

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3999 of 2019

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Sri Niwas Sharma Son of Late Mahesh Prasad Sharma Resident of Village -
Barai, P.S. Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary Govt. of Bihar, Patna
2. The Principal Secretary Home Deptt. Govt. of Bihar
3. The Divisional Commissioner Patna Division, Patna
4. The District Magistrate Nalanda Distt. Biharsharif.
5. The Superintendent of Police Nalanda Distt. Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad (Sc8)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-07-2022 The present writ petition has been filed for quashing the order dated 15.11.2011, passed by the learned court of District Magistrate, Nalanda, Biharsharif in Arms Case no. 32 of 2000 as also the order dated 18.09.2018/ 02.11.2018, passed by the learned court of Divisional Commissioner, Patna in Arms Appeal no. 243 of 2011.

The learned counsel for the petitioner has submitted that the Arms License of the petitioner bearing Arms License no. 09 of 1983 was cancelled only on account of the petitioner being implicated in a criminal case bearing Islampur PS case no. 117 of 2000 lodged on 04.10.2000, apart from the petitioner being also an accused in Islampur PS case no. 83 of 1997, however it is the



case of the petitioner that during the interregnum period, the petitioner has been acquitted in the aforesaid Islampur PS case no. 117 of 2000 by a judgment dated 22.02.2017, passed by the learned court of Additional Chief Judicial Magistrate-III, Hilsa in Trial case no. 434 of 2017 (arising out of Islampur PS case no. 117 of 2000) as also the petitioner has not been sent up for trial in connection with the other case bearing Islampur PS case no. 83 of 1997, hence it is submitted that the petitioner be granted liberty to approach the Licensing Authority for grant of fresh arms license, however it be observed that the earlier orders passed by the respondent Authorities dated 15.11.2011 and 18.09.2018/ 02.11.2018 shall not prejudice the case of the petitioner for grant of Arms license apart from directing the licensing authority to consider the factum of the petitioner having been exonerated from the criminal case in question, on account of which the Arms License of the petitioner was cancelled.

Having regard to the facts and circumstances of the present case, the present case stands disposed off with liberty to the petitioner to apply afresh for grant of Arms license and in case, such an application is filed within a period of four weeks from today, the same shall be considered in accordance with law as also the licensing authority shall take into account the fact that the petitioner has been exonerated in the criminal case in



question and without being prejudiced by the aforesaid earlier orders passed in the case of the petitioner, shall take appropriate decision, within a period of 12 weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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