

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8318 of 2016

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Md. Faiyaz Alam, Son of Late Quazi Md. Alamgir, Resident of Mohalla - New Colony, Police Station - Mithanpura, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate, Muzaffarpur
4. The Arms Magistrate, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Abdul Mannan Khan,
Mr. Binay Kumar

For the State : Mr. Satyapal Singh, A.C. to S.C. 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-06-2016

Heard learned counsel for the petitioner and the State.

Petitioner's application for grant of firearm licence has been rejected vide order dated 30.01.2016 (Annexure 1) by the District Magistrate-cum-Licensing Authority, Muzaffarpur on the ground that petitioner does not face or perceive grave and imminent threat to his life. The passage from the so called guidelines issued by the Home Ministry, Government of India has also been quoted in the letter dated 31.03.2010.

In my view, the order impugned is in teeth of ratio laid down in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]**. The aforesaid letter has also been

considered and it has been observed in the decision of this Court that the same is only to the extent that if a person faces imminent threat upon his/her life then licence can be granted to him/her but that does not oust other persons. It has also been held that lack of production of specific evidence regarding any threat perception does not form a ground for refusal under Section 14 of the Arms Act, 1959.

Accordingly, this writ application succeeds. The impugned order, as contained in Annexure 1, is quashed and set aside. The matter is remitted back to the Licensing Authority for taking a fresh decision on its own merit and in accordance with law 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 ratio of the decision rendered in **Manish Kumar (Supra)**.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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