

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1657 of 2013

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1. Shyamdeo Sharma S/O Late Jagdamb Singh R/O Vill- Balbhadra, Sarai,
P.S.-Hilsa, Distt-Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda(Bihar Sharif)
3. The Superintendent of Police, Patna
4. The Officer-Incharge, Bahadurpur Police Station, Patna
5. The Sub-Inspector of Police, Bahadurpur Police Station, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Adv.

For the Respondent/s : Mr. Rajesh Kumar, GP-21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 09-01-2015 Learned counsel for the parties are present.

The petitioner has questioned an order dated 8.10.2012 passed by the Additional Chief Judicial Magistrate, Patna City in Misc. Case No. 1946 of 2009 as contained in Annexure-6 whereby the prayer for release of his regular Double Barrel Breach Loading (hereinafter referred to as the 'D.B.B.L.') Gun bearing No. B/65/03 along with six cartridges of 12 bore, has been rejected and the firearm stands seized under the said order.

Mr. Nand Kishore Prasad Sinha, learned counsel appearing for the petitioner submits that while this matter was pending consideration before the Additional Chief Judicial Magistrate that the licence of the petitioner itself was cancelled by the Licensing

Authority-cum-the District Magistrate, Nalanda on 26.4.2012 and which order has also been affirmed by the appellate authority being the Commissioner Patna Division on 30.4.2013. He submits that these orders of the statutory authorities has been questioned by the petitioner in C.W.J.C. No. 13471 of 2013 and which is pending consideration before this Court. He thus submits that in view of the development where the licence itself stands cancelled and which order is pending consideration in a different proceedings, the present writ petition may be disposed of with liberty to the petitioner to question the order of seizure in an appropriate proceedings consequent upon the outcome of the matter pending in C.W.J.C. No. 13471 of 2013.

The writ petition is disposed of with the liberty so prayed for by the petitioner.

(Jyoti Saran, J)

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