IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3169 of 2024

CNR No. BRHC010074072024

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Suraj Kant Kumar son of Sri Nathu Pandit, Resident of Village Kamalpur, P.O.-Jalalpur, P.S. Lalganj, District-Vaishali, Bihar-844121.

... ... Petitioner/s

Versus

1. The State of Bihar through Secretary of Home Affairs, Government of Bihar, Old Secretariat, Patna.
2. The Commissioner, Trihut Division, Muzaffarpur.
3. The District Magistrate cum Collector, Vaishali, Hajipur.
4. The Superintendent of Police, Vaishali, Hajipur.
5. The Officer In Charge Lalganj P.S., District-Vaishali, Hajipur.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nilanjan Chatterjee, Adv. Mr. Ujjawal Raj, Adv. Mr. Sahil Kumar, Adv. Ms. Jyoti Prakash, Adv. Mr. Anirvan Choudhari, Adv.
For the State	:	Mr. K.P. Gupta, GP-10 Mr. Satya Vrat, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL JUDGMENT
Date : 05-10-2026

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

2. “1. That the instant application is being filed for the following reliefs:

i. For issuance of Writ/Order/Direction including Writ in the nature of Certiorari for quashing the order dated 02.11.2023 passed in Arms Appeal No. 195/2023 by Commissioner, Trihut Division, Muzaffarpur wherein the Appeal of the petitioner against of the order of

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the District Magistrate refusing him to grant him Arms license has been rejected.

ii. For issuance of Writ Order/Direction including writ in the nature of Certiorari for quashing the order dated 17.04.2023 passed by the District Magistrate cum Collector, Vaishali wherein the application for grant of Arms License of the petitioner has been rejected on nonest grounds without considering the Rule 12(3)(a) of the Arms Rule 2016.

iii. For issuance of Writ order direction including Writ in the nature of Mandamus commanding the respondents to consider the case of the petitioner for grant of arms license in light of Rule 12(3)(a) of the Arms Rules 2016.

iv. For any other relief/reliefs for which the petitioner is found entitled to on the facts and the circumstances of the instant case."

3. The case of the petitioner, in brief, is that he runs a customer service point for State Bank of India in the name and style of Save Solution Pvt. Ltd., the primary nature of duty in which is providing facility of deposit and withdrawal of cash of the customers of the Bank. As the delivery agent, it is his duty to ensure that sufficient cash is available in the customer service point, and he has to take out cash from the bank accounts and

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make it available for the customers, and therefore has to constantly move around with cash, which makes the nature of his profession inherently dangerous. Considering his threat perception, the petitioner filed an application on 08.02.2021 for grant of Arms licence before the District Magistrate cum Collector, Vaishali. Since the said application remained pending, the petitioner preferred C.W.J.C. No. 7120/2022, which was finally disposed of vide order dated 01.09.2022, directing the District Magistrate to dispose of the application within a period of 8 weeks from the date of receipt of the copy of the order. The petitioner thereafter filed a representation for compliance of the said order. Thereafter, the District Magistrate, Vaishali, vide order dated 17.04.2023, rejected the application of the petitioner on the ground that the Superintendent of Police, Vaishali (Hajipur) has not recommended for grant of Arms licence to the petitioner. Against the said order, the petitioner filed Arms Appeal No. 195/2023 on 19.06.2023 before the Commissioner, Trihut Division, Muzaffarpur, who, vide order dated 02.11.2023, rejected the appeal of the petitioner, upholding the order passed by the District Magistrate.

4. Learned counsel for the petitioner submitted that Rule 12(3)(a) of the Arms Rules 2016 contemplates grant of

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Arms licence where the very nature of business, profession or job of a person provides a genuine threat perception to his life and property. The petitioner runs a customer service point and his job involves movement of cash, which provides such a threat perception, and the District Magistrate, the Commissioner and the Superintendent of Police ought to have considered this aspect. It was further submitted that the Station House Officer, Lalganj P.S. considered the threat perception in favour of the petitioner, but that recommendation was not taken into account, in contravention of Rule 12(3)(a), and that the petitioner has clean antecedent and is otherwise qualified in all aspects. It was also submitted that the District Magistrate committed a grave error in interpreting Sections 13 and 14 of the Arms Act, 1959 in isolation of Rule 12(3)(a) of the Arms Rules 2016.

5. Learned counsel for the petitioner further submitted that there are a number of incidents in Hajipur where Customer Service Centres have been looted by miscreants in the vicinity where the petitioner also runs his centre and that the deteriorating law and order situation ought to have been taken into account by the District Magistrate and the Commissioner. It was lastly submitted that the impugned orders show no consideration of the genuine threat perception attached to the

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nature of job or profession, that the action of the respondents is arbitrary and in violation of Articles 14, 19 and 21 of the Constitution of India,.

