

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6901 of 2023

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Md. Abrar S/o Late Abdul Aziz R/o Mohalla Samir Takiya, Police Adda, P.S.-
Rampur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Additional District Magistrate, Gaya.
4. The Superintendent of Police, Gaya.
5. Circle Officer, Gaya.
6. Officer-in-charge, Kotwali Thana, District- Gaya.
7. Md. Shamim, S/o Late Md. Nizamuddin @ Nazo Owner of Md. Nazo Fire Crackers, Gaya, R/o Bari Road, P.S.- Kotwali, District- Gaya, Shop is Situated at Dr. Wazir Ali Road, Dhami Tola, P.S.- Kotwali, District- Gaya.
8. Md. Shakil, S/o Late Md. Nizamuddin @ Nazo Owner of Pyro Traders, Gaya, R/o Bari Road, P.S.- Kotwali, District- Gaya, Shop is Situated at Dr. Wazir Ali Road, Dhami Tola, P.S.- Kotwali, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vishal Saurabh, Adv.
For the Respondent/s	:	Mr.Sheo Shankar Prasad, SC-8
		Mr.Anil Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-11-2023

1. The present writ petition has been filed seeking
the following relief(s):-

*“1. That this is an application for issuance of writ
or writs in the nature of Mandamus commanding/
directing the official respondents to stop the
illegal sale of Fire Crackers from the shop of
private respondents, without having any valid
license to sale and is adjacent to the shop of
Petitioner who has license no- 03/09, which is*



also in contravention of Rule 86(3) of the Explosive Rule 2008, which attracts untoward incident at any time.

It is further been prayed that official Respondents may further be directed to close the shop and godown of the private Respondents which are illegally being run violating the Explosive Rules 2008 and for which an FIR was lodged vide Civil Line P.S case no- 731/2022 dated 22-10-22 under section 9(B) of Explosive Act but no action is being taken by the official Respondents on extraneous consideration even after filing several representation before them which shows that they are in hands in globes with each other.”

2. At the outset, the learned counsel for the respondent-State has referred to the counter affidavit filed in the present case to submit that a First Information Report has already been lodged against the respondent no.7, bearing Gaya Civil Line P.S. Case No.731 of 2022 dated 22.10.2022, under Section 9(B) of the Indian Explosive Substance Act and upon investigation, the case has been found to be true against the F.I.R. named person, namely, Md. Shamim and thereafter, the cracker godown in question has been sealed, hence it is submitted that the present writ petition has been rendered infructuous.



3. In view of the aforesaid, the learned counsel for the petitioner submits that in case of any subsisting grievance, the petitioner be granted liberty to approach the District Magistrate, Gaya for redressal of the same. Liberty so sought is granted.

4. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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