

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24683 of 2019

=====

Md. Sabahat Iftekhar, S/o Iftekhar Ahmad, R/o Mohalla-Faikullahkhan, P.O.-
Lalbagh, P.S.-Laheria Sarai, Distt.-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The District Magistrate, Darbhanga.
5. The Inspector General of Police, Darbhanga.
6. The Senior Superintendent of Police, Darbhanga.
7. The D.S.P., Darbhanga.
8. The Officer Incharge, Laheriasarai Police Station, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Respondent/s : Md. Fazle Karim, A.C. to S.C. 01.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-01-2020 Heard learned counsel for the parties.

2. The petitioner complains that he had applied for grant of Arms License of N.P. revolver on 17.9.2018 before the District Magistrate, Darbhanga, which is still pending. The petitioner claims that he is a good shooter and has actively participated in XXV Bihar State Shooting Championship, 2013 held at BMP-5, Patna, and XXVI Bihar State Shooting Championship, 2015 held at Siwan and has won Bronze Medal. He claims to be a member of Darbhanga Rifle Club, and National Rifle Association of India as has been asserted in the



writ application.

3. This is to be noted that the Central Government has made the rules called Arms Rules, 2016, in exercise of power conferred under various sections of the Arms Act. Rule 12 of the Rules requires Licensing Authority to consider an application for grant of License, *inter alia*, to a dedicated sports person being active member for last two years of a Shooting Club or a Rifle Association, licenced under these Rules, who wants to pursue sport shooting for target practice in a structured learning process. Rules 13 and 14 which prescribe time limit for Police Report and for grant of license read as under:

“13. Time limit for grant of licence. - The licensing authority, after considering the application and on being satisfied that the applicant has fulfilled the eligibility conditions, shall grant or refuse to grant a license for permissible category of arms or ammunition specified in category III of Schedule I, to any person by recording in writing the reasons for such grant or refusal, by passing a speaking order, within a period of sixty days of the receipt of the police report:

Provided that the licensing authority shall specify, the type of arms and ammunition to be procured by the applicant after assessing the reason and the need for possession of the type of arms and ammunition applied for by the



applicant, considering its lethality or fire-power.

14. Time limit for police report for grant of

licences. - (1) On receipt of an application for grant of a licence under sub-section (1) of section 13 or every subsequent renewal thereof under section 15, the licensing authority shall call for a report of the officer-in-charge of the nearest police station on that application, and such officer shall send his report in Form S-4, within a period of thirty days from the date of receipt of application by him.

(2) The Central Government may by issuance of a general or special order, extend the period of thirty days as specified in sub-rule (1) up to ninety days for certain areas or States for any reason deemed appropriate by it.

(3) The licensing authority may in case of non-receipt of police report within the period of thirty days under sub-rule (1) or within the extended period under sub-rule (2), make an order in writing for grant or refusal of licence, without further waiting for the report”.

4. It is a matter of concern that despite specific rules framed by the Central Government, a person has to approach this Court seeking direction for disposal of his application for Arms License.

5. Considering the facts and circumstances, this writ application is disposed of with a direction to the District



Magistrate, Darbhanga, to dispose of petitioner’s application for grant of licence within two months from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

S.Ali/-

U			
---	--	--	--

