler of opium" shall be deleted and the words "or a seller or stockist of opium" shall be inserted thereafter.

Insertion of
new sec-
tion 39 to
Assam Act
XXIII of
1947.

8. After section 38 of the Principal Act, the following new section shall be inserted:—

"39. Notwithstanding the provisions of section 497 of the Code of Criminal Procedure, 1898, no person accused of a non-bailable offence under this Act, shall be released on bail by any Court without hearing the prosecution of which due notice shall be given: provided that all orders shall give reasons for which bail is given."

Act V of
1898.