

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.272 of 2024

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Sri Niwas Singh, Son of Indradeo Singh Resident of Village Tenduni Tola,
P.O. Tenduni Chowk,

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Departemnt, Government of bihar, Panta.
2. The Divisional Commissioner, Patna.
3. The District Magistrate-Cum-Licensing Authority, Rohtas at Sasaram.
4. The District Arms Magistrte, Rohtas at Sasaram
5. The Superintendent of Police, Rohtas at Sasaram.
6. The Station House Officer, Bikramganj, District-Rohtas.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Pd. Singh, Sr. Advocate Mr. Varun Krishna Singh, Sr. Advocate Mr. Venkatesh Kaushik, Advocate
For the Respondent/s	:	Mr. Birju Prasad, G.P.13 Mrs. Shimeto Anand, AC to G.P.13

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL JUDGMENT

Date : 17-08-2026

**Heard learned counsel for the petitioner and
learned counsel for the State.**

2. In the instant writ petition, the petitioner has
prayed for the following reliefs:

"(a) For setting aside the order dated 15.06.2023 passed by the Divisional Commissioner, Patna in Arms Appeal No. 377 of 2022 by which the appeal preferred by the petitioner against the order dated 25.02.2019 passed by the District Magistrate, Rohtas in Arms Case No. 934 of 2006 has been rejected;

(b) For a direction to the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram to grant licence to the petitioner for holding the NP Bore Revolver for safety of his life



and property;

(c) For grant of any other relief/reliefs for which the petitioner is legally entitled in the facts and circumstances of the case."

(d) For setting aside the order dated 05.09.2024 passed by the District Magistrate, Rohtas (Respondent No. 3) in Arms Case No. 04 of 2024, by which during the pendency of writ petition he has rejected the prayer of the petitioner for grant of N.P.Bore Revolver after initiating fresh Arms case which is without jurisdiction and not sustainable in the eyes of law."

3. The case of the petitioner is that the petitioner, Sri Niwas Singh has been seeking an Arm Licence for an NP Bore Revolver since 2006, citing threat to life and property, despite a favourable police recommendation, his applications were repeatedly rejected (in the year 2006, 2010, and again on 25.02.2019 — this time citing absence of threat perception and an unsubstantiated allegation of misuse of his DBBL gun licence at a marriage function), with two intervening remands by the Appellate Authority and two earlier rounds of litigation before this Court. His subsequent appeal against the 2019 rejection was also dismissed by the Divisional Commissioner vide order dated 15.06.2023 — the primary impugned order challenged in this writ petition — allegedly in a mechanical manner, without independent application of mind.

4. Learned counsel for the petitioner submitted that the petitioner had first applied for grant of an Arms Licence in



the year 2006, and that despite two rounds of remand by the Appellate Authority (in 2010 and again in 2016) and two earlier rounds of litigation before this Court (CWJC No. 20109 of 2010 and CWJC No. 24123 of 2019), his prayer has been repeatedly rejected without proper application of mind, culminating in the impugned appellate order dated 15.06.2023.

5. Learned counsel for the petitioner further submitted that during the pendency of the present writ petition, the District Magistrate, Rohtas, without jurisdiction, registered a fresh Arms Case No. 04 of 2024 and rejected the petitioner's prayer afresh vide order dated 05.09.2024, by calling for a fresh report from the DCLR and SDM, Vikramganj — a procedure dehors Sections 13 and 14 of the Arms Act, 1959, and impermissible while the earlier orders on the very same subject-matter stood under challenge before this Hon'ble Court.

6. Learned counsel for the petitioner lastly submitted that the petitioner already holds a valid DBBL gun licence since 2005 without any instance of misuse, that the local police had duly recommended grant of the licence, and that the rejection — solely on the unsubstantiated allegation of misuse at a marriage function and absence of a "threat report" — is mechanical, cryptic, and unsustainable in law.

