

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12965 of 2015

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Aakash Gaurav, S/o Late Uday Kumar, Resident of Mohalla- Goriatoli, Station Road, P.S.- Kotwali, District and Town-Patna

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : Ms Manisha Pandey, Advocate

For the Respondent/s : Ms Kalpana, AC to SC 19

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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 3 which is an order dated 30.05.2015 passed by the District Magistrate, Patna, by which his application for grant of N.P. Bore pistol has been rejected.

Learned counsel for the State seeks adjournment for filing counter affidavit, however, in view of the nature of the order which is going to be passed in this case the same is being disposed of without waiting for filing of counter affidavit.

The petitioner, who deals in hotel business, had applied for grant of licence vide Annexure 1 in the year 2013, however, vide the impugned order contained in Annexure 3 his request has been refused on the ground of lack of evidence regarding threat perception upon

him.

The issue is no longer *res integra* inasmuch as this Court held in the judgment dated 11.08.2015 rendered in C.W.J.C. No. 18535 of 2011 (Manish Kumar v. The State of Bihar and others) and other analogous matters that lack of evidence regarding threat perception cannot form a ground for refusal of arms licence under section 14 of the Arms Act.

Accordingly, this writ application stands allowed in terms of the judgment dated 11.08.2015 rendered in C.W.J.C. No. 18535 of 2011 (Manish Kumar v. The State of Bihar and others) and other analogous matters. The impugned order dated 30.05.2015 passed by the District Magistrate-cum-Licensing Authority, Patna, as contained in Annexure 3 is quashed and set aside and the matter is remitted back to the District Magistrate-cum-licensing authority, Patna, i.e., respondent no. 2, for taking a fresh decision in the same within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

SC/-

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