

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2876 of 2015

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Laxmeshwar Jha, Son of Late Kameshwar Jha, Resident of Village + Post
Bangaon, District - Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. Divisional Commissioner, Kosi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Superintendent of Police, Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Respondent/s : Mr. Biresh Kumar Sinha, A.C. to AAG-2.

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CORAM: HONOURABLE MR. JUSTICE DR. RAVI RANJAN
ORAL JUDGMENT

Date: 14-09-2015

I have heard learned counsel for the petitioner and the
State.

The petitioner is aggrieved by the order dated 30.09.2013
passed by the District Magistrate, Saharsa by which his request for
grant of licence for revolver/pistol has been refused. He also
challenges the appellate order dated 20.11.2014 passed in Arms
Appeal No.495 of 2013 contained in Annexure-3 upholding the
aforesaid order and dismissing the appeal.

It is contended on behalf of the petitioner that refusal for
grant of licence is on two grounds. First ground is that there is no
threat perception upon him and the second ground is that the

petitioner is already having a licence for double barrel gun.

At one place, the licensing authority has stated that there is no threat perception upon the petitioner, whereas, it is also stated that since he is holding one licence of double barrel gun, there is no need for grant of other licence, which is contrary to the provisions of law. Section 2 of the Arms Act lays down that no person shall acquire or have in his possession or carry, at any time, more than three firearms. It is not stated as to under what circumstances such benefit cannot be granted to the petitioner. So far the threat perception is concerned, if that was lacking then the authority would have to answer as to under what circumstances licence of DBBL gun was granted?

As a result, this writ application succeeds. The impugned orders contained in Annexure-2 and 3 are quashed and set aside. The matter is remitted back to the licensing authority to take a fresh decision in accordance with law within a period of ten weeks from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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