

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1938 of 2014

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Balmukund Prasad @ Balmiki Prasad Son Of Gaya Mahto Resident Of
Village - Ishwarchak, Police Station Bind District - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda, District - Nalanda
3. The Superintendent Of Police, Chandi, Distt. - Nalanda
4. The Thana Incharge, Police Station Bind Distt. Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh
For the Respondent/s : Mr.Kundan Bhadur Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 01-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is aggrieved by the order dated 30.8.2002 passed by the Collector, Nalanda in Arms Case No. 7/2001, as contained in Annexures 3, cancelling the arms licence of the petitioner and the order dated 17.1.2013/7.3.2013 passed in Arms Appeal No. 112 of 2012 by the Commissioner, Patna Division as contained in Annexure-4 whereby the Commissioner while dismissing the appeal filed by the petitioner has affirmed the order passed by the Collector, Nalanda.

The Commissioner has taken 11 years to decide the



appeal and while dismissing the appeal instead of deciding the appeal on merit, he arrived at a conclusion that the District Magistrate has considered all the issues raised by the petitioner and therefore, according to the Commissioner, there was no reason to interfere with the finding of the Collector and as such the appeal was dismissed.

Learned counsel for the petitioner submits that the reason for cancelling the Gun licence of the petitioner in the order of the Collector, contained in Annexure-3 and the Commissioner contained in Annexure-4, is involvement of the petitioner in a criminal case. He further submits that the petitioner has been acquitted in the criminal case and as such the foundation for cancellation of the Gun licence goes and the petitioner is entitled to reconsideration for grant of arms licence.

Considering the aforesaid, the writ petition is disposed of with a direction to the Collector, Nalanda to reconsider the case of the petitioner in the light of the subsequent development, i.e. acquittal of the petitioner in the criminal case and if it is found that there is no criminal case pending against the petitioner and the petitioner is now a free man, the Collector shall pass fresh order in accordance with the provisions of the Arms Act. The criminal case is no more impediment in



considering the claim of the petitioner as the arms licence was cancelled on account of pendency of criminal case. Necessary decision in this regard must be taken by the Collector, Nalanda within a maximum period of 60 days after the general Parliamentary election.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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