

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13340 of 2023

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Vinay Kumar Singh S/o Baidyanath Singh, Resident of Kunwar Tola,
Gangjala, Ward No. 17, Saharsa, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Bihar, Patna.
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, District- Saharsa.
4. The Superintendent of Police, Saharsa, District- Saharsa.
5. The Officer Incharge, Police Station, Sonbarsaraj, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh
For the Respondent/s : Mr.Md. Nadim Seraj (Gp 5)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-01-2024 Heard the parties.

2. This application has been filed for setting aside the order dated 01.04.2019 passed by the Collector-cum-District Magistrate, Saharsa vide its letter No. 475 dated 01.04.2019 by which the arms license of the petitioner has been cancelled as well as for quashing the order dated 03.06.2023 passed by the Commissioner, Koshi Division, Saharsa in Arms Appeal Case No. 135 of 2022 by which the order of the Collector, Saharsa dated 01.04.2019 has been affirmed.

3. It has been submitted by the learned counsel for the petitioner that the arms license of the petitioner has been



cancelled only on the ground that the petitioner was accused in the a criminal case and he further submits that the petitioner has already been acquitted in the criminal case. He also submits that this fact has been brought to the notice of the appellate authority i.e. that Commissioner but the same has not been considered.

4. Learned counsel for the State submits that the petitioner's Arms license was cancelled because he has been found involved in a criminal case.

5. I have heard and considered the submissions of the parties.

6. From the records, it appears that the appellate authority, though has noted the factum of acquittal of the petitioner but nothing has been mentioned in the consideration part about the same.

7. In the opinion of this Court, the order of the appellate authority is mechanical and a non-speaking order and bereft of the reasons and the same cannot be sustained by this Court.

8. Accordingly, this application is allowed and the order dated 01.04.2019 passed by the Collector-cum-District Magistrate, Saharsa vide its letter No. 475 dated 01.04.2019 as well as the order dated 03.06.2023 passed by the Commissioner,



Koshi Division, Saharsa in Arms Appeal Case No. 135 of 2022 is hereby quashed and the matter is remitted back to the Commissioner, Koshi Division, Saharsa for fresh consideration of the appeal in accordance with law after hearing and considering all the issues raised by the petitioner. The appeal must be decided by the Commissioner within three months from the date of receipt/communication of copy of this order.

9. With the aforesaid directions, this application stands allowed.

(Sandeep Kumar, J)

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