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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3903/2024**
NEELMANI SRIVASTAVAPetitioner

Through: Dr. Ajay P. Tushir, Mr. Varun Malik,
Mr. Gurpreet Singh, Ms. Priti Verma,
Mr. Paras Tushir & Mr. Vinay Singh,
Advs.

versus

THE STATE (NCT OF DELHI)Respondent

Through: Mr. Yasir Rauf Ansari, ASC with
Mr. Alok Sharma, Advocate and
SI Kunal Kishor, PS: IGI Airport,
New Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.09.2025

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1. Petition under Article 226/227 of Constitution of India r/w Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioner, Manvir Singh, seeking quashing of FIR No. 555/2024, registered under Section 25 of the Arms Act, 1959 at Police Station I.G.I. Airport.
2. **Briefly stated**, the Petitioner is an Indian National working as a R&D Engineer at Synopsys (India) Pvt. Ltd. and had come to the Delhi Airport to take his flight to London by flight no. VS-301, from Delhi to London. And on 01.08.2024, when he was waiting for his flight no. VS-301, he was detained on account of 01 live ammunition being detected in his baggage under tag no. VS-5932743159.
3. An FIR came to be registered on the Complaint of Mr. Brijesh Kumar, Sr. Associate, Dial Security & Vigilance, IGI Airport, wherein the



Complainant stated that the baggage of the Petitioner appeared on level-2A and was refereed for physical checking. After physical search, the Complainant detected 01live ammunition in the presence of passenger and airlines security staff's Ms. Nisha AEP no. (DEL-20890) and Mr. Aman, AEP No. DEL2301098541.

4. After inquiry in this regard, it was revealed that the live ammunition found was from the licensed revolver of the Petitioner. After verification, it is confirmed that the petitioner had no knowledge about carrying the bullet in his baggage.

5. Hence, the Petitioner has sought quashing of FIR No. 555/2024 u/s 25 Arms Act on the ground that it is verified by the police that those 01 live ammunition belongs to the Petitioner's valid arms license, therefore no offence under section 25 of the Arms Act is made out. The Police are conscious of the fact that live ammunition belongs to the Petitioner, who had a valid arms license No- L.M. 503/ Haidargarh, issued from Uttar Pradesh, India.

6. It is submitted that the Petitioner had no knowledge of the presence of any live cartridge in his baggage and consequently, the provisions of Arms Act do not apply in the present case as the possession was not conscious as provided under Section 45 (d) of the Act.

7. As per S.25 Arms Act, the possession of any firearms or ammunition must be a 'conscious possession', meaning thereby possession with the requisite mental element.

8. Reliance has been placed on Dhanwant Kaur v. State & Anr., CRL.M.C. 3593/2016, Gunwantlal vs. State of Madhya Pradesh, AIR 1972 SC 1756, Sonam Chaudhary and Ors. vs. State (Govt. of NCT Delhi) and Ors.



CrI. M.C. 471, 3172/2015, Nurit Toker vs. State of Maharashtra, 2012 Bom CR (Cri) 154, William Michael Hurtubise vs. State of Odisha and Ors. 117 (2014) CLT 303, and Gaganjot Singh vs. State 2014 Law Suit (Del) 4968

9. *Thus, it is prayed the FIR be quashed.*

10. **The Status Report** filed on behalf of the State has been filed wherein the facts as stated above have been reiterated and it is stated that during the course of investigation Arms License bearing No. K-237113490F, was sent to the concerned department through proper channel on 21.12.2024 and the report was pending at the time of filing of the Status Report.

11. The Ld. Counsel on behalf of the State, during the course of hearing today, has submitted that the License of the Petitioner stands verified.

Submissions heard and record perused.

12. 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.

13. 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.

14. 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.



15. 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.”*

16. 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.

17. 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.

18. 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 cartridge in his bag. He has a valid license, which is a fact verified by the State as well.

19. 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 cartridge was without the knowledge of the Petitioner and he did not have the requisite *mens rea*.

20. 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.

21. Accordingly, FIR No. 555/2024 under Section 25 of the Arms Act, 1959 at Police Station I.G.I. Airport and all consequential proceedings emanating therefrom, are quashed.

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

NEENA BANSAL KRISHNA, J.

SEPTEMBER 22, 2025/R