

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19632 of 2021

1. Afreen Sultana Wife of Syed Naushad Un Nabi, resident of D.A.V. Colony, Rani Tala, G.T. Road, Asansol, District - Burdwan, West Bengal, at present resident of Mohalla - Garhpar, Police Station- Biharsharif, District - Nalanda.
2. Md. Sajjad Akhtar, Son of Late Md. Siddique Akhtar, resident of Mohalla - Banauliya, Police Station- Biharsharif, District - Nalanda.
3. Md. Ashraf Eqbal, Son of Md. Taqi Hashmi, resident of Ward No. 45, Near Imam Bara, Mohalla - Bari Dargah, Police Station- Biharsharif, District - Nalanda.
4. S. Monazir Hasan @ Monajir Hasan, Son of Syed Mansoor Hasan, resident of Mohalla - Bari Pahari, Sohسرائي, Police Station- Sohسرائي, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Patna, Bihar.
2. The District Magistrate, Nalanda, Biharsharif.
3. The Superintendent of Police, Nalanda, Biharsharif.
4. S.H.O., Biharsharif Police Station, Biharsharif, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Shukla, Advocate
	:	Mr. R.P.M. Tiwari, Advocate
For the Respondent/s	:	Mr.Md. Nadim Seraj (GP 5)
	:	Mr. Dhirendra Kumar, AC to GP 5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 13-04-2023 Heard the learned counsel for the petitioners and
the learned counsel for the respondents.

As far as petitioners no. 3 and 4 are concerned, the
District Magistrate, Nalanda at Biharsharif has stated in the
counter affidavit, filed by him that the proceedings against



them have been dropped and vide order dated 23.12.2022, passed in Arms case no. 08 of 2007, it has been directed to restore their arms licenses.

As far as petitioners no. 1 and 2 are concerned, it is submitted by the learned counsel for the petitioners that their arms licenses were suspended in the year 2007, however, till date, no decision has been taken and it has been merely submitted in the counter affidavit filed by the District Magistrate, Nalanda that criminal proceedings are still pending *qua* them, before the learned trial court, hence the arms cases pertaining to the petitioners no. 1 and 2 are still pending before him and have not been concluded, however, it is pointed out by the learned counsel for the petitioners no. 1 and 2 that the same is in teeth of ***Section 17(3) of the Arms Act, 1959***, which postulates that the licence can be suspended only for a fixed period and not indefinitely.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to direct the District Magistrate, Nalanda to finally decide as to whether the suspension of the arms licence of the petitioners no. 1 and 2 are required to be revoked or confirmed or the same is required to be continued for a fixed time period. The necessary decision



is directed to be taken within a period of twelve weeks from today.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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