

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19015 of 2016

Perwez Alam Khan, S/o Late Razaur Rahman Khan ,Resident of Village and Post- Lai, P.S. -Bihta, Dist - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna
2. The District Magistrate, Patna.
3. The S.D.O., Danapur, Dist - Patna.
4. The Arms Magistrate, Patna.
5. The S.S.P., Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey
For the Respondent/s : Mr.Md.Nashrul Hoda Khan-Sc1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-04-2019 This is the second round of litigation.

2. Earlier the petitioner has filed C.W.J.C. No. 1955 of 2016, which was disposed of vide order dated 01.02.2016 and the Court remitted the matter to the District Magistrate-cum-Licensing Authority, Patna to take fresh decision in accordance with law.

3. Learned counsel for the petitioner submits that despite order of remand after the quashing of the order rejecting the application, the District Magistrate, Patna perpetuated the same illegality and same reason was assigned for rejecting the application of the petitioner. He submits that from perusal of Annexure-1, it appears that the Sub-Divisional Police Officer, Danapur has submitted a report that considering the issue of



public peace and public security there is no adequate reason to grant arms licence to the petitioner and on that basis the application for grant of arms licence of the petitioner has been rejected.

4. After hearing the parties, the Court is of the view that the decision of the respondents is not in consonance with the earlier order passed by this Court and the Rule 2016. Accordingly, the order as contained in Annexure-1 is quashed and the matter is remitted to the District Magistrate-cum-Licensing Authority, Patna to take fresh decision in the light of 2016 Rules and the judgment of the Division Bench **the State of Bihar & Ors. Vs. Deepak Kumar**, reported in **2019 (1) PLJR 664**, which is settler on the point of grant of arms licence.

5. Necessary decision in this regard must be taken by the respondent District Magistrate-cum-Licensing Authority, Patna within a maximum period of four months from the date of receipt/production of a copy of this order.

6. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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