

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11982 of 2023

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Mahanth Ghanshyam Das S/o Mahanth Jagdeo Das, Resident of - Bara
Mahavir Asthan Town Hall, P.S.-Kotwali, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Divisional Commissioner, Munger.
2. Divisional Commissioner, Munger Division, Munger.
3. District Magistrate/Collector, Munger.
4. Superintendent of Police, Munger.
5. Station House Officer (SHO) Kotwali Police Station, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh
For the Respondent/s : Mr.Md. N.H. Khan (Sc1)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 29-01-2024 1. This is an application for quashing the order dated 19.03.2018 by which the respondent no. 3 has cancelled the license of the petitioner for rifle and for quashing the order dated 24.06.2022 passed in Arms Appeal No. 26 of 2018 by Divisional Commissioner, Munger.

2. The Arms License of the petitioner has been cancelled by the District Magistrate, Munger by order dated 19.03.2018 and the same has been affirmed in Appeal by the Divisional Commissioner, Munger in Arms Appeal No. 26 of 2018.



3. The thrust of the cancellation orders are that the petitioner was facing a criminal case.

4. It has been submitted by the learned counsel for the petitioner that the criminal case has resulted into his acquittal. In the appeal, it was pointed out by the petitioner that the criminal cases has resulted into his acquittal though on a compromise but still the Commissioner has passed the order by upholding the order of the District Magistrate, Munger.

5. The impugned order dated 24.06.2022 passed by the Divisional Commissioner, Munger is a perverse order and cannot be sustained and the same is hereby quashed.

6. The matter is remitted back to the Divisional Commissioner, Munger to decide the appeal afresh in accordance with law after considering the fact that the petitioner has now no more accused in any other case and the fact that the petitioner being a *Mahant* of a religious trust has threat over his life.

7. The appeal must be decided within three months from the date of production/receipt of a copy of this order.

8. Let a copy of this order be communicated to the Commissioner, Munger through FAX for its compliance forthwith.



9. With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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