

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1974 of 2023

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Md. Nazim Khan Son of Md. Ishaque Khan@ Ishak Khan, Resident of
Village Sitanabad, P.S. Bakhtiyarpur, District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Old Secretariat, Bihar, Patna.
2. Commissioner-cum-Appellate Authority, Koshi Division, Saharsa.
3. District Magistrate-cum-Licensing Officer, Saharsa.
4. District Arms Magistrate, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad (SC8)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-11-2023 Heard the parties.

2. This application has been filed for quashing of the order dated 26.08.2022 passed by the Commissioner-cum-Appellate Authority, Koshi Division, Saharsa in Arms Appeal No. 39 of 2020 and also for quashing the Memo No. 949 dated 01.07.2020 passed by the District Arms Magistrate, Saharsa by which the District Arms Magistrate, Saharsa has rejected the application of the petitioner without hearing him.

3. The application of the petitioner for Arms Licence has been cancelled by the District Arms Magistrate, Saharsa dated 01.07.2020 without hearing the petitioner and the same was challenged before the Commissioner-cum-Appellate



Authority, Koshi Division, Saharsa in Arms Appeal No. 39 of 2020 was also dismissed by impugned order dated 26.08.2022.

4. Since the original order was passed by the District Arms Magistrate, Saharsa dated 01.07.2020 without hearing the petitioner, this application succeeds. The impugned order dated 26.08.2022 passed by the Commissioner-cum-Appellate Authority, Koshi Division, Saharsa in Arms Appeal No. 39 of 2020 and the Memo No. 949 dated 01.07.2020 passed by the District Arms Magistrate, Saharsa are hereby quashed and the matter is remitted back to the District Arms Magistrate, Saharsa for fresh consideration on the application of the petitioner in accordance with law.

5. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

Harsh/

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