

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 17798 of 2016

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Rajesh Singh, Son of Gopalji Singh, Resident of Village- Lilari, P.S.-
Charpokhari, District- Bhojpur.

.... Petitioner.

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur, Ara.
4. The Superintendent of Police, Bhojpur, Ara.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Sheo Jee Mishra, Adv.

For the Respondents: Md. Iqbal Asif Niaz, AC to GP5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-02-2017

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 05.08.2016 passed by the District Magistrate, Bhojpur at Ara in Arms Licence Case No. 20/2016, as contained in Annexure-5 by which his application for grant of firearm licence has been rejected.

It is contended that petitioner has filed application for grant of firearm licence under Family Heirloom Policy as his father, after retaining licence for about 25 years, now wants to transfer his firearm in favour of the petitioner. That aspect has not been considered anywhere in the impugned order. Petitioner



submits that the order is against the statutory provisions envisaged under Rule 25 of the Arms Rule, 2016. Even though the Officer In-charge has apparently recommended for grant of licence, it is stated in the order that the Superintendent of Police has merely forwarded it and not given his report.

That aspect of the matter has been dealt with in several decisions of this Court as Section 13(2) of the Arms Act, 1959 provides that after receipt of application for grant of licence, report should be called from the Officer In-charge of the nearest police station. There is no requirement of report from the Superintendent of Police. However, in special circumstances, the Licensing Authority may seek such report but that does not appear to be present in the case at hand.

Accordingly, this application succeeds. The impugned order, as contained in Annexure-5 is quashed and set aside. The matter is remitted back to the licensing authority to take a fresh decision in the matter in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

While doing so, he would be obliged to consider the aforesaid discussion and observation made by this Court as also consider the provisions contained in Rule 25 of the Arms Rule,



2016.

This application stands allowed.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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