

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.49 of 2016

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1. Pritesh Kumar S/o Jagannath Choudhary, R/o Sanjay Gandhi Nagar Road, Buxar,
P.S. Buxar Town, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department Government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The Inspector cum Station House Officer, Buxar Town Police Station, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. Ashok Kumar Verma, A.C. to S.C. 17

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-02-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner seeks quashing of the order dated
26.12.2014 passed by the licensing authority, Buxar by which his
request for grant of license for N.P. Bore revolver/pistol has been
refused.

3. It appears from the order impugned that two
grounds have been taken for rejection of the application of the
petitioner for grant of arms license. First is that the Superintendent of
Police, Buxar has not recommended for grant of licence rather he has
merely forwarded the application and secondly, the petitioner could

not produce any specific evidence regarding any threat upon him.

4. The issues are no longer *res integra* inasmuch as this Court in **Manish Kumar Vs. State of Bihar and others, , AIR, 2016, Patna, 9** has already held that the lack of specific evidence regarding threat perception does not form a ground for refusal of license under section 14 of the Arms Act. Secondly, under section 3(2) of the Arms Act, the licensing authority, on having received an application for grant of license has to seek a report from the Officer-in-charge of the nearest police station which has admittedly been sent through the Superintendent of Police, Buxar to the licensing authority recommending for grant of license in favour of the petitioner. Learned counsel for the State has not been able to show from the Arms Act or the Rules that recommendation by the Superintendent of Police would be mandatory. However, in case the licensing authority needed further enquiry, then it could have requested the Superintendent of Police for making enquiry and submit a report which, obviously, has not been done in this case.

5. So far as the address of the petitioner is concerned, the petitioner has filed a supplementary affidavit stating his permanent and present address in paragraphs 4 and 5 of the supplementary affidavit.

6. Thus, in my view, the order impugned is not

sustainable in law and, accordingly, the same is quashed and set aside.

The matter is remitted back to the licensing authority for taking a fresh decision on its own merit in accordance with law expeditiously, preferably within a period of three months from the date of receipt/production of a copy of this order.

7. This writ application stands allowed.

(Dr. Ravi Ranjan, J)

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