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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010381962026

+ **CRL.M.C. 6029/2026 & CRL.M.A. 25210/2026**

NAVJOT SINGH BHINDER

.....Petitioner

Through: Mr. Devinder Singh, Adv.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Appearance not given.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

18.08.2026

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1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Cr.P.C.') read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), seeking quashing of **FIR No. 663/2024** registered at Police Station IGI Airport, New Delhi, for the offence punishable under Section 25 of the Arms Act, 1959 (hereinafter referred to as the 'Arms Act'), and all consequential proceedings emanating therefrom.
3. Briefly stated, on 05.09.2024, the petitioner was travelling from Delhi to Amritsar by Flight No. AI-491. During screening of his checked-in baggage at IGI Airport, one undeclared cartridge was recovered, pursuant to which the present FIR came to be registered under Section 25 of the Arms Act. The petitioner was interrogated and released without arrest and the cartridge was



seized. Thereafter, the charge-sheet came to be filed before the learned ACJM, Patiala House Courts, New Delhi.

4. It is the case of the petitioner that about a month prior to the incident, while attending a marriage at his native village, he had found the said cartridge lying at the venue and, out of curiosity, kept the same in his utility pouch. He thereafter forgot to remove the same and inadvertently carried the utility pouch in his baggage while travelling to Delhi and subsequently while returning to Amritsar.

5. Learned counsel for the petitioner submits that only one cartridge was recovered from the baggage of the petitioner and the petitioner was not consciously aware of its presence therein. He submits that there was no *mens rea* on the part of the petitioner and that he was not in conscious possession of the said cartridge. He further submits that mere recovery of a cartridge from the baggage of the petitioner, in the absence of knowledge or conscious possession, would not constitute an offence under Section 25 of the Arms Act.

6. In support of his submissions, learned counsel for the petitioner has handed over and relied upon the judgments of this Court in ***Baldev Singh Dhillon v. State NCT of Delhi & Anr.***, CRL.M.C. 3004/2025, ***Vishwajit Joshi v. State NCT of Delhi***, W.P.(CRL.) 2788/2025, ***Jatinder Singh v. State NCT of Delhi & Anr.***, W.P.(CRL.) 1166/2025, ***Manoj Sharma v. State Govt. of NCT of Delhi***, W.P.(CRL.) 3138/2025, ***Gaurav Thakur v. State NCT of Delhi***, CRL.M.C. 4710/2026 and ***Hardeep Singh v. State NCT of Delhi & Anr.***, W.P.(CRL.) 60999/2025 to contend that conscious possession and the requisite *mens rea* are essential ingredients and that mere recovery of ammunition from the baggage, without knowledge of its presence, would not by itself attract the offence under the Arms Act.



7. Learned APP for the State, who appears on advance notice submits that the petitioner was found in possession of the said cartridge without any valid arms licence and that, upon completion of investigation, charge-sheet has already been filed before the learned Trial Court.
8. Heard learned counsel for the parties and perused the material placed on record.
9. The issue for consideration before this Court is whether the recovery of one cartridge from the checked-in baggage of the petitioner, in the facts of the present case, would amount to conscious possession so as to attract Section 25 of the Arms Act.
10. The Hon'ble Supreme Court in ***Gunwantlal v. State of Madhya Pradesh, (1972) 2 SCC 194***, while dealing with the expression 'possession' under the Arms Act, held that possession must have an element of consciousness or knowledge. The said principle was reiterated by the Constitution Bench of the Hon'ble Supreme Court in ***Sanjay Dutt v. State through CBI, Bombay, (1994) 5 SCC 410***, wherein it was held that possession means conscious possession and not mere custody without awareness of the nature of such possession.
11. Division Bench of this Court in ***Gaganjot Singh v. State, 2014 SCC OnLine Del 6885***, while dealing with recovery of a solitary live cartridge from the baggage of the petitioner, held that though a live cartridge constitutes 'ammunition' within the meaning of Section 2(b) of the Arms Act, mere recovery thereof would not be sufficient in the absence of material showing conscious possession. In the absence of any material showing awareness of the petitioner regarding the cartridge, the FIR and the proceedings emanating therefrom were quashed.



12. In the present case, only one cartridge was recovered from the checked-in baggage of the petitioner and no firearm was recovered from him. The petitioner has explained that he had found the said cartridge at a marriage function and had kept it in his utility pouch out of curiosity and thereafter forgot about its presence.

13. Merely because the cartridge was recovered from the baggage of the petitioner and he was not having a valid arms licence would not be sufficient to establish conscious possession. There has to be material on record to show that the petitioner had knowledge or awareness of the presence of the said cartridge in his baggage at the relevant time.

14. The judgments relied upon by learned counsel for the petitioner in **Baldev Singh Dhillon** (supra), **Vishwajit Joshi** (supra), **Jatinder Singh** (supra), **Manoj Sharma** (supra), **Gaurav Thakur** (supra) and **Hardeep Singh** (supra) also reiterate the requirement of conscious possession for attracting an offence under the Arms Act.

15. In view of the settled position of law and the facts and circumstances of the present case, this Court is of the view that no material has been placed on record to show that the petitioner was in conscious possession of the said cartridge. Therefore, no useful purpose would be served by continuing the criminal proceedings against the petitioner.

16. Accordingly, the present petition is allowed. **FIR No. 663/2024** registered at Police Station IGI Airport, New Delhi, under Section 25 of the Arms Act and all consequential proceedings emanating therefrom, including the charge-sheet, are hereby quashed.

17. Pending application(s), if any, also stand(s) disposed of.

18. Copy of this order be sent to the learned Trial Court for information



and necessary compliance.

19. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 18, 2026/JYH/Av