

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18244 of 2016

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Firoze Imam, S/o- Late Rajiuddin, Resident of Mohalla- Samanpura (Madarsa Road), M.V. Apartment, Flat No. 01, P.O.- B.V. College, P.S.- Shastri Nagar, District & Town- Patna.

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. District Magistrate, Patna.
3. Divisional Commissioner, Patna.
4. District Arms Magistrate, Patna.
5. Additional District Magistrate (Arms), Patna.
6. Sr. Superintendent of Police, Patna.
7. Sub-Divisional Magistrate, Sadar, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Ms. Manisha Pandey, Shweta Pandey, Advocates
For the State	:	Mr. Kumar Vikram, A.C. to G.A. 4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-12-2016

Heard parties.

This is yet another case in which the District Magistrate, Patna has rejected the application for grant of firearm licence on the ground that there is no specific evidence showing threat perception upon the petitioner.

This issue is no longer *res integra* as this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** has already decided and set the matter at rest holding that threat perception does not mean that a person, to qualify



himself for grant of firearm licence, has to suffer actual overt act. Mere apprehension of threat would be enough. The Officer-in-Charge has stated that the petitioner is a businessman and he has to carry cash in the night also and, as such, he requires protection. It is intriguing as to what else is required for grant of licence if the petitioner's conduct is good and he has sufficient reason for grant of licence. The Licensing Authority, while coming to the conclusion that there is no threat perception, has not recorded any specific reason as to why he has come to such conclusion. That apart, it is submitted on behalf of the petitioner that the application was under Family Heirloom Policy as his father was holding DBBL gun and, due to old age, he is not able to carry the firearm and, as such, he deposited the same with the arms dealer. Thereafter, the petitioner has applied for grant of firearm so that firearm could be transferred in his name. In the meantime, the father of the petitioner has passed away.

All this aspect has also not been considered by the Licensing Authority. Accordingly, the impugned order as contained in Annexure 13 is quashed and set aside. The matter is remitted back to the Licensing Authority to take a fresh decision in the matter of the petitioner in accordance with law within a period of three months also considering the ratio ratio laid down in **Manish Kumar (Supra)**. While taking a decision, the Licensing Authority would also be



obliged to consider Rule 25 of the Arms Rules, 2016 which has been inducted for the purpose of grant of licence under Family Heirloom Policy.

This writ application, accordingly, stands allowed.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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