

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18234 of 2012

=====

1. Nand Mohan Sharma S/O Late Shyamaliya Prasad Sharma @ Shyamdeo Prasad R/O Village- Sarthua, Police Station- Makhdumpur, District- Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Magadh Division, Gaya
3. The District Magistrate, Jehanabad
4. The Superintendent Of Police, Jehanabad
5. The Sub Divisional Officer, Jehanabad
6. The Officer Incharge, Makhdumpur Police Station, District- Jehanabad
7. The Officer Incharge, Tehta Out Post, Jehanabad

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate
For the Respondent/s : Mr. K.K. Sharma, A.C. to SC-22

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

5 07-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner's gun was directed to be seized and show because notice was issued upon him as to why his license be not cancelled under section 17(3) of the Arms Act. Thereafter the same has been revoked vide order dated 07.02.2009 on the ground that he has violated the terms and condition of the license. However, there is no whisper in the entire counter affidavit or the order impugned as to in what manners the petitioner has violated the terms and condition of the license. It is stated that there was communal tension. It is contended that the

arms license has been revoked without any rhyme and reason as no misuse or any specific action or overt act could be shown by the petitioner. The appellate authority has also dismissed the appeal saying that the order of the District Magistrate is based upon subjective assessment.

From the perusal of the entire record it does not appear that there is anything specific against the petitioner except the suspicion that if the gun is released in favour of the petitioner and others that may be detrimental to the peace. The S.D.O. in his letter annexure-2 has clearly stated that there is peace in the area and has recommended for release of the gun.

Accordingly, the orders impugned contained in annexure-3 and 4 are quashed and set aside and the authority concerned is directed to release the gun of the petitioner and to renew his license in accordance with law.

The writ application stands allowed.

(Dr. Ravi Ranjan, J)

M.Rahman/-

U		T	
---	--	---	--