

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3081 of 2013

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Basant Narayan Bharti S/O Rup Narayan Bharti Resident Of Village- Bagtarpa,
P.S- Baroon, District- Aurangabad (Bihar)

.... Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Magadh Division, Gaya.
3. The Collector Cum The District Arms Magistrate, Aurangabad.
4. The Arms Magistrate, Aurangabad.
5. The Superintendent Of Police, Aurangabad (Bihar)

.... Respondents

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Appearance :

For the Petitioner : Mr. ANIL KR SINGH NO. 6
For the State : Mr. Himanshu Kumar Akela, AC to G.A. I

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-08-2015

Heard learned counsel for the petitioner and the respondents.

It appears from Annexure 1 this is an order dated 19.2.2011 passed by the District Magistrate – cum – Licensing Authority, Aurangabad that an application for grant of N.P. bore pistol / revolver has been rejected on the ground that the concerned Superintendent of Police has not stated any reasons and considered can be compelled circumstances in which licence could be granted to the petitioner.

In my considered opinion, the order is unreasonable and cannot be sustained in its present form. If there was some lacuna

in the police report then a fresh report could have been sought by the licensing authority and, thereafter, a reasoned order could have been passed in accordance with law. If one of the arms of the State machinery is not working properly the petitioner cannot be held responsible for that and made to suffer. Petitioner's rights to protect himself cannot be brushed aside in such a casual manner.

Accordingly, the impugned order as contained in Annexure 1 is quashed and set aside.

However, the matter is remitted back to the authority concerned for taking a fresh decision in accordance with law within a period of three months. The licensing authority would be at liberty to call for a fresh report from the concerned police authority. The Superintendent of Police, Aurangabad who has been impleaded as respondent no. 5, is also directed to send proper report in accordance with law, if such request comes from the District Magistrate or Arms Magistrate of the Aurangabad within a reasonable period keeping in mind the period within which the matter has to be decided by the licensing authority.

(Dr. Ravi Ranjan, J)

Spd/-

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