6. Learned counsel for the State/Respondents submitted, that the writ petition is fit to be dismissed due to non-joinder of the parties, as the District Arms Magistrate, Vaishali at Hajipur is a necessary party for proper adjudication of the case and has not been impleaded by the petitioner. It was submitted that the petitioner had filed Arms Appeal Case No. 195/2023 before the Divisional Commissioner, Tirhut Division, Muzaffarpur against the order dated 17.04.2023 passed in File No. 10/2022-23 by the District Magistrate, Vaishali refusing to grant arms licence to the petitioner, and the Divisional Commissioner, vide order dated 02.11.2023, rejected the appeal, taking into consideration the enquiry report of the Superintendent of Police, as no cogent reason had been assigned by the petitioner which necessitated him for grant of Arms licence. The order passed by the District Magistrate, Vaishali is a speaking order not liable to be interfered with, and the licensing authority, taking into consideration every nature of business/profession/job or otherwise, has held that there is no genuine requirement of the petitioner to protect his life and

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property, and has adhered to the provision of Rule 12(3)(a) of the Arms Rules 2016.

7. Learned counsel for the State/Respondents further submitted that the District Magistrate, Vaishali at Hajipur is not bound to consider the recommendation of the S.H.O., Lalganj P.S., and that the licensing authority, after considering the report, may either grant licence or refuse the same. It was submitted that the onus is upon the petitioner to prove the factum of threat and perception to life and property while running the customer service point, and that the petitioner has not assigned cogent reason that he feels insecure in the course of running the customer service point where there are huge transactions of money. The District Magistrate has rightly rejected the application on the basis of the report of the Superintendent of Police, Vaishali at Hajipur, and, in exercise of power conferred under Rule 12(3)(a) of the Arms Rules 2016, has refused to grant licence based on the police report on his own assessment, the petitioner not having shown sufficient cause or fulfilled the eligibility condition. It was further submitted that there is no parameter to grant an arms licence based on a particular incident of loot and murder, which relates to law and order that is maintained by the local administration,

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and that there is no violation of Rule 12(3)(a) of the Arms Rules 2016 by the licensing authority as well as the appellate authority.

8. 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

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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.

9. Applying the above to the facts of the present case, this Court finds that the District Magistrate, Vaishali, rejected the petitioner's application on the ground that the Superintendent of Police, Vaishali (Hajipur) had not recommended grant of Arms licence, without considering Rule 12(3)(a) of the Arms Rules 2016 and the threat perception attached to the nature of the petitioner's profession, and without taking into account the recommendation of the Station House Officer, Lalganj P.S. The Commissioner, Trihut Division, Muzaffarpur, upheld the rejection, likewise without considering the aspect of genuine threat perception. It is not the subjective satisfaction of the District Magistrate that matters; rather, an objective consideration of the facts on record is essential. Various High Courts have held that the absence of a specific or imminent threat perception is not a valid ground to reject an

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Arms licence application, especially for individuals whose trade or profession involves heavy cash and money transactions. It is also relevant that Rule 12(3)(a) of the Arms Rules 2016 provides that the applicant's trade, business or profession must be considered.

10. Taking into consideration the fact that the petitioner has no criminal antecedents, that the nature of his profession, which involves regular movement of cash, provides a genuine threat perception, and that the Station House Officer, Lalganj P.S. considered the threat perception in favour of the petitioner for considering his case for grant of Arms licence, the concerned authorities ought to have considered his application for grant of Arms licence.

11. In these circumstances, the impugned order dated 17.04.2023 passed by the District Magistrate cum Collector, Vaishali in File No. 10/2022-23, and the appellate order dated 02.11.2023 passed by the Commissioner, Trihut Division, Muzaffarpur in Arms Appeal No. 195/2023 affirming the same, are hereby quashed.

12. The District Magistrate cum Collector, Vaishali is hereby directed to reconsider the application of the petitioner for grant of Arms licence taking into account the nature of his

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work, which involves regular movement of cash, and his area of operation. It is directed that the District Magistrate cum Collector, Vaishali shall decide the application within three months from the date of filing of a copy of this order.

13. Accordingly, with the aforesaid observations and directions, the present writ petition is disposed of.

(Alok Kumar, J)

Anand/-

AFR/NAFR	NAFR
CAV DATE	27.08.2026
Uploading Date	05.10.2026
Transmission Date	NA

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