7. Learned counsel for the State/Respondent No. 3



submitted that the licensing authority as well as the Appellate Authority have acted strictly in accordance with the provisions of the Arms Act, 1959, and that the rejection of the petitioner's prayer is based on cogent material on record, including the finding that no threat has been reported by the petitioner to the local police in the last twenty years, and the fact of misuse of cartridges of the DBBL gun in a marriage function.

8. Learned counsel for the State further submitted that fresh Arms Case No. 04 of 2024 was registered and decided pursuant to this Hon'ble Court's own order dated 04.07.2024 directing an enquiry into the matter, and that the enquiry committee's report dated 19.08.2024, along with the reasoned order dated 05.09.2024, duly considered the material on record, including the principles laid down in CWJC No. 18535 of 2011, LPA No. 758 of 2018, and the observations of the Hon'ble Supreme Court in Criminal Appeal No. 1324 of 2012 regarding the need to curb proliferation of arms.

9. Learned counsel for Respondent No. 5 submitted that as per the report of the S.H.O., Bikramganj, the petitioner already possesses a DBBL Gun and had applied for a Pistol licence, which was forwarded by the police but rejected by the District Magistrate and the Divisional Commissioner.

10. Having heard the parties and perused the



materials on record, it becomes imperative to reiterate that, It is true that citizens have no fundamental right to bear arms. Unlike in the United States, possessing or carrying a firearm in India is strictly a regulated privilege governed by statutory law of the Arms Act of 1959. The grant, refusal, renewal, or cancellation of an arms license is accordingly subject to well-defined statutory and judicial safeguards, as summarized below:

- (i) Under section 14 and section 17 of the Arms Act, authorities cannot reject or revoke a license based on vague allegations, whims or caprice; such decisions require recorded, objective reasons showing genuine danger to public peace or safety.
- (ii) Mere involvement or registration of a routine FIR against an applicant or license holder is generally an insufficient ground for outright cancellation or refusal unless active misuse, violence, or a direct threat to public safety is demonstrated.
- (iii) Police verification reports and threat assessments must be weighed conclusively, rather than dismissed or accepted through generalized assumptions.
- (iv) An arms license to an individual cannot be denied solely on the ground that the applicant does not



have any "specific threat or imminent danger".

- (v) The authorities shall not insist upon a safety training course conducted by the accredited trainer or master accredited trainer having license under rule 39, unless the same has been notified by the Central Government by issuing a general or special order in this regard as envisaged in Rule 10(3) of the Arms Rule, 2016.

11. From the perusal of the order of the District Magistrate dated 25.02.2019 it is quite clear that without bringing on record any cogent material, the District Magistrate refused the NP Bore Revolver license of the petitioner on the ground that the petitioner had misused the cartridges of his DBBL gun in a marriage function.

12. It is relevant to state here that the Divisional Commissioner, Patna by his order dated 15.06.2023, affirmed the order dated 25.02.2019 of the District Magistrate, Rohtas in the most cryptic/mechanical manner without consideration of the relevant facts.

13. It is quite strange that in spite of the pending writ petition, the District Magistrate, Rohtas without jurisdiction initiated a fresh arms case no. 04 of 2024 and rejected the petitioner's prayer afresh vide order dated 05.09.2024.



14. In view of the aforesaid discussion, the order of the Divisional Commissioner, Patna dated 15.06.2023, affirming the order of the District Magistrate, Rohtas dated 25.02.2019, and the subsequent order of the District Magistrate, Rohtas dated 05.09.2024, are hereby quashed.

15. To bring a quietus to the litigation, the District Magistrate, Rohtas, is hereby directed to issue a Non-Prohibited (NP) Bore revolver arms licence to the petitioner, subject to the condition that no criminal cases are pending against the petitioner.

16. Accordingly, with the above observation and directions the present Writ petition is allowed.

17. Pending I.As, if any, stands disposed of.

(Alok Kumar, J)

Manish Kumar

AFR/NAFR	A. F. R.
CAV DATE	13.07.2026
Uploading Date	17.08.2026
Transmission Date	N.A

