

# Bihar Mein Mady Nishedh Kaanoon Kee Saamaajik Sameeksha

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## **Abstract**

One of the main natural activities of human beings, drinking, eating, drinking is the fruit of the mental state of the human being. So that it can be ended only by yogic action and spirituality. When science has not made this process, then how can science and law stop it. It is the isolated fact that his health changes.

**Keywords:** de-addiction, somersault, tradition alcoholism, yogic action, hormonal flow, spirituality, law, direction, expression, policy.

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## **Introduction:**

Society can be called a network of interrelationships between different traditions and activities of human beings. All these traditions and activities are combined with each other in such a way that it cannot be separated. All these relations complement each other. Based on the need of the society, customs are automatically born in the society. When there is no need, the customs also become people from the society. Social structure is formed by combining all these traditions. When traditions are useful to man, then he gets the support of the society and his maximum development takes place. But with the passage of time the nature of traditions also changes. The custom which does not meet the criterion of sociality is called anti-socialism and with time it also starts being opposed. Because it becomes a threat to the society and human and nation. There is a tradition in the society of India and the main activities related to the diet of human beings. Evidence of the beginning of this social tradition "Shabak Khori means drinking alcohol" has been found from the Vedic civilization of India. For the first time, the discussion of drinking alcohol is found in the Samaveda, which was immediately known as Somaras and the practice of drinking was called Somaras Paan. On clarifying its meaning, Soma means vegetable and Rasa means the juice that was made from the said vegetation. Even today, its juice is extracted from the palm and date palm tree, which is currently known as Nira in the state of Bihar, which is a drinking juice and it is not banned. Because consuming it in small amounts benefits the human body. The physical health of human is also maintained, and there is no harm to the society. With the passage of time, the tendency of making and consuming this wine or liquor is also called. At present, the trend of alcohol consumption in Bihar had increased tremendously, in which domestic crimes, sexual harassment, use of violence on women, rape, poor economic condition of the poor and distorted form of sociality had come to the fore. As a result, voice started rising in Bihar against alcoholism, especially from the women's side. Other enlightened citizens of the society supported this protest. Bihar's revolutionary woman N.G.O Durga Dasta forced the government to ban it. The

government also understood the seriousness of the matter and banned it completely on 16 November 2016 in the interest of society and women. On 26 November 2021, for the first time, drug de-addiction day was celebrated in Bihar and if there is public awareness, a pledge not to drink alcohol was given and seminars have been organized at school and college level. The present research paper has been prepared for the review of this prohibition law. In which giving details of the law, it has also been reviewed. Its advantages and disadvantages are also discussed.

### **Research Objectives:**

Any research paper has its own objectives. The purpose of the letter has also been set:-

1. Describe the prohibition law in Bihar.
2. To tell how much is being followed by the prohibition law.
3. To show the actual status of the Prohibition Government Order.
4. To state and review the advantages and disadvantages of Prohibition Act.
5. To review the effects of the Prohibition Act on the society of Bihar.

### **Research Hypothesis:**

The present research paper has been examined on the following hypotheses:-

1. In Bihar, the prohibition laws have been made very strict.
2. Prohibition of alcohol law is not fully followed and indirect liquor plundering continues.
3. There is a loss in the revenue of the government due to Prohibition Act.
4. Liquor Prohibition Act has made liquor supply mafia community in the society.
5. The liquor prohibition law administration has become a victim of corruption.

### **Relevance of Research:**

The importance of this research paper will be in the form that the public will be aware of the prohibition law of Bihar and the public will be aware of the real situation of prohibition. Awareness against alcohol was done earlier, which will increase the social harmony of Bihar.

### **Research Methods and Data:**

The data of the present research paper is basically second only. Whereas questionnaire, interview and schedule have been used as research tools. In which questionnaires were sent in selected 7 districts of Bihar, but interview and schedule have been used only in Patna district. In this way, field work has also been done in making this research paper. The research analysis has been prepared on the basis of the facts that emerged in the research survey. The analysis of this research paper shows the true nature of alcohol prohibition in Bihar. Objectivity has been taken care of in the research analysis.

### **Review of different forms of research analysis:**

In the present research paper, the analysis has been reviewed in different forms with the help of different teachers. First the details of the Prohibition of Liquor Act are given. After this, how much is being implemented in terms of law, it has also been discussed. The advantages and disadvantages of prohibition have been discussed. The actual situation of prohibition of alcohol has been discussed. The effects of this law on the society of Bihar have been highlighted and in the end the evaluation of the research paper has been written.

