

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18499 of 2015

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1. Satyendra Mohan Singh, S/o Late Hari Mohan Singh, R/o Village- Balia Kothi, P.O. + P.S.- Nasriganj, District- Rohtas (Sasaram)

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram
4. The Superintendent of Police, Rohtas, at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate

For the Respondent/s : Mr. S.K. Sinha- Gp15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 07-12-2015 As prayed for, petitioner is permitted to mark

Annexure 5 properly.

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated
24.11.2012 passed by the District Magistrate-cum-Licensing
Authority, Sasaram as contained in Annexure 5 by which he has
rejected the request of the petitioner for grant of arms licence for
DBBL gun.

It is contended that the father of the petitioner
possessed a gun under valid licence. After the death of his father,
the gun was deposited with the arms dealer, namely,
K.K.Shashtragar at Dehri-On-Sone. Thereafter, he had applied for



grant of licence so that he could retain the gun which belonged to his father. One of the grounds for rejection appears to be that the petitioner has not been able to produce any evidence regarding specific threat perception upon the petitioner. A passage has been quoted from the so called arms policy of the Central Government stating that Proliferation of arms and ammunition in the country disrupts the social order and development. The proliferation of arms, whether licensed or illegal vitiates the Law and Order situation. Holding of sophisticated arms by the conflicting parties directly contributes towards lethality of violent acts. Therefore, in principle, proliferation of arms needs to be curbed.

The order impugned discloses that rejection is also on the ground that petitioner is not inimical to anyone as if otherwise he was required to be granted licence under the aforesaid policy quoted in the order. However, the licensing authority has skipped the relevant part of the aforesaid guidelines a passage from which has been quoted above contained in letter dated 31st March, 2010 addressed to all the Secretaries Departments of all the states and Union Territories under the signature of the Joint Secretary to the Government of India to the Department of Home especially clause III regarding grant of licence under Family Heirloom Policy.

In above view of the matter, in my considered view, the order impugned cannot be sustained under law, not only for the aforesaid reason but also in view of this Court's decision rendered in 2015 (4) PLJR 212 holding that non-production of specific evidence regarding threat perception of the applicant does not form a ground for refusal under Section 14 of the Arms Act, 1959.

As a result, this writ application succeeds. The matter is remanded back to the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram to pass a fresh order in accordance with law within a period of eight weeks from the date of receipt/production of a copy of this order. While doing so, he would be obliged to consider the aforesaid decision of this court as well as the Family Heirloom Policy.

(Dr. Ravi Ranjan, J)

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