

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8200 of 2016

Vijay Kumar Singh, S/o Surendra Kumar Singh, resident of Rajiv Nagar Road
No.4, P.O.-Keshari Nagar, P.S.- Rajiv Nagar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Divisional Commissioner, Patna Division, Patna
2. The District Magistrate (Licensing Authority of Arms and Ammunition) Patna.
3. The Senior Superintendent of Police, Patna
4. The Deputy Superintendent of Police, Kotwali, Patna
5. The Officer-in-charge, Rajiv Nagar, Police Station, Patna

.... Respondents

Appearance :

For the Petitioner/s : Mr. Rajesh Sinha, Advocate
Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. SC11-ASHOK KUMAR
Mr. Amresh, AC to SC-11

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 27-06-2016

Heard parties.

This is yet another case in which application for grant of firearms licence has been rejected on the ground that no specific evidence could be produced indicating threat perception upon the petitioner.

This issue is no longer *res-integra* as the same has already been considered and decided by this Court in ***Manish Kumar Vs. The State of Bihar and Ors. reported in 2015 (4) PLJR 212*** holding that non-production of evidence regarding threat perception upon the applicant cannot form a ground for refusal of

arms licence under Section 14 of the Arms Act, 1959.

Another ground taken for refusal is that the petitioner is permanent resident of Rohtas District and his temporary address is at Patna, however, the petitioner has submitted that he is residing in his own house at Patna for the last 25 years. In this regard, he has appended Driving Licence, Aadhar Card, Voter Identity Card, PAN Card, Bank Pass Book of S.B.I. (Annexure-4 series) to show that he is resident of Mohalla-Rajeev Nagar, District-Patna. Not only that, the petitioner's father has already been granted firearms licence considering the same address (Annexure-5).

In my view, the permanent address being Rohtas District does not make the petitioner temporary resident of Patna. It can only be informed that his present address is at Patna. If the petitioner is residing for several years and the Aadhar Card, PAN Card, Driving Licence etc. have been issued considering the same address, then, it is intriguing why a firearm licence cannot be issued considering his address to be of Patna when he is also having his own house here.

Thus, in my view, the order impugned dated 4.02.2016 cannot be sustained in law and, accordingly, the same is quashed and set aside. The matter is remitted back to the licensing authority for fresh consideration in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

This writ application stands allowed.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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