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

+ **W.P.(CRL) 2907/2024**

BIBEK SINGH

.....Petitioner

Through: None

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

18.09.2025

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1. Petition under Section 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed seeking quashing of FIR No. 0249/2024, dated 02.04.2024, 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 02.04.2024, a Complaint was received from Mr. Praveen Singh Dagar, Sub Inspector/Executive, CISF No. 095140030, CISF Unit, IGI Airport, Terminal 3, New Delhi. In the said Complaint it is stated that at about 0211 hrs, one passenger namely Mr. Bibek Singh, travelling to Patna by flight number SG-8471, Seat No. 19A, reported at X-BIS No.18 in Domestic SHA (T-3), IGI Airport and placed his bag for screening. The Complainant observed an ammunition-like image on



the monitor of the ARTS Machine during screening of the said bag. Upon physical examination, one live ammunition of length 3.2 cm, diameter 0.9 cm, marked 7.65 KF, was recovered. The Passenger/Petitioner was not carrying any valid license for the said ammunition at that time and failed to provide any explanation or supporting documents.

3. The recovered ammunition was examined and sealed in a transparent plastic box by preparing a pulanda. Thereafter, FIR No. 294/2024 under Section 25 of the Arms Act was registered on 02.04.2024 at PS IGI Airport. On the same day, a notice under Section 41A Cr.P.C. was issued to the Petitioner. In response, he stated that he is an arms license holder bearing Arms License No. LN05205A7A2CB22/30/2022, UIN No. 052051003873862022, issued by the District Magistrate, Siwan, valid up to 31.12.2028 in the State of Bihar.

4. It is submitted on behalf of the Petitioner that he was travelling to Patna by a SpiceJet flight scheduled to depart at 06:55 PM from Terminal 3, IGI Airport, when a live cartridge was inadvertently found in his baggage during the security check. He holds a valid license for a revolver/pistol covering acquisition, possession, carrying, and use of arms or ammunition for sport/target practice/protection/display under categories I(b), I(c), III, V, VI of Schedule I, with UIN No. 052051003873862022, for one .32 NP Bore Pistol No. 229132017 manufactured by I.O.P/R/P.I India, with .32 Bore pistol cartridges.

5. It is further submitted that the Petitioner is a law-abiding citizen with no involvement in any other offence. The presence of the live cartridge was purely inadvertent and a result of oversight. The Petitioner has fully co-operated with the investigating agencies and has no connection with any



unlawful activity. He undertakes to exercise greater caution and responsibility in future. It is contended that subjecting him to prosecution would cause grave hardship and mental agony.

6. It is submitted on behalf of the Petitioner that continuation of the criminal proceedings would cause him prejudice, resulting in extreme injustice. If the same are not quashed, it would be unfair and would amount to abuse of the process of law.

7. *Accordingly, it is prayed that the present Petition be allowed and FIR No. 0249/2024 dated 02.04.2024 be quashed.*

8. ***Status report has been filed on behalf of the Respondent/State,*** wherein the facts leading to the present FIR have been set out. It is stated that a notice regarding verification of Arms License No. LN05205A7A2CB22/30/2022, UIN No. 052051003873862022 was sent to the District Magistrate, Siwan, and it has been confirmed that the Petitioner is a valid arms license holder.

Submission 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 has been explained by him, who stated that he was not even aware of the cartridges in the bag. Further, he has explained that he has a license for Arms and had bought the ammunition from an authorised distributor.

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*.

17. It is thus, held that the possession of cartridges was not conscious possession and also, he has a valid Arms Licence, though valid for Bihar. The circumstances do not disclose the commission of any offence punishable under Section 25 Arms Act, 1959.

18. Accordingly, FIR No. 249/2024 under Section 25 of the Arms Act, 1959 at Police Station I.G.I. Airport and all consequential proceedings emanating therefrom, are quashed.

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

NEENA BANSAL KRISHNA, J

SEPTEMBER 18, 2025/RS