

**MIZORAM PUBLIC SERVICE COMMISSION**  
**DEPARTMENTAL EXAMINATIONS FOR INSPECTOR**  
**UNDER EXCISE & NARCOTICS DEPARTMENT, GOVERNMENT OF MIZORAM**  
**JUNE-2024**

**PAPER – III**

Time Allowed : 3 hours

FM : 100 PM : 40

*Marks for each question is indicated against it.*  
*Attempt all questions.*

**The Mizoram Liquor (Prohibition) Act, 2019**

1. *A* borrows liquor from *B* with the promise that he will repay *B* in kind. Can *A* be prosecuted for buying liquor under the MLP Act? Discuss. (5)
2. Explain the difference between *Excisable Article* and *Excise Duty*. (5)
3. What do you understand by the term '*intoxication*' under the MLP Act? Has a difference been made in the MLP Act between '*intoxication*' and '*consumption of liquor*'? Critically evaluate your answer in light of who the MLP Act has authorised to make such kind of assessment? (3+3+4=10)
4. How does the MLP Act describe '*presumption of culpable mental state*' and '*presumption to the commission of an offense*'. Explain the difference between the two within the context of Section. 11 and 14 of the MLP Act. (5+5=10)
5. Constable *X* is on a highway patrolling duty. He sees a vehicle travelling on the highway. Being suspicious, Constable *X* asks the driver to stop the vehicle. On inspection of the vehicle, Constable *X* sees large quantities of liquor in the vehicle. Constable *X* is unable to make a report as the occurrence is at a place where there is no mobile signal. Enumerate in detail the legal provisions involved and suggest the best course of action that Constable *X* should take? (10)
6. The MLP Act bans the invocation of all probationary provisions except for which offense? (2)
7. When must cognizance of an offense purported to have been committed by an Excise & Narcotics Personnel during the course of the performance of his/her duty under the Act be taken? (2)
8. Is money liable to confiscation under the MLP Act, and if so under which Section? (2)
9. When a thing liable for confiscation under the MLP Act is seized and the offender is unknown, what are the steps that are to be taken for confiscating the thing seized? (2)
10. When a convicted offender under the MLP Act is subsequently convicted again for committing another offense under the MLP Act, what punishment can be given to such offender? (2)

**ND & PS Act, 1985 and Rules**

11. What offences under the NDPS Act are triable exclusively by Special Courts? (2)
12. When can a Judicial Magistrate order the forwarding of a person accused of committing an offense exclusively triable by a Special Court to such Special Court. (2)
13. Under what circumstances can death penalty be given under the NDPS Act. (3)
14. What are the circumstances under which a person's conviction by a competent court of criminal jurisdiction outside India be accounted for in India under the NDPS Act. (3)
15. When a small quantity of narcotic drugs is seized, who would have the burden of proving that the seized narcotics are for personal use, and which would be the applicable punitive provision. (2.5+2.5=5)
16. Who has the power to tender '*immunity from prosecution*' under the NDPS Act? What are the circumstances under which such immunity can be given to a person? Once immunity is tendered, is it absolute? (2+4+4=10)
17. What is the maximum period within which an Investigating Officer must complete his investigation viz offenses involving small; quantity lesser than commercial but more than small, and commercial quantity? Are there circumstances under which the prescribed period of investigation may be extended. If so, what is the procedure? (5+5=10)
18. Explain '*illegally acquired property*' and clarify the classes of persons in respect of whom a property may be said to be illegally acquired. Does classification of a person as one on whom Chapter V-A of the NDPS Act applies imply that all of his properties become forfeitable. Explain. (4+4=8)
19. What are the various considerations that an investigating officer must inquire into before issuing a freezing order under Section. 68-F of the NDPS Act? Also highlight the steps that he must take pursuant to issuing the freezing order. (4+3=7)

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