

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20330 of 2011

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Manoj Kumar Yadav, Son of Narendra Yadav, Resident of Village - Nishihara,
P.S. - Kharagpur, District - Munger

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar Patna
2. The Home Secretary, Govt. Of Bihar, Patna
3. The District Magistrate, Munger
4. The District Arms Magistrate, Munger
5. The Director General of Police, Govt. of Bihar, Patna
6. The District Superintendent of Police, Munger
7. The Sub Divisional Police Officer, Kharagpur
8. The Officer-in-Charge of Kharagpur Police Station, Munger
9. Bipin Lal Ram, the then Officer-In-Charge of Kharagpur Police Station, Munger

.... Respondents

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Appearance :

For the Petitioner : Mr. Tarun Kumar Sinha, Advocate
For the State : Mr. Kundun Bahadur Singh, S.C. 22

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-08-2015

Heard learned counsel for the petitioner and the State.

Petitioner has filed this writ application for grant of duplicate/fresh licence for licence no.27/01 so that he could tender application for renewal of licence as the concerned rifle is necessary for his safety.

It is contended that his rifle and licence were seized by the police party, however, in the seizure list only rifle has been shown. It is further contended that in the supervision note the D.S.P. has stated that wrong case has been filed against the petitioner even then charge-

sheet has been submitted and trial is going on. In the meantime, as would appear from Annexure G to the counter affidavit, his licence has been cancelled by the concerned authority vide an order dated 04.04.2012.

In above view of the matter, in my considered opinion, no purpose would be served by passing an order of issuance of duplicate licence in favour of the petitioner at this stage since the licence has been cancelled.

Accordingly, this writ application is being disposed of with a liberty to the petitioner to assail the order contained in Annexure G to the counter affidavit by preferring the statutory appeal. If the appeal is filed within 30 days from today then let the same be disposed of on its on merit and in accordance with law. However, it goes without saying that in case the petitioner is acquitted of the charges by a competent court then he would be at liberty to approach the authority for release of his gun and renewal of licence etc. by filing a proper application which should be required to be considered and disposed of in accordance with law by the competent authority.

(Dr. Ravi Ranjan, J)

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