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

+ CRL.M.C. 6634/2025 & CRL.M.A. 27906/2025

SHRI RAMESH KUMAR

.....Petitioner

Through: Mr. Pramod Kumar Tiwari and
Mr. Anil Kumar Sinha, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Madan Lal, PS Domestic Airport

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **17.09.2025**

1. The present Petition under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred to as 'B.N.S.S.') has been filed for quashing of FIR No. 27/2022 registered under Section 25 Arms Act, 1959 registered at Police Station I.G.I. Airport.
2. ***Briefly stated***, on 18.06.2022, the Petitioner received information from his son Anoop Chaudhary that he was experiencing severe pain in his back and that he would be requiring immediate medical treatment at Indian Spine Injury Centre Delhi where he was given treatment previously.
3. The Petitioner immediately booked flight tickets from Lucknow to Delhi for 19.06.2022. He had unconsciously packed his items in a bag which contained three (03) ammunition rounds, about which he had no knowledge. However, the Petitioner was completely unaware about the existence of these ammunitions in his belongings.
4. It is further submitted that the Petitioner is having a valid Arms



License bearing No. 8977/Kotwali Unnao to carry arms in the state of Uttar Pradesh since the year 1996. At the time of the alleged incident, the Petitioner was having a valid Arms License No. 15 8977/Kotwali Unnao for Pistol no. 667580 of 32 bore. The last purchase of ammunitions registered on the above said license was done by the Petitioner way back in the year 2011 which has been certified by the authorized Arms Dealer.

5. The Petitioner arrived with his wife Premvati and nephew Karan, at Delhi IGI Domestic Airport on 19.06.2022. From the Delhi Airport, they went to their relative Kunal Das's home in Chhatarpur Delhi, where the ailing son of Petitioner i.e. Anoop Chaudhary was also staying.

6. The medical treatment of Anoop Chaudhary began on 20.06.2022 at Indian Spinal Injuries Centre located at Sector-C, Vasant Kunj, New Delhi-110070. Throughout the duration of the medical treatment, the Petitioner was present in the Hospital to look after his ailing son. The medical treatment of Anoop Chaudhary got concluded in the evening of 21.06.2022 and he was subsequently discharged from the hospital.

7. That once Anoop Chaudhary got discharged from Indian Spinal Injuries Centre, the Petitioner along with his wife, his son and nephew booked a flight from Delhi to Kanpur in order to return to their home Town Unnao.

8. That on 22.06.2022, the Petitioner was scheduled to travel from Spice Jet Airlines Flight No SG 2745 from Delhi to Kanpur. At 9:31AM, during the screening and physical search of the baggage of Petitioner by the Delhi Airport Security Staff, three (03) ammunitions of (.32 calibre) were detected, of which allegedly the Petitioner did not have the valid license instantly at that time. However, it is relevant to mention the fact that the



Petitioner was completely unaware and was not conscious about the possession of the above stated three ammunitions in his luggage. FIR No: 27/2022 had been registered against the petitioner under Section 25 of The Arms Act, 1959 at PS: IGI Domestic Airport.

9. During the course of investigation, the petitioner had disclosed that he had a valid Arms License issued by the District Magistrate, Unnao, Uttar Pradesh in his name and provided a copy of the license, which was verified from the District Magistrate, Unnao, U.P and found the same to be genuine and valid. The petitioner had further disclosed that the corresponding pistol for which he has the valid license, had been deposited in Unnao Armoury on 13.03.2019 and was not in his possession at the time of the alleged incident. Furthermore, it was disclosed by the Petitioner that the three ammunitions had been mistakenly and unconsciously kept in his luggage and the petitioner was not even conscious about the presence of the three ammunitions in his luggage until his luggage was screened and searched by the Delhi Airport Security.

10. Despite production of Arms licence valid in UP, the petitioner was charge sheeted U/s 25 of Arms Act 1959 and directed to face the trial.

Submissions heard and record perused.

11. Admittedly, three live ammunitions have 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.

12. 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.

13. 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.

14. 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.”*

15. 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.

16. 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.

17. The circumstances in which the three cartridges were 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 packed it in a hurried manner in view of a medical emergency. Further, he has explained that he has a license for Arms and had bought the ammunition for the same from an authorised distributor.

18. 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 also he has a valid Arms Licence, though valid for U.P. The circumstances do not disclose the commission of any offence punishable under Section 25 Arms Act, 1959.

19. Accordingly, FIR No. 27/2022 under Section 25 of the Arms Act, 1959 at Police Station I.G.I. Airport and all consequential proceedings emanating therefrom, are quashed.

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

NEENA BANSAL KRISHNA, J

SEPTEMBER 17, 2025

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