

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7230 of 2016

=====

1. Kaushalendra Sharan Chaubey Son of Ramdeo Chaubey Resident of village -
Khirauli, P.O. Duraon, District - Buxar

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Buxar
3. Superintendant of Police, Buxar
4. Sub Divisional officer, Buxar
5. The Officer Incharge, P.S. Dumraon, District Buxar

.... Respondent

=====

Appearance :

For the Petitioner/s : Mr. Mr. Damodar Prasad Trivedi, Advocate.

For the Respondent/s : Mr. DR.ANIL KUMAR UPADHYAY SC20.

Mr. Naresh Prasad AC to SC 20

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 02-05-2016

Heard parties.

Petitioner seeks quashing of the order dated 24.02.2016

passed by the District Magistrate, Buxar in Arms Case No. 83 of
2014 by which his application for grant of firearm license has been
rejected on the ground that the petitioner has not been able to
produce any specific evidence regarding threat perception.

It appears from the impugned order that the petitioner
has applied for grant of licence of DBBL gun in view of the fact that
his father was granted licence and was possessing a DBBL gun and,
in view of the old age, his father wanted to transfer the DBBL gun in
favour of the petitioner. For rejection certain guidelines given as
contained in letter no. 3026 dated 13.04.2010 issued by the Home

Ministry, Government of India has been discussed but surprisingly, the licensing authority has failed to appreciate that in the same guidelines there lies a Family Heirloom Policy of the Central Government also allowing holding of firearm by the heirs of the licensee described therein. That apart this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** has already held that non-production of specific evidence regarding threat perception does not form a ground for refusal of licence under Section 14 of the Arms Act, 1959.

Thus, in my view, the order impugned cannot be allowed to sustain in its present form and, accordingly, the same is quashed and, set aside. Matter is remitted back to the licensing authority for fresh consideration in accordance with law after granting reasonable opportunity to the petitioner expeditiously preferably within a period of three months from the date of receipt/production of a copy of this order. While doing so, he would be obliged to consider the decision in **Manish Kumar Vs. The State of Bihar & Others (supra)** and as well as the Family Heirloom Policy.

(Dr. Ravi Ranjan, J.)

Amit/-

U			
---	--	--	--