

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22758 of 2013

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Pramod Kumar, S/O Sri Satendra Kumar Singh, Resident of Rajapur, Mainpura,
Opposite Murti Makan, P.O. + P.S. - Patliputra, District - Patna

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. District Magistrate, Patna.
3. District Arms Magistrate, Patna.
4. Additional District Magistrate (Arms), Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
Mr. Pankaj Kumar Singh, Advocate
For the Respondent/s : Mr. M. K. Jha, A.C. to G.P.-26

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 15-09-2015

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

The order dated 7.09.2013 passed by the licensing
authority-cum-District Magistrate, Patna is under challenge in this
writ application by which the petitioner's application for grant of
licence of N.P.Bore Rifle has been rejected on two grounds. First
ground is that there is lack of any evidence regarding threat perception
upon the petitioner and second ground is that the petitioner has
already been granted licence for N.P. Bore revolver.

In my considered view, the order impugned is not
sustainable. The issues are no longer *res integra*. This Court vide its



decision dated 11.08.2015 passed in CWJC No.18535 of 2011 (Manish Kumar Vs. The State of Bihar and Ors.) and other analogous matters has already decided that the lack of production of specific evidence regarding threat perception upon the applicant cannot form a ground for refusal of arms licence under Section 14 of the Arms Act (hereinafter referred to as “the Act”). So far as second issue is concerned, Section 3 (2) of the Act is quite clear that a person can possess or carry at any time maximum upto three numbers of firearms. The petitioner has also appended a decision of this Court dated 26.07.2011 rendered in CWJC No.16915/2008 answering this issue that refusal of licence on the ground of already having been granted licence for one N.P Bore category would not be sustainable in the eye of law.

Accordingly, this application stands allowed. The impugned order is quashed and set aside. The matter is remitted back to the District Magistrate, Patna for fresh consideration in accordance with law.

It is made clear that both the grounds which have been discussed in the impugned order cannot form a ground for refusal of the arms licence meaning thereby that the petitioner would be fit for grant of licence unless there is any subsequent development after passing of the order dated 7.09.2013 (Annexure-3) incurring any

disqualification upon him for grant of the same as it is clear from the impugned order that both were the specific grounds on which order of refusal was passed. It is expected that the entire exercise would be completed within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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