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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(CRL) 3807/2024, CRL.M.A. 36605/2024**  
**ASHA RANI** .....Petitioner

Through: Mr. Kapil Yadav and Mr. Ashish  
Sehrawat, Advocates

versus

**THE STATE OF NCT OF DELHI** .....Respondent

Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Ashvini Kumar,  
Ms. Chavi Lazarus, Mr. Manan  
Wadhwa and Mr. Luv Mahajan, Advs.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

**16.12.2025**

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1. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*) (previously Section 482 of the Code of Criminal Procedure, 1973) for quashing of FIR No.0216/2021 dated 12.08.2021 registered at P.S. IGI Airport New Delhi under Section 25 Arms Act, 1959 and all the consequential proceedings emanating therefrom.
2. ***Briefly stated***, on 12.08.2021, the Respondent lodged a case *vide* FIR No.0216/2021 at PS IGI Airport, Delhi under Section 25 Arms Act, 1959 against the Petitioner. The said FIR is still pending for investigation.
3. As per the prosecution, when the Petitioner was travelling from New Delhi to Bengaluru by flight no. 6E 2287, during physical checking of her hand baggage at IGI Airport, one.32 live bullet was recovered by the security personnel at IGI Airport, New Delhi and pursuant thereto, the present FIR came to be registered against the present Petitioner.



4. Shri Jagdish Raj, the husband of the Petitioner holds a valid license for a revolver of 32 bore and a GUM 12 BORE DBBL *vide* old license number 1154/1154/Adm/Fzr/Cb/Jan/2000/Fzr PS Ferozepur City, ID Number 17940, which was renewed from time to time and new license number DM/FZR/DUP/FZRC/1217/497 issued on 21.12.2017 by ADM Ferozpur, the .32 bore bullets were purchased from M/S Malhotra Arms Co., Arms and Ammunition Dealer, Opp State Bank of India, Ferozepur Cantt, Punjab.
5. However, at the time of her travelling, she was not aware that there is live bullet in her hand baggage. Her husband is the holder of an arms license, and was also entitled to possess two weapons. Inadvertently, the Petitioner did not check the hand baggage in which she kept her belongings which contained live cartridge and carried it with her.
6. Further, there was no material to *prima facie* opine that the Petitioner was in conscious possession of the one live bullet. Moreover, the constructive possession of the one live bullet is that of the husband of the Petitioner, whose possession is not illegal as he held a valid Arms license.
7. There is no reason why a rational person would carry a live firearm cartridge in his handbag on a flight, unless it was inadvertently. Apart from the cartridge being in the handbag, there is no incriminating material against the Petitioner.
8. Since there is no such material, apart from the mere recovery of a live bullet in the bag of the Petitioner, the offence cannot be proved even after a trial. It can be said that the Petitioner was not in conscious possession of the said Bullet.



9. The Petitioner is a 60-year-old lady, having clean antecedents and being a permanent resident of the address as provided. There is no reason or occasion for the Petitioner to carry out the said bullet with her.

10. No purpose would be served with carrying on with the case FIR and the proceedings arising therefrom.

11. There is no such other or similar petition pending or filed by the Petitioner before the Hon'ble Supreme Court of India before this Court at New Delhi except the present petition.

12. *Hence, it is prayed that the FIR No.0216/2021 at PS IGI Airport, Delhi under Section 25 Arms Act, 1959, be quashed, and the proceedings if any, arising out of the said case FIR.*

13. A **Status Report** has been filed on behalf of the State wherein it is stated that the present FIR dated 12.08.2021 under Section 25/54/59 Arms Act, 1959, PS IGI Airport, New Delhi was registered on the complaint of SI Raneesh R, CISF No. 140404111 H 2 COY CISF UNIT, T-3, IGI Airport, Delhi wherein he stated that on 12.08.2021 at 13:58 Hrs. he was detailed at X BIS Machine, IGIA, New Delhi.

