

.... Petitioner/s

1. The State of Bihar through the Principal Secretary, Home (Special) Department, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Home (Special) Department, Government of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Jehanabad.
4. The Superintendent of Police, Jehanabad.
5. The Senior Superintendent of Police, Muzaffarpur.
6. The Officer-in-Charge, Town Police Station, Muzaffarpur. null null
7. The Officer-in-Charge, Hulasganj Police Station, District- Jehanabad.

.... Respondent/s

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. P.N. Shahi- Aag10

2 07-12-2015 Heard learned counsel for the petitioner and the
State.

Petitioner is aggrieved by order dated 4.07.2015 passed by the District Magistrate-cum-licensing authority, Jehanabad, by which he has rejected the petitioner's application for grant of arms licence on the ground that the Police Superintendent has not stated anything in the report regarding threat perception upon the petitioner. In my view, the aforesaid order cannot be sustained in its present form. Section 13 (2) of the Arms Act, 1959 requires that on receipt of an application for grant

of arms licence, the licensing authority shall call for a report from the officer-in-charge of the concerned police station. In the present case, the views of the officer-in-charge have been brought on record as Annexure 3. He has recorded that the applicant being the Drug Inspector used to raid the shops of several persons including drug mafia etc. It clearly indicates about the threat perception on the petitioner. Be that as it may, if some sort of report on specific point was required from the side of Superintendent of Police and if he has not given the same then another report could well have been sought for from said authority. That apart, this Court has held that non-production of any evidence regarding specific threat perception upon the applicant is not a ground for refusal of the licence under Section 14 of the Act.

As a result, this application succeeds. The order impugned is quashed and set aside. However, the matter is remitted back to the licensing authority for taking a fresh decision in accordance with law within a period of eight weeks from the date of receipt/ production of a copy of this order.

(Dr. Ravi Ranjan, J.)

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