

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20460 of 2016

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Kanhaiya Singh S/o Late Basgit Singh, Resident of Village and P.O.- Dalip
Pur, P.S.- Dhangai, District- Bhojpur..... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal, Home Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. The District Magistrate, District- Bhojpur at Ara.
4. The District Superintendent of Police, Bhojpur at Ara.
5. The District Arms Magistrate-cum-in Charge Officer, Special Cell, Bhojpur
District at Ara.
6. The S.H.O. Dhangai, P.S. District- Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manendra Kumar Sinha
For the Respondent/s : Mr.Partha Sarthi-Ga4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 24-04-2019 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

Arms licence of the petitioner was cancelled on the
ground that petitioner has failed to produce the Arms for
physical verification during the Bihar Assembly Election- 2010.

Learned counsel appearing on behalf of the
respondent with reference to the counter affidavit would submit
that before cancelling the gun license petitioner was heard and
thereafter respondents have passed order cancelling the gun
licence as the petitioner failed to produce the Arms for physical
verification.

Learned counsel for the petitioner submits that the



finding with regard to non-production of gun during Bihar Assembly Election -2010 and after the aforesaid finding, the formality in the matter as to the notice and hearing before taking decision of cancellation of gun licence is no compliance.

Learned counsel for the petitioner further submits that no personal notice was served by the respondents with regard to physical verification and as such petitioner could not produce the Arms for physical verification and as such on non production of Arms the order of cancellation is nullity in the eyes of law.

Considering the aforesaid, the writ petition is allowed and the order contained in Annexure-D to the counter affidavit is quashed and the matter is remitted back to the District Magistrate, Bhojpur at Ara who shall restore the Arms licence of the petitioner one month after general election. However, in case abuse of the Arms licence the District Magistrate may pass afresh order after giving opportunity of hearing to the petitioner.

With the aforesaid, the instant application stands disposed of.

(Anil Kumar Upadhyay, J)

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