

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4222 of 2014

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Md. Shahbaz Khan, Son of Kalimullah Khan, Resident of Village-Baradih, P.S.-
Agarar, District-Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The Home Secretary, Government of Bihar, Patna
3. The Commissioner, Patna Division, Patna
4. The District Magistrate, Rohtas
5. The Superintendent of Police, Rohtas
6. The Addl. District Magistrate (Arms), Rohtas
7. The Sub - Divisional Magistrate, Sasaram, Rohtas
8. The Deputy Superintendent Of Police, Sasaram
9. The Block Development Officer, Sasaram
10. The Officer in Charge, Agrar, Police Station, Rohtas

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal, Advocate

For the Respondent/s : Mr. Ujjawal Kumar, AC to AAG-11.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 30-11-2015

Heard learned counsel for the petitioner and the State.

The grievance of the petitioner is that his father had written application to the licensing authority for transfer of his DBBL gun in favour of the petitioner and, as such, the petitioner applied for grant of arms licence which was rejected. The petitioner preferred appeal. The appellate authority remitted back the matter for fresh consideration. Again an order of rejection has been passed vide Annexure-8 dated 08.05.2013 chiefly on two grounds. First being that the petitioner did not appear on the date fixed and secondly, policy of the State is that, in principle, proliferation of arms needs to be curbed.

It is submitted on behalf of the petitioner that father of the petitioner had already written a letter to the licensing authority vide Annexure-7 that the petitioner had gone to see his ailing sister who was residing at Bangalore.

In my view, the order is not sustainable. The decision is to be taken by licensing authority on the basis of the provisions contained in the Arms Act, 1959 read with relevant provisions of the Arms Rules, 1962. The general arms policy for curbing proliferation cannot be made a ground for rejection of application filed by an individual without assigning any reason as to why he/she has not been found fit for grant of arms licence under Section 14 of the Arms Act, 1959. It appears that even the aforesaid policy has not been perused by the licensing authority in its entirety as he has skipped the paragraph dealing with the Family Heirloom Policy.

Accordingly, this writ application succeeds. The impugned order as contained in Annexure-8 is quashed and set aside. The matter is remitted back to the licensing authority for fresh consideration in accordance with law within a period of two months from the date of receipt/production of a copy of this order.

While taking such decision, the licensing authority would be obliged to consider the Family Heirloom Policy.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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