

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.515 of 2016

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Kriti Azad @ Chunchun Singh, son of Late Umakant Singh, resident of village- Khojagachhi, P.S.-Barbigha, District-Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Home and General Administration, Govt. of Bihar, Old Secretariat, Patna.
2. The Commissioner, Munger Division, Munger.
3. The District Magistrate, Sheikhpura.

.... Respondents

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Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate

For the Respondent/s : Mr. Rajesh Kumar, AC to G.P.-10

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 18-01-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks quashing of the order dated 20.11.2015 passed by the District Magistrate, Sheikhpura by which his application for grant of licence for N.P. bore pistol/revolver has been rejected.

The ground for rejection appears to be that the petitioner and his brother already hold licence for rifle, thus, there is no requirement for another firearm. It has been stated that many firearms in the hand of one person may be detrimental for public peace. It has also been stated that the Senior Superintendent of Police, Patna has not stated regarding any threat perception upon the petitioner's life and property.



In my view, both the grounds taken for rejection are not tenable. If a firearm in the hands of a particular person, in the opinion of the Licensing Authority, is detrimental for the public peace, it is meaningless whether he holds one firearm or two firearms. Even if he holds one firearm, that may be detrimental for the public peace and tranquility and if he is not a person like that then even grant of more than one firearm may not be detrimental for public peace and tranquility. This issue is no longer *res integra* as it has been held on several occasions that in view of the provision contained in Section 3 (2) of the Arms Act, a person can possess and carry at any time maximum up to three firearms. If there was no threat perception upon a person, in the opinion of the Licensing Authority, in such case licence for even one firearm can not be issued in his favour. The issuance of firearm licence for N.P. Bore Rifle itself shows that there was some threat perception upon which the decision for grant of licence was taken earlier. It appears from Annexure-3 that the petitioner is a former Mukhiya and he is engaged in commercial and political activities etc.

Thus, in my considered view, for the reasons mentioned above, the impugned order cannot be sustained in law and the same is quashed and set aside. The matter is remitted back to the Licensing Authority for taking a fresh decision in the matter in accordance with

law.

It is made clear that no ground has been taken for rejection of licence other than discussed above. Therefore, a fresh order should be passed also taking consideration of the same within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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