

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12213 of 2023

Prabha Shankar Mishra Son of Late Ramashankar Mishra R/o Bedauli, P.S.-
Mairwa, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Home, Govt. of Bihar.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Siwan, (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sarvan Kumar, Advocate

For the Respondent/s : Mr. M. Nasrul Huda Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 04-12-2023 Heard the parties.

2. The arms licence of the petitioner has been cancelled by the District Magistrate, Siwan by order dated 22.02.2022 and the same has been affirmed by the Commissioner, Saran by his order dated 03.01.2023.

3. It has been submitted by learned counsel for the petitioner that the petitioner was posted as Subeduar at 25 Army Dog Unit Pune from 17 March, 2020 to 30 April, 2022 and has an arms license of DDBL gun. The petitioner possessed his Arms to the satisfaction of licensing authority without any hindrance. After knowing that his license was cancelled by the



licensing authority, the petitioner immediately deposited his arms at “Vivek Gun Emporium” Siwan. Being posted as a Subedour at 25 Army Dog Unit, he did not know about the notice published in the news paper in the year 2021 regarding verification of Arms in view of Panchayat Election. All of a sudden, the petitioner came to know about the cancellation of his arms license vide Memo No. 451 dated 22.2.2022, he immediately deposited his arms. Learned counsel further submits that the petitioner filed an Arms Appeal No. 67 of 2022 before the respondent no. 2 and the same was rejected on 3.1.2023 by which Memo No. 451 dated 22.02.2022 has been affirmed.

4. From the submissions of the petitioner, it appears that no personal notice was given to the petitioner before cancelling his arms licence and he has not been heard.

5. In view of the above and in the interest of justice, this application is allowed.

6. The order dated 22.02.2022 passed by the District Magistrate, Siwan and the appellate order dated 03.01.2023 passed by the Commissioner, Saran Division, Chapra in Arms Appeal No. 67 of 2022 are quashed.

7. The arms licence of the petitioner is restored.



8. This application is allowed.

(Sandeep Kumar, J)

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