14. During pre-embarkation security checks, he detected one .32 live fire round concealed in the hand baggage of Ms. Asha Rani r/o H No. 15, Gali No.1, Krishan Nagar, Near Khanna Nursing Home, Firozpur City, Khanna, Punjab travelling from Firozpur to Bangalore by flight No. 6E 2287 Seat No. 26-A in violation of BCAS Circular No. 08/2017 whereby the live bullet was prohibited, as it could be used for committing an act of unlawful interference with civil aviation. The passenger along with seized prohibited article one live fire round admeasuring 3.25 CM & Diameter 9MM (KF325 & WL written on bottom) was handed over to local police for necessary legal action.



15. From the complaint and facts, an offence under Section 25 Arms Act was made out. Thus, FIR was registered and investigation taken up. During the investigation, Ms. Asha Rani failed to produce valid license and disclosed that recovered live fire round belongs to her husband who holds a valid Arms license No.DM/FZR/DUP/FZRC/121494. She brought bag of her husband Mr. Jagdish Rai while travelling from Punjab to Bangalore and the recovered round must have been left in the bag by her husband Mr. Jagdish Rai.

16. Thus, a Notice under Section 41A Cr.P.C. (now Section 35 BNSS) was served to accused Ms. Asha Rani. She was bound down and released on undertaking on 12.08.2021.

17. During investigation, exhibit was deposited in FSL for analysis on 19.08.2021, *vide* acknowledgement number of the same date bearing No. SFSL-(DLH)8100/BAL/1213/21. A report from FSL is awaited.

18. During investigations a letter was sent to DM, Feroz Pur, Punjab for verification of Arms License No. DM/FZR/DUP/FZRC/121494 issued in favour of Mr. Jagdish Rai. Report dated 23.01.2025 was received from DM, Feroz Pur, Punjab confirming that Mr. Jagdish Rai s/o Bhagwan Das was licensed to possess a gun .12 bore DBBL and Revolver .32 bore bearing No. PG 43012/2012 valid in Punjab with 25 live ammunition in a calendar year. It also surfaced that Mr. Jagdish Rai had arranged 10 live ammunition on 25.12.2000 and 10 live ammunition on 28.04.2012 against his Arms License from M/s Malhotra Arms Co. Firozpur City, Punjab. These facts are duly verified by Mr. Suresh Kumar Malhotra, owner of M/s Malhotra Arms Co.

**Submissions heard and record perused.**

19. Admittedly, one .32 live bullet has been recovered from the possession of the Petitioner while she was travelling from New Delhi to Lucknow at IGI



Airport, New Delhi. The Petitioner's baggage was scanned at the security check, and the said .32 live bullet was recovered from the Petitioner's bag.

20. As has been held in a catena of judgments, even a single ammunition recovered from the possession of a person, would amount to recovery of ammunition. However, in order to impute any culpability, the possession has to be conscious. 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 (*supra*).

21. 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.

22. In Sanjay Dutt (*supra*), 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.”*

23. In Gaganjot Singh vs. State, MANU/DE/3227/2014, the co-ordinate Bench of this Court, 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.

24. The circumstances in which the .32 live bullet was recovered from the Petitioner have been explained by her, who stated that her husband was the owner of the said live bullet, and she had taken his bag. The .32 live bullet had been inadvertently left inside the baggage.

25. Thus, as per the explanation provided by the Petitioner, it is clearly established that there was no criminal intent on her part. It can be inferred that presence of the .32 live bullet was without the knowledge of the Petitioner and she did not have the requisite *mens rea*. It is thus, held that the possession of the live bullet was not conscious possession and does not disclose commission of any offence punishable under Section 25 Arms Act, 1959.

26. Accordingly, ***FIR No. 0216/2021 under Section 25 of the Arms Act 1959*** at Police Station I.G.I. Airport and all consequential proceedings emanating therefrom, are quashed.



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

**NEENA BANSAL KRISHNA, J.**

**DECEMBER 16, 2025/R**