

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.750 of 2023

Mahamaya Prasad Son of Jagrnath Prasad, Resident of Village- Garar, P.S. Andar, District- Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Home Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Saran Range, Chhapra, Biha.
4. The District Magistrate, Siwan, Bihar.
5. The District Arms Magistrate, Siwan, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Respondent/s : Mr.Sheo Shankar Prasad (Sc 8)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-12-2023 Heard the parties.

2. The arms license of the petitioner has been cancelled only because he did not produce his arms for physical verification pursuant to a general notice.

3. Learned counsel for the petitioner submits that the period during which the arms was to be physically verified, his arms was seized by the police.

4. In these circumstances, the petitioner has challenged the impugned order dated 8.3.2022 and the appellate order 26.08.2022 by which the original order of cancellation has been affirmed.

5. This Court has earlier also held that service of personal notice before cancellation of arms license is a must and arms license of the petitioner cannot be cancelled/suspended because of non-compliance of general notice and the impugned



order dated 8.3.2022 and the appellate order 26.08.2022 by which the original order of cancellation has been affirmed may be quashed.

6. On this, learned counsel for the State has submitted that the petitioner is not eligible to hold arms license as he is accused in a murder case which is pending and therefore the arms license cannot be restored.

7. In view of the above submissions, the impugned order dated 8.3.2022 and the appellate order dated 26.08.2022 are hereby quashed with liberty to the District Magistrate, Siwan to initiate an appropriate proceeding in accordance with law against the petitioner for suspension/cancellation of arms license and after personal notice and after hearing the petitioner the District Magistrate, Siwan can pass an order.

8. The District Magistrate, Siwan will consider the facts of the case and shall not be prejudiced by any observation of this Court before passing any order.

(Sandeep Kumar, J)

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