

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4476 of 2024

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Parvej Ali @ Parwez Ali, Son of Ahmad Hussain, Resident of Mohalla- Sarai,
P.S.- Laheriasarai, District- Darbhanga, Presently, residing at Hour No.- A
236, Upper Ground Floor, Thokar No. 7, Abul Fazal Enclave Part- 2, Shaheen
Bagh, Jamia Nagar, South Delhi- 110025.

... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar.
2. The Divisional Commissioner, Darbhanga, Division, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The Senior Superintendent of Police, Darbhanga.
5. The Additional District Magistrate, (Arms), Darbhanga.
6. The District Arms Magistrate, Darbhanga.
7. The Sub-Divisional Officer, Darbhanga.
8. The S.H.O., Laheriasarai Police Station, District- Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Manisha Pandey, Advocate
For the Respondent/s : Md. Zeeshan Kalim, A.C. to S.C.-20

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-03-2024 This is an application for setting aside the order dated 30.11.2023 contained in memo no.3415 passed by the District Magistrate, Darbhanga in Arms Case No.143 of 2023, by which the petitioner's arms license has been cancelled.

2. The impugned order cancelling the arms license of the petitioner has been passed on the ground that there was no approval of the District Magistrate on the file of the petitioner by which has been granted arms license. The petitioner was granted the license and thereafter he has procured



the license.

3. It is the contention of the petitioner that he has filed reply to the show-cause before the District Magistrate during the course of the proceeding and in the said show-cause he has has relied upon a decision of this Court rendered in the case ***C.W.J.C. No. 782 of 2009 (Hamid Ansari & Anr. vs. The State of Bihar & Ors)*** but the aforesaid judgment has not been considered by the District Magistrate, Darbhanga while passing the impugned order.

4. The contention of the petitioner appears to be correct.

5. In view of the above, the impugned order dated 30.11.2023 contained in memo no.3415 passed by the District Magistrate, Darbhanga in Arms Case No.143 of 2023 is hereby quashed with respect to present petitioner only.

6. The matter is remitted back to the District Magistrate, Darbhanga to consider the case of the petitioner afresh in light of the judgment of this Court rendered in the case of ***Hamid Ansari & Anr. vs. The State of Bihar & Ors (supra)***.

7. The consideration must be done on or before 31st of July, 2024 after hearing the petitioner and after calling a fresh report from the concerned police station.



8. With the aforesaid observations and directions, this writ petition is allowed.

9. Let a copy of this order be communicated to the District Magistrate, Darbhanga forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

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