

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3671 of 2018

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Basant Prasad Singh, Son of Sri Krishna Prasad Singh, Resident of
Village- B.T. Bigha, P.S.- Sherghari, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate cum District Arms Magistrate, Gaya.
3. The Sub Divisional Officer, Sherghati Sub Division, District- Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Officer in Charge, Sherghati Police Station, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Respondent/s : Mr. Partha Sarthi, GA-4
Mr. Kumar Bikram, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 04-09-2018

Let the counter affidavit filed on behalf of

Respondent Nos. 2 and 3 be kept on record.

Heard Mr. Javed Jafar Khan, learned counsel
for the petitioner and Mr. Kumar Bikram, AC to GA-4.

The present writ application has been filed for
quashing the order dated 01.12.2017 passed in Case No. 28 of
2017 by Respondent No. 2, District Magistrate, Gaya, whereby the
application of the petitioner for grant of licence for Short gun has
been rejected.

It is submitted by learned counsel for the
petitioner that the order has been passed on a non-est ground,



though, the police report was in favour of the petitioner.

Keeping in view of the fact that the petitioner has alternative remedy of appeal under Section 18 of the Arms Act, 1959, this Court is not inclined to interfere.

The petitioner is at liberty to prefer an appeal within a period of three weeks from the date of receipt of a copy of this order along with application for condonation of delay. On such appeal being filed, it is expected from the Appellate Authority to consider the application for condonation of delay in view of the fact that the writ application was pending before this Court. It is further expected from the Appellate Authority to decide the appeal expeditiously preferably within a period of two months of its filing.

With the above observation and direction, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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