

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.602 of 2025

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Bhushan Singh Son of Late Bacha Singh, Resident of Village- Pipra Pariwar,
P.S.- M.H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Siwan.
4. The Arms Magistrate, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Angad Kunwar, Adv.
For the Respondent/s : Standing Counsel (28)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 11-05-2026 Heard learned counsel for the petitioner and learned
counsel for the Respondent State.

2. The instant writ Petition has been filed for the
following relief(s):-

*“That the petitioner craves indulgence of
this Hon’ble Court for issuance of an
appropriate Writ in the nature of Certiorari
for setting Aside the Order dated
15.11.2024/22.11.2024 passed in Arms
Appeal No.125/2022 by Respondent No.2 as
contained in Annexure-6 whereby and
whereunder Respondent No.2 was pleased to*



confirm Memo No.326/Arms dated 27.01.2022 as contained in Annexure-3 on the ground that petitioner's Arms verification has not done which was advertised in Daily News Paper".

3. Counsel for the petitioner submits that petitioner retired as Naieb Subedar in March, 2009, and was working as a Security Inspector upon retirement at Sports City, JPSI Greater Noida, Gautam Buddh Nagar, U.P. After retirement, the petitioner has obtained License of DBBL Gun *vide* Licence No. 179/1998 by Memo No. 326/Arms, Gun No. 43377, A/9.

4. It is the case of the petitioner that respondents had published a notice in a local newspaper for physical verification of the Arms during Panchayat Elections and since this petitioner was working as a security Inspector at Sports City, JPSI Greater Noida, Gautam Buddh Nagar, U.P. after retirement, such local news so published in the newspaper, could not reach to him and owing to such ignorance of getting his arms verified physically, the impugned cancellation of his license *vide* Memo No. 326/Arms dated 27.01.2022 without any valid notice is said to have been passed, while on the appeal preferred before the



Divisional Commissioner, who is also said to have dismissed his appeal by affirming the order passed by the original authority.

5. It is the case of the petitioner that since there was no notice received by him and the petitioner's license was issued on All India Basis and, on such grant of license the petitioner was earning his livelihood as a Security Inspector at Sports City, JPSI Greater Noida, Gautam Buddh Nagar, U.P. after having been superannuated from the Armed Forces, a lenient approach was required to have been taken by the authorities to meet the ends of justice.

6. It has further been pleaded that the only source of livelihood of the petitioner which has been taken away from him, on the strength of the impugned orders, while there has been no misuse of such arms and only for physical verification having not been done during the Panchayat Election, the petitioner's Right to Life may not be allowed to be affected by the orders passed by the Licensing Authorities and as also by the Appellate Authorities, which is seriously causing prejudice to him and his family members.

7. The counsel for the petitioner further submits that from the Order impugned, the only reason which has been assigned that there was apprehension of misuse of such Arms, which was



issued in favour of the petitioner, but there is no material to show that there has been any actual misuse and for the presumptive misuse, forming basis of passing the impugned Order may not be held to be sustainable in law.

8. On the other hand, counsel for the State, by referring to the order passed by the District Magistrate and as also the Divisional Commissioner, Siwan, submits that since the address mentioned in the arms license is related to the District, Siwan and there was already a paper publication made for getting arms license physically verified and the petitioner having not made appearance for such physical verification, the order impugned cannot be said to be perverse or in any way could be held to be unjustified in law.

9. Considering the submissions of the parties, this court finds that the sole purpose of getting the Arms physically verified was to control the misuse of such Arms having been issued to the licensees and from order itself, it is quite evident that the petitioner had not appeared for physical verification of arms owing to his being in Greater Noida, and discharging duties as a Security Inspector and further the Arms license being issued on All India basis and the apprehension of such misuse having remained on paper may not have been the basis of



passing such orders affecting the right of livelihood of this petitioner, who is a retired Army Personnel and the factum of earning his livelihood being contingent over such license and the facts available on record does not show any type of misuse, the order passed by the original Authority as also by the Appellate Authority deserves interference, and accordingly, they are set aside.

10. The instant writ petition stands allowed.

(Ajit Kumar, J)

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