

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3705 of 2014

=====

Md. Shamim Ahmad Shamim, S/O Md. Ismail Hussain, R/O Mohalla:- Jai Prakash
Nagar, Ward No. 22, P.O. and P.S.:- Khagaria, Distt.:- Khagaria

.... Petitioner

Versus

1. The State of Bihar
2. District Magistrate, Khagaria
3. Superintendent of Police, Khagaria
4. District Arms Magistrate, Khagaria

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Respondent/s : Dr. Raj Kumar Singh, AC to SC-8

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2015

Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 16.07.2012 appended as part of Annexure-3 by which the application for grant of licence of N.P. Bore pistol has been rejected, even though the Superintendent of Police has recommended for grant of such licence, on the ground that the petitioner is already having licence for N.P. Bore rifle and gun.

In my view, the aforesaid cannot form a ground for refusal of arms licence as Section 3 (2) of the Arms Act, 1959 (hereinafter referred to as "the Act") lays down in clear terms that a person can hold licence for maximum three firearms. The petitioner was having two weapons and he had applied for third one. Section 14

of the Act also does not reveal that holding one or two licenses can form a ground for refusal of another licence which is permissible under Section 3 (2) of the Act.

Accordingly, this writ application succeeds. The impugned order dated 16.07.2012 is quashed and set aside. The matter is remitted back to the licensing authority to take fresh decision in accordance with law within a period of two months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

U			
---	--	--	--