

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17872 of 2022

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Krishna Kumar Dokania Son of Ganesh Ram Dokania, Resident of Ward No. 12 Aliganj, Town Banka, District Bhagalpur, Bihar 813102

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home Affairs, Government of Bihar, Patna.
2. The Divisional Commissioner, Bhagalpur.
3. The District Magistrate, Banka.
4. The Superintendent of Police, Banka.
5. The Station House Officer, Town P.S., Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar
For the Respondent/s : Mr.Sheo Shankar Prasad (Sc8)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 08-04-2024 Heard the parties.

2. The following prayer has been made by the petitioner in the present writ petition:

“For quashing the order dated 19.05.2022 passed in Arms Appeal No. 34 of 2021-22 by the Divisional Commissioner, Bhagalpur whereby and whereunder the Divisional Commissioner dismissed the said appeal case and confirmed the order dated 19.05.2021 passed by the District Magistrate, Banka whereby the Arms License of the petitioner with respect to (i) License No. 215-15/2004 (N.P. Bore Revolver-H8907) (ii) License No. 273-01/2009 (N.P. Bore Pistol No. 133764W) and (iii) License No. 05/2009 (N.P. Bore Rifle No. 33768) was revoked from immediate effect.”



3. I have heard learned counsel for the petitioner and learned counsel for the State.

4. The main contention of the petitioner is that in the show cause notice dated 07.04.2021, the petitioner was issued by the District Magistrate, Banka, the petitioner was asked to show cause as to why his arms license be not cancelled for violation of the Section 3(2) of the Arms (Amendment) Act, 2019.

5. The petitioner filed reply to the show cause on 12.04.2021. The impugned order has been passed on 19.05.2021 and the arms license of the petitioner has been cancelled on three grounds i.e. he had violated the amended provisions of the Arms Act (Section 3(2) of the Arms (Amendment) Act, 2019), he had not produced the arms for physical verification and he was also accused in Banka P.S. Case No. 744 of 2019.

6. In the opinion of this Court, the additional two grounds mentioned in the impugned order for cancelling of arms license of the petitioner are not there in the show cause and therefore the entire proceeding is vitiated and therefore the impugned order cannot be sustained.

7. In these circumstances, the impugned order dated 19.05.2021 passed by the District Magistrate, Banka and the



consequential appellate order dated 19.05.2022 passed by the
Divisional Commissioner, Bhagalpur are set aside.

8. In view of the above, this application is allowed.

(Sandeep Kumar, J)

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