### **Bihar's Prohibition Laws Details in Basic Form:**

The complete details of the prohibition law in Bihar are being given along with the section and sub-section. Which has 17 main points. It does not include some clauses which have been changed in the last month as they have not been notified yet. This law has been taken from Bihar Gazette.

A BILL to amend the Bihar Prohibition and Excise Act, 2016 (Bihar Act 20, 2016).

Be it enacted by the Bihar State Legislature in the Seventy-ninth Year of the Republic of India as follows:-

**1. Short title, extent and commencement:-** (1) This Act may be called the Bihar Prohibition and Excise (Amendment) Act, 2018.

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force immediately and the provisions of the Amendment Act shall apply to all pending suits.

**2. Amendment of section-2 of the Bihar Prohibition and Excise Act, 2016:-** In the Bihar Prohibition and Excise Act, 2016 of section-2, sub-section (58) shall be substituted with the following:-

“(58) “premises” means and includes land and buildings constructed in the form of warehouses, shops, hotels, restaurants, bars, booths or any other structure and movable structure including ships, rafts, vehicles and any There is also other movable structure.”

**3. Substitution of section-30 of the Bihar Prohibition and Excise Act, 2016:-** Section-30 of the Bihar Prohibition and Excise Act, 2016 shall be substituted by—

"30 Penalty for illegal manufacture, import, export, transport, possession, sale, purchase, distribution, etc. of any intoxicant or liquor. - Whoever does any provision of this Act or any rule, regulation or order made thereunder. and in contravention of the notification or without a valid licence, permit or pass issued under this Act or in contravention of any condition of any licence, permit or pass renewed or the authority given thereunder—

(a) manufactures or possesses or buys, sells, distributes, collects, stores, bottling, imports, exports, transports, removes or cultivates any intoxicant, liquor or cannabis, or

(b) builds or establishes or works in any manufacturing workshop, distillery, brewery or warehouse, or

(c) manufactures or uses or has in his possession or uses any material, utensils, apparatus or apparatus for the purpose of manufacture of any intoxicant or liquor, or

(d) any material or film whether with or without the logo of the State Government or any other State logo or wrapper or any other article in which liquor or intoxicant may be packed or for the purpose of packing any liquor or intoxicant; Manufactures tools or apparatus or machines, or

(e) removes any liquor or intoxicant from any distillery, brewery, warehouse or other place of storage licensed, established, authorized or existing under this Act, or

(f) manufactures, sells, distributes, bottles, imports, exports, transports or removes or takes possession of any intoxicant or any preparation made using or without alcohol, which is known to be alcohol or a substitute for alcohol. may be served as a substitute or is used for the purpose of causing intoxication or may be used or is consumed, for a term which may extend to imprisonment for life and with fine which may extend to ten lakh rupees. can be extended, will be punishable,

**But the punishment -**

(a) for the first offense with imprisonment for a term which shall not be less than five years and a fine of one lakh rupees, and

(b) for the second offense and subsequent offences, with rigorous imprisonment for a term which shall not be less than ten years and a fine of five lakh rupees.

**4. Substitution of section-32 of the Bihar Prohibition and Excise Act, 2016:-** Section-32 of the Bihar Prohibition and Excise Act, 2016 shall be substituted by the following:-

32 Presumption as to commission of offense in certain cases.

(1) In the prosecution of an offense under this Act, the accused person shall give an account of having been in possession of any liquor, intoxicant or material, utensils, apparatus or appliance involved in the manufacture or storage of such liquor.

(2) Failure to give a satisfactory explanation shall be deemed to have caused the accused person to be guilty of committing the offence, unless proved otherwise.

(3) Where any apparatus, machinery, animal, vessel, carriage, conveyance, conveyance or any premises are used for the commission of an offense under this Act and are liable to confiscation and or to be sealed There the owner or occupier thereof shall be accountable to him satisfactorily and in the absence of a satisfactory explanation, it shall be presumed that the accused person has committed the offence, unless proved otherwise.

