

04-2139

ODISHA ACT 2 OF 1939

THE OPIUM (ODISHA AMENDMENT) ACT, 1939

(2nd June 1939)

AN ACT TO AMEND THE OPIUM ACT, 1878, IN ITS APPLICATION TO THE PROVINCE OF ODISHA

WHEREAS it is expedient to amend the Opium Act, 1878, in its application to the Province of Orissa in the manner hereinafter appearing;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Opium (Orissa Amendment) Act, 1939.

(2) It extends to the whole of the Province of Orissa.

(3) It shall come into force throughout the whole or any part of the Province on such date or dates as the Provincial Government may by notification appoint and different dates may be so appointed for different areas.

Substitution of new sections for section 20 of Act I of 1878.

2. For section 20 of the Opium Act, 1878, the following sections shall be substituted, namely:—

Power of Provincial Government to authorize officers to investigate offences and grant bail.

“20. (1) The Provincial Government may, by notification in the Gazette, authorize any class of officers of the Excise or Police Department to investigate offences, and to grant bail to persons arrested, under this Act.

Power to determine
form of bail bond.

(2) The Provincial Government may, from time to time, determine the form of the bail bond to be used.

Persons arrested or
article seized
how to be dealt
with.

20A. (1) When any person is arrested or any opium or other thing is seized under the provisions of this Act, the person making the arrest or seizure shall, if he is an officer of the Excise or Police Department, forthwith forward the person arrested or the thing seized to the nearest officer of his department empowered under section 20 unless he is himself so empowered.

(2) When such arrest or seizure is made by any officer referred to in section 14 or section 15 other than an officer of the Excise or Police Department, he shall forthwith forward the person arrested or the thing seized to the nearest officer of the Excise or Police Department empowered under section 20 and having jurisdiction in the case.

(3) When any person is brought in custody before an officer empowered under section 20 or when such officer has himself arrested or procured the appearance by summons under section 20D of any person, he shall make such investigation as seems to him necessary, and shall either release such person or admit him to bail to appear, or if bail is not given, produce him or cause the officer-in-charge of the nearest police-station to produce him before a Magistrate having jurisdiction in the case :

Provided that if the investigation is not completed within twenty-four hours of the arrest, the said officer may take bail with or without security from the person arrested to appear on any subsequent date before himself, and shall, if such bail is not given, forthwith forward the arrested person to the nearest

Magistrate with a report of the case, and a request to detain him in custody for such period not exceeding fourteen days as may be necessary to complete the investigation and to order his production before the said officer when necessary for such investigation.

(4) The Magistrate to whom an arrested person is so forwarded, whether he has or has not jurisdiction to try the case, may by order in writing stating the reason therefor, authorize the detention of the arrested person in default of bail in such custody as he thinks fit for a term not exceeding fourteen days in the whole.

Power of
investigating officer
to summon
witnesses or
examine them
otherwise.

20B. (1) An officer empowered under section 20 may summon any person to appear before himself to give evidence, or to produce any document, necessary for the purposes of investigation.

(2) Such summons shall state whether the person summoned is required to give evidence or to produce a document or both, and shall specify a time and place for appearance.

(3) It shall be lawful for such officer, instead of issuing a summons, to proceed to the residence of any person whom by reason of sickness or other infirmity or by reason of rank or sex it may not seem proper to summon, and there require him to answer such questions as may be necessary for the purposes of the investigation. It shall also be lawful for such officer to examine any person who may appear before him to give evidence or to produce any document necessary for the purposes of the investigation, although the said person appears voluntarily and no summons has been issued to him.