

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19904 of 2016

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Binod Kumar, Son of Late Raghunandan Singh, Resident of village -
Dumrawan, Police Station - Asthawan, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home,
Government of Bihar, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Nalanda.
4. The District Arms Magistrate, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Suresh Ray, Senior Advocate Mr. Binod Kumar Singh
For the Respondent/s	:	Mr. Apoorva Kumar, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-10-2018 Heard learned counsels for the parties.

The present writ application has been filed for quashing the order dated 08.08.2016 passed by Respondent No. 3, the District Magistrate, Nalnada issued vide Memo No. 34-155/2016, as contained in Annexure 8, whereby the application submitted by the petitioner for grant of licence for revolver has been rejected on the ground that the petitioner is accused in Asthawan P.S. Case No. 40 of 2011 registered for offences punishable under Section 171(M) of the IPC.

It is submitted by learned counsel for the petitioner that the petitioner applied for licence on 12.03.2008 and since then he is running from pillar to post. Initially the application of the petitioner was rejected on the ground that the petitioner is



not having any threat perception and now, it has been rejected on a flimsy ground that an Election Case has been registered against the petitioner in which charges have been framed.

Without expressing any opinion on the merits of the case, this Court is simply not inclined to interfere since the petitioner has alternative remedy of appeal under Section 18 of the Arms Act, 1959.

In the circumstances, since the petitioner is running from pillar to post since 2008 for consideration of his application for grant of arms licence, this Court, in the interest of justice, grants liberty to the petitioner to prefer an appeal before the appellate authority, i.e., the Divisional Commissioner, Patna Division against the impugned order along with an application for condonation of delay within a period of four weeks from the date of receipt/production of a copy of this order. If such an appeal is preferred by the petitioner, it is expected from the Appellate Authority to consider the application for condonation of delay since the present writ application was pending before this Court. It is further expected from the Appellate Authority to decide the appeal without being prejudiced by this order, as this Court has not expressed any opinion on the merits of the case, preferably within a period of



six weeks of its filing.

With the aforesaid, this writ application is disposed
of.

(Dinesh Kumar Singh, J)

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