**5. Substitution of section-33 of the Bihar Prohibition and Excise Act, 2016:-** Section-33 of the Bihar Prohibition and Excise Act, 2016 shall be substituted by the following:-

"33 Penalty for making sold spirit fit for human consumption.- Whoever, with the intention of making it fit for human consumption, whether by way of drink or medicine or in any other manner or methodically alters or attempts to alter or will fully possesses any altered mutilated spirit, with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine, which shall not be less than one lakh rupees but which may extend to ten lakh rupees, shall be punishable."

**6. Substitution of section-34 of the Bihar Prohibition and Excise Act, 2016:-** Section-34 of the Bihar Prohibition and Excise Act, 2016 shall be substituted by the following:-

34 Penalty for adulterating harmful substances with alcohol.- Whoever,

(a) mixes or permits the mixing of any harmful drug or poisonous substance with any liquor manufactured or possessed or sold by him; Or

(b) manufactures or sells or possesses any preparation made either locally or otherwise, whether solid, semi-solid, liquid, semi-liquid or gaseous, which is consumed as alcohol or as a substitute for alcohol; and is used or is consumed for the purpose of obtaining intoxication which is likely to cause disablement or grievous hurt or death to a human being, shall be punishable with

(i) If such act results in death, shall be punished with death or imprisonment for life and shall also be liable to fine which shall not be less than five lakh rupees but which may extend to ten lakh rupees;

(ii) If as a result of such act disablement or grievous hurt to any person, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and with fine which shall not be less than two lakh rupees. but which may be extended to ten lakh rupees;

(iii) If any other consequential injury is caused to any person as a result of such act, with imprisonment for a term which shall not be less than eight years but which may extend to imprisonment for life and with fine which shall not be less than one lakh rupees. but which may be extended to ten lakh rupees;

(iv) If no injury is caused as a result of such act, with imprisonment for a term which shall not be less than eight years but which may extend to ten years and with fine which shall not be less than one lakh rupees but which shall not be less than five lakh rupees. may be extended up to Rs.

Explanation.—For the purposes of this section, the expression "grievous hurt" shall have the same meaning assigned to it in section-320 of the Indian Penal Code, 1860 (XLV of 1860).

**7. Deletion of Section-35 of Bihar Prohibition and Excise Act, 2016 :-** Section-35 (Penalty for committing fraud) of Bihar Prohibition and Excise Act, 2016 will be deleted.

**8. Substitution of section-36 of the Bihar Prohibition and Excise Act, 2016:-** Section-36 of the Bihar Prohibition and Excise Act, 2016 shall be substituted by the following:-

"36 Penalty for carrying on business of spurious liquor.- Whoever manufactures, sells, stores, distributes, bottles, imports, exports or possesses or transports any spurious liquor shall be punished with imprisonment of either description for a term which may extend to Rs. shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and with fine which shall not be less than one lakh rupees but which may extend to ten lakh rupees. ,

**9. Substitution of section-37 of the Bihar Prohibition and Excise Act, 2016:-** Section-37 of the Bihar Prohibition and Excise Act, 2016 shall be substituted by the following:

"37 Penalty for consumption of liquor. - Whoever in contravention of this Act or the rules, notification or order made thereunder -

(a) Consumes alcohol or intoxicants in any place; Or

(b) If found drunk or in a state of intoxication in any place; or

(c) While under the influence of alcohol and intoxicated, commits nuisance or violence at any place including his own residence or premises; Or

(d) Allows or facilitates intoxication or permits the assembly of addicts in his own house or premises:-

**Will be punishable**

(1) In the case of an offense falling under clauses (a) and (b), for the first offence, imprisonment for a term of three months only with fine which shall not be less than fifty thousand rupees or in lieu thereof but in clause (a) and (b) with imprisonment for a term which shall not be less than one year but which may extend to five years and with fine which may extend to one lakh rupees.

(2) In the case of an offense falling under clauses (c) and (d), with imprisonment for a term which shall not be less than five years but which may extend to ten years and with fine which shall not be less than one lakh rupees. but which may be extended up to five lakh rupees.

**10. Deletion of Section-38 of the Bihar Prohibition and Excise Act, 2016:-** Section-38 of the Bihar Prohibition and Excise Act, 2016 (Penalty for possession or information of possession of narcotics) will be omitted. .

**11. Deletion of Section-53 of the Bihar Prohibition and Excise Act, 2016:-** Section-53 of the Bihar Prohibition and Excise Act, 2016 (punishment extended after previous conviction) will be omitted.

