

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4599 of 2016

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1. Abdul Sattar S/o Md. Sharif, R/o Mohalla - Kabirganj, P.O. + P.S. - Sasaram,
District - Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Rohtas.
5. The Additional Collector cum District Arms Magistrate, Rohtas.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prabhat Ranjan Singh, Adv.
For the Respondents : Mr. Sunil Kumar- AC to AAG-6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 28-03-2016

Heard parties.

The petitioner seeks quashing of Annexure-17, which is an order dated 24.06.2010 passed by the District Magistrate, Rohtas, by which petitioner's application for grant of licence for Revolver has been rejected. He also seeks quashing of Annexure 18 which is an order dated 30.01.2014 passed in Arms Appeal No. 161 of 2011 by the Divisional Commissioner, Patna by which the appeal has been rejected and the order passed by licensing authority has been upheld.

From perusal of the impugned order (Annexure-17), it appears that the refusal of licence is on two grounds. First is that the petitioner is already having a licence and secondly, he has not been able to produce any evidence regarding threat perception and, as such, in view of the guidelines of the Central Government contained in Letter No. 5-11016/16/2009-Arms dated 31.03.2010 licence

cannot be granted to the petitioner.

In my view, both the grounds are not tenable. It is well settled that a person can carry firearm on multiple licences upto the maximum of three in view of the provisions contained in Section 3(2) of the Arms Act, 1959. Therefore, there cannot be straight forward refusal on that ground. Secondly, if there is no evidence of any threat perception upon the petitioner then how a firearm licence for D.B.B.L. gun was granted to the petitioner?

So far as lack of production of specific evidence regarding threat perception is concerned, it has already been held by this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** that absence of that does not form a ground for refusal of licence under Section 14 of the Arms Act, 1959.

Accordingly, this application succeeds and the impugned order as contained in Annexure-17 and 18 are quashed and set aside.

The matter is remitted back to the Licensing Authority to take a fresh decision in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J.)

Amit/-

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