

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6832 of 2014

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Sachidanand s/o Sri Vijay Singh Resident of village and P.O. Manoharpur
Kachaura P.S. Gopalpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner, Patna Division, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Kamla Pd. Roy,
Mr. Satya Ranjan Sinha, Advocates
For the State : Mr. Purnendu Singh, G.P.27

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 11-01-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 02.04.2013

(Annexure 2) passed by the District Magistrate-cum-Licensing
Authority as well as the order dated 20.01.2014/30.01.2014 passed by
the Commissioner, Patna Division in Arms Appeal No.544/2013.

Vide Annexure 2 the petitioner's application for grant
of licence for N.P. Bore Pistol/Revolver has been rejected by the
Licensing Authority and by the appellate order dated
20.01.2014/30.01.2014, the Commissioner, Patna Division, has

rejected the appeal and upheld the order passed by the Licensing Authority.

Mr. Kamla Pd. Roy, learned counsel for the petitioner, raises two questions. It is contended that one of the grounds for rejection is that the petitioner does not have any threat upon his life or property which as per the petitioner, is contrary to the stand taken for rejection to the second ground. The second ground for rejection of the application is that the petitioner, since is already having licence for N.P. Bore rifle, thus, there is no occasion for issuing licence for N.P. Bore pistol/revolver specially since the Licensing Authority is satisfied that there is no threat upon the petitioner. It is submitted that Section 3(2) of the Arms Act, 1959 lays down in clear terms that a person can carry at any time maximum of three firearms, therefore, the fact that the petitioner is already having a licence for N.P. Bore Rifle cannot form a ground for refusal of application for another licence for pistol/revolver as the same does not form a ground for refusal under Section 14 of the Arms Act, 1959 also. That apart this Court has already held in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** that lack of specific evidence regarding any threat perception cannot form a ground for rejection of application for grant of arms licence to the petitioner.

Accordingly, this application succeeds. Both the

impugned orders are quashed and set aside. The matter is remitted back to the Licensing Authority for taking a fresh decision within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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