

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23510 of 2013

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Shamim Ahmad, son of Md. Izharool Haque, resident of House No.22, Ram Krishna Path, North Sri Krishnapuri, P.S.-Sri Krishnapuri, 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

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Appearance :

For the Petitioner/s : Md. Shakir Ahmad, Advocate

For the Respondent/s : Mr. Manikant Mishra, G.P.-25

Mr. Rajesh Kumar Sinha, AC to GP-25

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 15-09-2015

I have heard learned counsel for the petitioner and the State.

The order dated 28.05.2013 passed by the licensing authority-cum-District Magistrate, Patna is under challenge in this writ application by which the petitioner's application for grant of licence of N.P.Bore Rifle has been rejected on the ground that there is lack of any evidence regarding threat perception upon the petitioner in view of the letter dated 31.03.2010 of the Home Ministry, Govt. of India.

In my considered view, this issue is no longer res-integra.

This Court vide its decision dated 11.08.2015 passed in CWJC No.18535 of 2011 and other analogous matters has already decided

that the lack of evidence regarding threat perception upon the applicant cannot form a ground for refusal of arms licence under Section 14 of the Arms Act, 1959.

Accordingly, this application stands allowed in terms thereof. The impugned order is quashed and set aside. The matter is remitted back to the District Magistrate, Patna for fresh consideration in accordance with law.

It is expected that the entire exercise would be completed within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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