**12. Substitution of section-54 of the Bihar Prohibition and Excise Act, 2016:-** Section-54 of the Bihar Prohibition and Excise Act, 2016 shall be substituted by the following:-

"54 Failure of landowners, building owners and other persons to report unlicensed construction, cultivation or consumption.

(1) Whenever liquor or intoxicant or other excisable article is manufactured, sold, stored or bottled or possessed or used or any plant liable to excisable cultivation is under this Act the occupier of that land or building or his agent, as soon as it comes to his knowledge, shall inform the nearest Excise Officer, Police Officer or Collector.

(2) Whenever the occupier of the said land or building or his agent fails to disclose the information in accordance with sub-section (1), he or such person shall be liable to be punished with imprisonment of either description for a term which may extend to two years."

**13. Substitution of section-56 of the Bihar Prohibition and Excise Act, 2016:-** Section-56 of the Bihar Prohibition and Excise Act, 2016 shall be substituted by the following:-

"56 Things liable to confiscation.- Whenever an offense punishable under this Act is committed.

(a) illegally imported, transported, manufactured, sold, stored, possessed intoxicant or liquor, material, utensils, apparatus, apparatus, package or cover and or the storage, manufacture or use of such intoxicant or liquor; the contents, if any, of such receptacle, package or cover for the purpose of labeling

(b) Any animal, vessel, vehicle or other conveyance used for carrying any intoxicant or liquor, or

(c) Any premises or part thereof used for the storage or manufacture of any liquor or intoxicant or for the commission of an offense under this Act. shall be liable to confiscation in the manner prescribed under the provisions of this Act.

(d) The State Government may, if it considers necessary, issue necessary directions, guidelines, regulation and instructions in relation to search, seizure and confiscation.

**14. Substitution of section-62 of the Bihar Prohibition and Excise Act, 2016:-** Section-62 of the Bihar Prohibition and Excise Act, 2016 shall be substituted by the following:

"62 Premises to be subjected to sealing. If any Excise Officer or any Police Officer not below the rank of an Sub-Inspector comes to know that liquor or any intoxicant in any particular premises or that particular premises or any part thereof is used or is being used to commit an offense under this Act, he may forthwith seal the premises and send a report to the Collector for the confiscation thereof;

Provided that if the said premises are temporary structures which cannot be effectively sealed, the Excise Officer or the Police Officer may, by order of the Collector, demolish such temporary structures."

**15. Deletion of Section-64 of Bihar Prohibition and Excise Act, 2016:-** Section-64 (collective fine) of Bihar Prohibition and Excise Act, 2016 will be deleted.

**16. Deletion of Section-66 of Bihar Prohibition and Excise Act, 2016:-** Section-66 of Bihar Prohibition and Excise Act, 2016 (Expulsion of Notorious or Habitual Offenders etc.) will be deleted.

**17. Insertion of a proviso after sub-section (1) of section-76 of the Bihar Prohibition and Excise Act, 2016 :-** In section-76 of the Bihar Prohibition and Excise Act, 2016, after sub-section (1), the following proviso shall be inserted. Will:-

"Provided that the offense under sub-section (1) of section-37 of the Act and the offense under section-54 shall be bailable for the first time."

#### **Actual implementation of the prohibition law in Bihar:**

In the past, the original copy of the Prohibition of Alcohol Act has been kept, after seeing which it is known that there will be no scope for liquor in Bihar. Complete prohibition seems to be successful. The future of the society and society of Bihar looks bright. In other words, Ram Rajya will come in Bihar, but on the ground of reality, the situation speaks differently. Even today, the consumption of alcohol indirectly continues unabated in the society. Liquor agents provide liquor from neighboring states to the alcoholics of Bihar through smuggling. All this testifies to the fact that the prohibition law in Bihar is not being implemented by the police and administration. On the contrary, the prohibition law may have brought an opportunity for the administration to make illegal profits. It can be put as an example, that I do not remember properly, but three or four years ago in Bihar, there was a directive related to pollution deposition that the motor vehicle which emits more smoke should be evicted from running. Pollution check campaign was also started by the government but not a single motor vehicle was evicted, all kept running. On not revealing the introduction, many drivers said that by paying some bribe, I get my car made fit and am driving. Thus this order became an earning order. This fact applies 100% to the prohibition law. Due to the fear of the administration and the coercion of the drinker, we also remain silent even after seeing these incidents in reality. What to do, which is the question of the safety of my life, I cannot give my life.

