

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18633 of 2018

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Reyaz Ahmad son of Syed Mainuddin, resident of Village- Kolhua Dargah,
P.S. Mairwa, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Home,
Govt. of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Chapra.
3. The District Magistrate, Siwan.
4. The Sub Divisional Officer, Siwan.
5. The District Arms Magistrate, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Adv.

For the Respondent/s : Md. Harun Quareshi, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 20-06-2022 The present writ petition has been filed for quashing the order dated 6.4.2005, passed by the District Magistrate, Siwan whereby and whereunder the arms license of the petitioner has been cancelled by invoking the powers conferred under Section 17(iii) of the Arms Act, 1959. The petitioner has also challenged the appellate order dated 23.12.2018 passed in Arms Appeal No. 19/2017 by the learned Commissioner, Saran Division, Chapra.

The learned counsel for the petitioner has



submitted that as far as the original order dated 6.4.2005 is concerned, the license of the petitioner has been cancelled merely on the basis that the petitioner had not submitted an affidavit declaring that no criminal case was pending against him, however, the fact remains that at that moment of time, no criminal case was pending against the petitioner. It is further submitted that subsequently, the license of the petitioner was renewed from year to year till the year 2014-15, however, when the arms license of the petitioner was not renewed for the year 2015-16, the petitioner had acquired knowledge that the license of the petitioner had already been cancelled vide order dated 6.4.2005, hence, he had filed an appeal before the learned Commissioner, Saran Division, Chapra bearing Arms Appeal No. 19/2017, however, the same has been rejected by the impugned order dated 23.12.2018 on the ground that one criminal case is pending against the petitioner bearing Ziradei P.S.Case No. 25/16.

At this juncture, this Court had put a query



to the learned counsel for the petitioner as to whether the petitioner is ready to await the final decision of the aforesaid Ziradei P.S.Case No. 25/16 and then, avail the remedy of approaching the District Magistrate, Siwan for revocation of the order of cancellation of the arms license of he petitioner, to which the learned counsel for the petitioner has answered in the affirmative.

Accordingly, the present writ petition stands disposed of as not pressed, however, with liberty to the petitioner to approach the District Magistrate, Siwan for revocation of the order of cancellation of the arms license of the petitioner as and when the petitioner is acquitted in the aforesaid Ziradei P.S.Case No. 25/16 or the same is quashed by a competent court having appropriate jurisdiction.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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