

ओपी सिंह,

आई.पी.एस.



डीजी परिपत्र संख्या: 36/2018

पुलिस महानिदेशक

उत्तर प्रदेश

1-तिलक मार्ग, लखनऊ।

दिनांक: लखनऊ: जुलाई 06, 2018

प्रिय महोदय/महोदया,

राष्ट्रीय राजमार्ग एवं राज्य राजमार्गों पर मदिरा के विक्रय को प्रतिबन्धित किये जाने विषयक सिविल अपील सं०: 12164-12166/2016 तमिलनाडु राज्य बनाम के० बालू व अन्य के प्रकरण में मा० सर्वोच्च न्यायालय द्वारा विभिन्न तिथियों पर अनेक निर्देश निर्गत किये गये हैं जिनके अनुक्रम में आप समस्त के अनुपालनार्थ पार्श्वीकित परिपत्र मुख्यालय स्तर से निर्गत किये गये हैं।

मा० उच्चतम न्यायालय द्वारा दिनांक 15.12.2016
मा० उच्चतम न्यायालय द्वारा दिनांक 13.11.2017
मा० उच्चतम न्यायालय द्वारा दिनांक 23.02.2018
शासनादेश संख्या: 318 पी/छ-90-3-2017-67 पी
/2014 दिनांक 27.03.2017
शासनादेश संख्या: 400 पी/छ-90-3-2017-67 पी
/2014 दिनांक 03.04.2017
शासनादेश संख्या: 46/2017/2407 ई-2/तेरह-
2017-65/2013 दिनांक 26.9.2017

उक्त रिट याचिका में सम्बन्धित पक्षकारों को सुनने के पश्चात दिनांक 31.03.2017 को मा० सर्वोच्च न्यायालय द्वारा आदेश पारित किया गया है, जिसके मुख्य अंश निम्नवत हैं-

(I) All States and Union Territories shall forthwith cease and desist from granting licences for the sale of liquor along national and state highways;

(II) The prohibition contained in (i) above shall extended to and include stretches of such highways which fall within the limits of a municipal corporation, city, town or local authority;

(III) The existing licences which have already been renewed prior to the date of this order shall continue until the term of the licence expires but no later than 1 April 2017;

(IV) All signages and advertisements of the availability of the liquor shall be prohibited and existing ones removed forthwith both on national and state highways;

(V) No shop for the sale of liquor shall be (i) visible from a national or state highway; (ii) directly accessible from national or state highway and (iii) situated within a distance of 500 metres of the outer edge of the national or state highway or of a service lane along the highway;

"All States and Union Territories are mandated to strictly enforce the above directions. The Chief Secretaries and Directors General of Police shall within on month Chalk out a plan for enforcement in consultation with the state revenue and home departments. Responsibility shall be assigned inter alia to District Collectors and Superintendents of Police and other competent authorities. Compliance shall be strictly monitored by calling for fortnightly reports on action taken."

सन्दर्भित रिट याचिका के साथ सूचीबद्ध सिविल अपील नं०: 12169/2016 तथा 12170/2016 में मा० सर्वोच्च न्यायालय द्वारा पारित आदेश दिनांक 31.03.2017 के बिन्दु सं०: 22 के मुख्य अंश निम्नवत है।

After considering the submissions which have been urged before this Court, we are of the view that there are three areas where the rigors of the directions which have been issued by this Court may require to be suitably modulated without affecting the basic principle underlying the judgment. The first is in relation to limits of local bodies with a population of less than 20,000 people. In such areas, it has been urged before this Court that a state highway is the main thoroughfare area along which the township has

developed in small clusters of 20,000 or less. Hence, the requirement of maintaining a distance of 500 metres from the outer edge of the highway or service lane may result in a situation where the entire local area may fall within the prohibited distance. We find some substance in the submission. We must emphatically clarify that even in such areas falling under local bodies with a population of less than 20,000, no licence for the sale of liquor should be issued along either a national or state highway or a service lane along the highway. Similarly, the sale of liquor should be from a point which is neither visible from a national or state highway or which is directly accessible from a national or state highway. However, in such a situation, the prohibited distance should in our view be restricted to 220 metres from the outer edge of the national or state highway or of a service lane along the highway. We accordingly direct that the following paragraph shall be inserted, after direction (v) in paragraph 24 of the operative directions of this Court in the judgment dated 15 December 2016 namely :

“In the case of areas comprised in local bodies with a population of 20,000 people or less, the distance of 500 metres shall stand reduced to 220 metres”.

आप सभी से अपेक्षा की जाती है कि मा० सर्वोच्च न्यायालय द्वारा पारित आदेशों का भली-भांति अध्ययन करके अधीनस्थ पुलिस अधिकारी/कर्मचारियों को मा० सर्वोच्च न्यायालय के आदेश से अवगत कराते हुए निर्गत निर्देशों का बिना किसी विचलन अथवा शिथिलता के कड़ाई से अनुपालन सुनिश्चित करायेंगे।

भवदीय,
6.7.18
(ओ०पी० सिंह)

समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक,
जनपद प्रभारी, उत्तर प्रदेश।

प्रतिलिपि:- निम्न को आवश्यक कार्यवाही हेतु प्रेषित-

1. समस्त जोनल अपर पुलिस महानिदेशक, उ०प्र०।
2. समस्त परिक्षेत्रीय पुलिस महानिरीक्षक/पुलिस उपमहानिरीक्षक, उ०प्र०।
3. पुलिस अधीक्षक, विधि प्रकोष्ठ, मुख्यालय पुलिस महानिदेशक, उ०प्र०।