Even if the common citizen reports to the police, then the police is not responsible, he will come under pressure from above and he will disclose the information. Thus the prohibition law has

become the tusk of the ivory. Yes, it is a different fact that now people do not commit crimes by drinking alcohol, it has definitely been curbed.

#### **Review of Effect of Prohibition Act:**

The effects of the Prohibition Act appear to be somewhat positive. As there is no Bhangra in marriage, which does not create crime, the road accident has reduced by 70%. General crime has come down by 32%. Domestic violence has decreased. Harassment and sexual violence against women have decreased. It is not that sexual violence does not happen, but it happens indirectly, but FIR is rarely lodged for it because sexual violence is mainly done by its own people. If an FIR is registered, there is a fear of disintegration of the family and the perpetrator is saved by warning. To some extent this is also true, otherwise there will be anarchy in the society. Whereas it is wrong in such a way that this activity goes on hollowing out the society from within. This fact is also wrong. Sexual harassment whether committed by men or by women. It is a psychological state of mind. On which can be reduced only on the lining of psychoanalysis. It cannot be eliminated completely.

From this point of view the feeling or act of sexual harassment becomes a natural human activity. So that can be stopped only by yogi activity or spiritual activity. Whereas the present world and Bihar follows scientific and cultural activities. If the feeling of sexual offense was a cultural sentiment, science law would have stopped it, but it is a hormone effect. It is not a matter of science to stop it completely. Yes it can be suppressed by law and punishment. But it will take the form of frustration which is even more terrifying. Yes there is one more fact that more waste Indian court justice also promote it. For example, the government and justice present two-faced facts. On the one hand there is free crime. At the same time, the Supreme Court has given the recognition of having sex with consent. This answer is the judge of the country and only policy makers can give it. As a researcher, he can only review that he is afraid of the government and the law, even today in India the freedom to present the facts completely freely is only on the pages of the law, not in practice.

#### **Review of Profit and Loss from Prohibition Act:**

On one hand it has been mentioned that what has been the effect of the Prohibition Act to the society. On the other hand about 3000 crores due to which other government taxes increased and inflation increased. Due to increase in tax, now negative average effect is visible on the whole society. Whereas earlier only the alcoholic's house was ruined, now the economy of the entire poor class has become derailed. A good advantage was that earlier poor children did not attend school due to economic reasons. Now they have started coming, because the family comes in liquor that there is no cost. That money is being spent on education and development. It is a natural requirement that a person gains something and loses something. This tradition of gaining and losing is life itself, which has to be accepted. First the society has to be educated and self-supporting, see that we are not a teacher and we do not have the right to speak the law, we cannot keep the facts against the system while we direct the human resource, create it. It is also true that the teacher of the college has this right at a very large level. Whereas these Acharyas create society only by using our kind of bricks. If we are able to cook bricks then society will collapse in future.

#### **Contemporary Social Review of Prohibition Act and Action of Bihar Government:**

We are including this subtitle because in the fourth week of November 2021, the Government of Bihar has done a thorough review of the Anti-Drug Act. Strict steps have been taken, especially in police and

administration rules and manuals. This change has not been notified yet, so I may not be able to describe the rule for this change. Prohibition Act was implemented at the cabinet level of Bihar Government considering the weak side of the law and completely the police administration has been given the responsibility to implement complete prohibition, no irregularity will be tolerated. Also, drug addicts will not be spared. There is a provision for harsh punishment. After this review, the second phase of drug de-addiction movement begins in Bihar. Now it will be better if the result is left to the future itself.

#### **Evaluation:**

The current problem related to the basis of human being drug addiction is a mental state. Any psychopsychological states flow and are guided by the human genome. On which the cultural stick of human cannot move suddenly, the nature of the flow will not be changed, but it is difficult to change the natural form. In this way, the basic element of society changes little, only the upper structure keeps on happening right and left with the flow of time. If the de-addiction law is to be really implemented, it has to be implemented at the national level. Big changes and policy makers themselves will have to change. Shri Ram Sharma Acharya used to say "We will change the era, we want to say that first we have changed, that is, we belong to us, don't wait for the era to change, otherwise the same thing will happen from time to time." A family is formed from the individual and from the family the society and the combined form of society is called nation. If there is a change in the individual, the nation will change. Punishment for what is punished, for which reward is given to someone, both are two sides of the same coin. It keeps going back and forth over time.

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