

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12486 of 2016

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Sanjeev Kumar Son of Sri Bhola Prasad Yadav resident of Mohalla- -Padri Ki
Haveli, P.S. Khajekala, P.O. JHauganj, District- Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar
2. District Magistrate , Patna
3. Divisional Commissioner, Patna Division, Patna
4. Senior Superintendent of Police , Patna
5. Additional District Magistrate (arms), Patna
6. District Arms Magistrate, Patna
7. S.H.O. Khajekala Police Station, Patna

.... Respondent/s

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Appearance :

For the Petitioner : M/s Deepak Kumar and
Manisha Pandey, Advocates

For the Respondents : Mr. P.K.VERMA, AAG 3 and
Divya Verma, AC to AAG 3

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 19-12-2016

Heard.

It is contended on behalf of petitioner that vide Annexure 9, the licensing authority has tried to prejudice the mind of the Senior Superintendent of Police, Patna by drawing his attention to the legal provisions which requires that if licensing authority is satisfied then only licence can be granted and in that context he was directed to sent a report.

Be that as it may, since no order has been passed as yet, if no final decision has been taken till date in the case of the petitioner, let the Officer in Charge, Khajekala Police Station send a fresh



recommendation as per the requirement under Section 13(2) of the Arms Act, 1959, to the District Magistrate without being prejudiced by the order contained in Annexure 8 and 9, but after applying his independent mind and after proper verification.

In my view, the licensing authority is not supposed to pass such order for the purpose of getting a recommendation which suits the authorities. The Senior Superintendent of Police would also be required to apply his independent mind without being prejudiced by Annexure 8 and 9 and send fresh recommendation which should be considered by the licensing authority. Only after consideration of the fresh recommendations of the Officer-in-Charge as well as Senior Superintendent of Police, a fresh decision should be taken by him considering all the legal pronouncements on the concerned subject. Such recommendations should be sent by the police authorities within two months from the date of receipt/production of a copy of this order and, thereafter, final decision should be taken by the licensing authority within a further period of two months.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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