

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4325 of 2018

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Mukesh Kumar Singh, S/o- Late Akhileshwar Prasad Singh, resident of
Village- Bhusaula Danapur, P.O.- Mubarakpur, P.S. Phulwarisharif, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. District Magistrate, Patna.
3. District Arms Magistrate, Patna.
4. Additional District Magistrate (Arms), Patna.
5. Divisional Commissioner, Patna.
6. Sr. Superintendent of Police, Patna.
7. Sub- Divisional Officer, Sadar.
8. S.H.O. Phulwarisharif P.S., District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Respondent/s : Mr. Apurv Kumar, AC to GA 4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 18-06-2018

Heard learned counsel for the parties.

The present writ application has been filed for quashing
the order dated 23.10.2017 issued vide Memo No. 2060/Arms,
Patna, passed by the Respondent no.2, District Magistrate, Patna,
as contained in Annexure 5, whereby the petitioner's application
for grant of licence for DBBL gun has been rejected.

The father of the petitioner was a licensee of DBBL gun
but since he became old, the petitioner submitted an application
for grant of licence. Subsequently, the father of the petitioner



passed away on 13.2.2015 but the application of the petitioner for grant of licences was kept pending, hence, the petitioner approached this Court in C.W.J.C. No. 17044 of 2016 which was disposed of vide order dated 20.12.2016 passed by a Bench of the Court directing the licensing authority that since the petitioner submitted application on the ground that his father was a licensee, the licensing authority will consider the application of the petitioner under Family Heirloom Policy, as well as under Rule 25 of Arms Rules, 2016. However, the Licensing Authority, i.e. District Magistrate, Patna vide order dated 23.10.2017, as contained in Annexure 5, rejected the application of the petitioner on the ground that the police report suggests that the petitioner is a hot headed man and grant of licence to him can create law and order issues.

It is submitted by learned counsel for the petitioner that since the order passed in the writ application was not complied with, the petitioner preferred a contempt application being MJC No. 3357 of 2017 and during the pendency of the contempt application, the licensing authority, as a retaliatory measure, maliciously, rejected the application of the petitioner by procuring a police report. The petitioner tried to obtain a copy of police report, but it was not supplied to him, though



the earlier police report suggested that the police station recommended for grant of licence to the petitioner. It is further submitted that the grant of arms licence to an heir of the licensee is more in the nature of transfer and it has to be given preference. However, now the petitioner has applied for licence in new format.

Learned AC to GA 4 submits that at present he is not having any instruction.

Having heard learned counsels for the parties, this court is of the view that the order under challenge in the present writ application is appealable under Section 18 of the Arms Act 1959.

In the circumstances, this Court is not inclined to interfere in the matter at this stage. However, liberty is given to the petitioner to prefer an appeal within a period of three weeks from the date of receipt/production of a copy of this order, along with an application for condonation of delay, if any. Hence, it is expected from the concerned authority to consider the application for condonation of delay and to consider the claim of the petitioner on merits in accordance with law and dispose of the same within a period of two months from the date of filing such application.



It is made clear that this court has not expressed any
opinion on the merits of the claim of the petitioner.

Accordingly, this writ application stands disposed of.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.07.2018
Transmission Date	

