

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5554 of 2015

Md. Tajuddin, S/o Late Md. Aju, Resident of- Nawgharwa, 'Bombay Band', Police Station- Sultanganj, Town & District- Patna

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. District Magistrate, Patna
3. District Arms Magistrate, Patna
4. Additional District Magistrate (Arms), Patna.
5. Divisional Commissioner, Patna Division, Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Vishwa Nath Pandey, Advocate

For the State : Mr. Bhaskhar Shankhar, A.C. to G.P. 16

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 21-09-2015

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of Annexure 4 by which his application for grant of arms licence for D.B.B.L. gun has been rejected by the licensing Authority-cum-District Magistrate, Patna. The case of the petitioner is that his father was holding licence for D.B.B.L. gun and after his death, the gun has been deposited with the

Arms Dealer and, thereafter, the petitioner had applied for grant of arms licence in his favour which was required for his personal safety.

However, it appears that application has been rejected on the ground of lack of any specific threat perception upon him and further that, even in the presence of the Family Heirloom Policy of the Government of India, other aspects would have to be considered for grant of licence. However, in my view, this order is in teeth of a decision rendered by this Court in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous cases** holding that neither Section 13 of the Arms Act, 1959 discloses that, before filing of application, petitioner has to be ready with evidence regarding threat perception upon him nor does Section 14 of the Act declares that lack of evidence regarding specific threat perception would form a ground for refusal of arms licence.

As a result, this application succeeds. The impugned order is quashed and set aside. The matter is remitted back to the licensing authority to take a fresh decision in accordance with law also considering the aforesaid decision of this Court as well as the Family Heirloom Policy of the Government of India. This is further made clear that I have noticed that no other ground except above was taken by the licensing authority for rejecting the application of the petitioner for grant of licence in the impugned order, thus, the

petitioner would be entitled for grant of licence if nothing has taken place subsequent thereof incurring disqualification upon the petitioner for the relevant purpose. The entire exercise should be completed within three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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