

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17385 of 2014

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Chandra Prasad Yadav @ Chandra Yadav, S/o Late Dukhan Yadav, Resident of
Perbatti, P.S. Tatarpur, District Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Sandesh Roy, Advocate

For the Respondents : Md. Obaidullah, AC to SC4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-04-2016

Heard parties.

The petitioner has approached this Court for quashing of the order dated 06.12.2006 by which his arms licence no. 2480/2001 was cancelled by the District Magistrate-cum-Licensing authority, Bhagalpur on the ground of pendency of a criminal case against him. There is no explanation as to why this writ application has been filed after a delay of 7 years. The petitioner was already released on bail on 17.03.2007.

However, since the trial in the concerned case is admittedly still pending, this writ application is being disposed of with a liberty to the petitioner to approach the licensing authority for grant of fresh licence, in case, a judgment of acquittal is passed in

the criminal case. If such occasion raises and such application is filed by the petitioner then the licensing authority would be required to consider the same on its own merit and in accordance with law, however, without being prejudiced by the earlier order of cancellation of licence on the ground of pendency of the concerned criminal case.

(Dr. Ravi Ranjan, J.)

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