

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15320 of 2017

Om Prakash Rai Son of Sri Rajendra Thakur, Resident of Mohalla- Station Road, Ward No.12, P.S. Buxar Town, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Home Department
2. The Commissioner, Patna Division at Patna.
3. The District Magistrate, Buxar.
4. The District Arms Magistrate, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ras Bihari Thakur
For the Respondent/s : Mr.S.S.Prasad -Sc8

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 15-05-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is aggrieved by the order passed by the licencing authority dated 5.11.2014 and the order passed by the appellate authority dated 16.05.2017.

Learned counsel for the petitioner would submit that the petitioner had applied for licence of N.P. Bore Rifle and on 28.6.2008 the arms licence was granted to the petitioner. However, due to illness of the father of the petitioner and marriage in the family of the petitioner, the arms was not purchased and in the aforesaid background the renewal of licence was refused and thereafter the petitioner filed appeal



which was also dismissed.

Learned counsel for the petitioner further submits that decision to refuse renewal of licence is arbitrary inasmuch as there is no allegation of misuse of licence and as such the petitioner should have been permitted to purchase the arms on the basis of arms licence, but the respondents have arbitrarily rejected the prayer for renewal of licence.

Considering the fact that the petitioner for a long time has not purchased the arms, the Court finds no error in the order passed by the licencing authority and the appellate authority.

However, if the petitioner is serious about getting the arms licence for purchase of arms, he is granted liberty to file fresh application before the District Magistrate, Buxar indicating therein that he will purchase the arms within 60 days of grant of licence.

In the event such application is filed by the petitioner then the District Magistrate shall consider the case of the petitioner for grant of arms licence keeping in view that earlier the petitioner was granted such licence but due to financial crunch, he could not purchase the same but there was no misuse of the licence. Necessary decision in this regard must be taken by the District Magistrate, Buxar within a period of sixty days



after the general Parliamentary Election.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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