

ASSAM OPIUM PROHIBITION (SECOND AMENDMENT) ACT, 1948

ASSAM ACT 1 OF 1949 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 Assam Opium Prohibition Act, 1947, for purposes hereinafter XXIII appearing • It is hereby enacted as follows 1. This Act may be called the Assam Opium Prohibi- Short title, tion (Second Amendment) Act, 1948. Act of Commence- ment. Extent

2. It shall come into force at once

3. It shall have the like extent as the Assam Opium Assam Act XXIII of Prohibition Act, 1947, hereinafter referred to as the "Princi- 1947, pal Act." 4. In section 5 of the Principal Act, after clause (d) (ii), Amendment of section 5 the following proviso shall be inserted of Assam Act XXIII "Provided that an accused, who is found on evidence of 1947. to be a smuggler of opium or a seller of opium, shall not receive a sentence of less than two years' rigorous imprison. ment and fine." A' nendment of section 7 ef Assam Act XXIII 5. In section 7 of the Principal Act, (i) after the words "ten years", the words 'and fine', shall be added, and of 1947. (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 imprison- ment and fine." 6. After section 10 of the Principal Act, the following Amendment of section 10 shall be added as a new paragraph :— of Assam "Whoever, knowing or having reason to believe that Act XXIII an offence has been committed under this Act, causes any of 1947. evidence of the commission of that offence to disappear or gives any information respecting the offence with the intene tion of screening the offender from punishment under the Act, or with that intention gives any information respecting the which he knows or believes to be false, shall be punished with the punishment provided for the offence." [Price 1 anna or ld.] 2 7. In section 16 of the Principal Act, the "comma" Amendment Of section 16 after the words 'smuggler of opium' shall be deleted and of Assam the words "or a seller or stockist of opium" shall be inserted Act XXIII thereafter. of 1947

8. After section 38 of the Principal Act, the following Insertion of sec- new section shall be inserted :—new tion 39 to Assam Act "39. Notwithstanding the provisions of section 497 XXIII of of the Code of Criminal Procedure, 1898, no person 1947. accused of a non-bailable offence under this Act, shall be released on bail by any Court without hearing the pro- secution of which due notice shall be given: provi- ded that all orders shall give reasons for which bail is given A. G. P. (Leg.) Act V 1898. of