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

+ **W.P.(CRL) 2520/2024**

MANVIR SINGH

.....Petitioner

Through: Counsel for Petitioner (appearance
not given)

versus

THE STATE GOVT OF NCT DELHI & ANR.Respondents

Through: Mr. Yasir Rauf Ansari, ASC for the
State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

18.09.2025

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1. Petition under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioner, Manvir Singh, seeking quashing of FIR No. 276/2024, registered under Section 25 of the Arms Act, 1959 at Police Station I.G.I. Airport.

2. ***The case of the Prosecution*** is that on 15.04.2024, a complaint was received from Mr. N. Halder (ASI/Executive CISF/IGI Airport) stating that at about 0211 hrs, one passenger, namely Manvir Singh, travelling to Abu Dhabi by Etihad Airlines (Flight No. EY-211, Seat No. 54D, boarding time 0405 hrs), approached for PESC at ATRS No. 08 of Zone 4 in INTS WING SHA, T-3, IGI Airport, New Delhi. During the screening of the passenger's hand bag, the Complainant observed an ammunition-like image on the



monitor of the ARTS Machine. Upon physical examination, one live ammunition of length 2.5 cm, diameter 0.9 cm, marked 7.65 KF, was found. The body of the ammunition was brass, with a copper top portion. The passenger failed to provide any explanation or supporting documents with regards to the recovered ammunition.

3. During the preliminary enquiry, the passenger, Petitioner Mr. Manvir Singh, produced a copy of Arms License No. DM/LDH/DUP/KHSD/1219/279 issued by the office of the ADM/Khanna, Punjab, in the name of his father, Mr. Harvinder Singh, son of Ranjit Singh, resident of Village Salodi, Samrala, District Ludhiana, Punjab. The license is valid throughout India till 12.08.2027. The Petitioner stated that the recovered ammunition belongs to his father. Thereafter, FIR No. 276/2024 under Section 25 of the Arms Act was registered on 15.04.2024 at PS IGI Airport. On the same day, a notice under Section 41A of the Code of Criminal Procedure, 1973 was issued to the Petitioner and he was released after examination.

4. It is submitted on behalf of the Petitioner that he was travelling from India to Canada to attend a family function. While packing for his travel, his father handed him one of his own bags for use during the journey. Without the knowledge of the Petitioner, the live cartridge remained inside that bag and was detected during baggage screening at IGI Airport, Delhi. The Petitioner had no prior knowledge of its presence and became aware of it only at the airport. Due to panic and fear at that moment, he could not disclose this fact to the authorities immediately.

5. It is submitted that the Petitioner was not in conscious possession of the said live cartridge and had no intention to carry it. Further, it is



submitted that only a solitary cartridge was found without any accompanying firearm.

6. It is submitted that the Petitioner, a young boy of 23 years of age with clean antecedents, should not be made to suffer without fault. If the present Petition is not allowed, the Petitioner will be compelled to face criminal prosecution, which would affect his future and unnecessarily drag him into litigation. It is contended that irreparable loss and injury will be caused to the Petitioner. The Petitioner undertakes to be more cautious while travelling in the future.

7. *Accordingly, it is prayed that the present Petition be allowed and FIR No. 276/2024 dated 15.04.2024 be quashed.*

8. ***Status report has been filed on behalf of the Respondent/State,*** setting out the facts leading to the present FIR. It is stated that Arms License No. DM/LDH/DUP/KHSD/1219/279 (Document No. ES14634806) has been verified online and found valid till 12.08.2027. Records further show that a pistol was issued to the license holder on 09.12.2000 and 25 rounds were issued on 10.02.2011. It is also stated that the Petitioner has not been found involved in any other criminal case.

Submissions heard and record perused.

9. Admittedly, one live ammunition has been recovered from the possession of the Petitioner during his baggage scanning at the Security check and on the physical checking at I.G.I. Airport, New Delhi.

10. As has been held in a catena of judgments, even single ammunition recovered from the possession of a person, amounts to recovery of ammunition. However, the possession has to be *conscious* to impute any culpability. The pre-condition for an offence under the Arms Act, 1959 is



the element of intention, consciousness or knowledge with which a person possessed the Firearm, before it can be said to constitute an offence, as held by the Constitution Bench of the Apex Court in Gunwant Lal vs. The State of Madhya Pradesh, (1972) 2 SCC 194.

11. In Ritesh Taneja vs. State and Anr., 2022 SCC OnLine Del 971, it has been explained by the Co-ordinate Bench of this Court that conscious possession of any firearm/ammunition entails strict liability on the offender.

12. In Sanjay Dutt vs. State through CBI Bombay, (1994) 5 SCC 410, the Constitution Bench of the Apex Court had reiterated as under: -

*“The meaning of the first ingredient of ‘possession’ of any such arms etc. is not disputed. Even though the word ‘possession’ is not preceded by any adjective like ‘knowingly’, yet it is common ground that in the context the word „possession” must mean possession with the requisite mental element, that is, conscious possession and not mere custody without the awareness of the nature of such possession. **There is a mental element in the concept of possession.** Accordingly, the ingredient of „possession” in Section 5 of the TADA Act means conscious possession. This is how the ingredient of possession in similar context of a statutory offence importing strict liability on account of mere possession of an unauthorized substance has been understood. (See Warner v. Metropolitan Police Commissioner, (1969) 2 A.C. 256 and Sambasivam v. Public Prosecutor, Federation of Malaya, (1950) AC 458.”*

13. In Gaganjot Singh vs. State, MANU/DE/3227/2014, the Co-ordinate Bench of this Court in similar facts, where a solitary live cartridge was recovered by the police from the Petitioner’s bag which belonged to his uncle about which he expressed his lack of knowledge. It was held that the circumstances did not establish conscious possession. Relying on the



decision in Gunwantlal (supra), the FIR was quashed, and the Petitioner was discharged.

14. Similar, observations have made consistently by the co-ordinate Bench of this Court in Narinderjit Kaur Singh vs. State (NCT of Delhi) decided vide W.P.(CRL) 1669/2017 and Nimesh Kumar vs. State of NCT of Delhi, decided vide W.P.(CRL) 3540/2017.

15. The circumstances in which the one live cartridge was recovered from the Petitioner have been explained by him, who stated that he was not even aware of the cartridges in the bag, since he had taken the bag from his father for the purpose of travelling abroad. Further, he has explained that the recovered ammunition belongs to his father.

16. The circumstances as explained by the Petitioner, clearly establish that there was no criminal intent on his part. It can be inferred that presence of the cartridges was without the knowledge of the Petitioner and he did not have the requisite *mens rea*. It is thus, held that the possession of cartridges was not conscious possession and the circumstances do not disclose the commission of any offence punishable under Section 25 Arms Act, 1959.

17. Accordingly, FIR No. 276/2024 under Section 25 of the Arms Act, 1959 at Police Station I.G.I. Airport and all consequential proceedings emanating therefrom, are quashed.

18. The Petition along with Pending Application (s), if any, is disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 18, 2025/RS