

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3561 of 2019

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Baidyanath Prasad Singh Son of Late Hanuman Prasad Singh Resident of
Village- Chatouna, Police Station- Naw Kothi, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Govt. of Bihar, Patna
2. The Principal Secretary, Department of Home (Police), Govt. of Bihar, Patna Govt. of Bihar, Patna
3. The Divisional Commissioner, Munger Division, Munger
4. The District Magistrate, Begusarai
5. The Superintendent of Police, Begusarai
6. The Sub Divisional Officer, Begusarai
7. The Officer In-Charge of Naw Kothi Police Station, Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap
For the Respondent/s : Mr.Manish Kumar (Gp4)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-04-2019 The issue raised in the present writ application is no

more res integra.

This court has occasion to decide the issue of

cancellation of arms license on the basis of notice in the

newspaper.

This court has already held out that the notice in the

newspaper does not satisfy the requirement of principles of

natural justice.

In case, where the consequences are raised for strict

compliance of principles of natural justice is required.



Since the respondents have cancelled the gun license it was incumbent upon the respondents to take personal notice of opportunity of hearing before taking decision of cancellation of arms licence.

Accordingly, the order contained in Annexures- 5 and 7 are quashed. The arms license of the petitioner is restored. However, restoration of arms license will not preclude the District Magistrate to start fresh proceeding for cancellation of arms license after following the procedure contemplated in the Act and in compliance of principles of natural justice if there are allegations of abuse of arms license.

With the aforesaid, the writ petition stands allowed and disposed of.

Restoration of arms license shall be effective after general election.

(Anil Kumar Upadhyay, J)

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