

**Anticipatory Bail Application no. 390/26
STATE Vs. Sahil Kumar Gohar @ Sahil
FIR no. 10/2026, PS Crime Branch
U/s 25 Arms Act**

23.03.2026

This is the second application U/s 482 of BNSS, 2023 seeking grant of anticipatory bail to the applicant/ accused.

Present: Sh. Himanshu Garg, Ld. Subst. Addl. PP for State.
Sh. Pardeep Choudhary, Ld. counsel for applicant/
accused.
IO ASI Ram Kishan in person.

The present anticipatory bail application has been marked to this Court vide order dated 19.03.2026 by Ld. Principal District & Sessions Judge (Central), THC, Delhi in view of the observations made by Sh. Bhupinder Singh, Ld. ASJ-05, Central, THC, Delhi.

At the outset, Ld. counsel for the applicant/ accused submits that the previous anticipatory bail application of the applicant/ accused was dismissed by this Court on 04.02.2026. Thereafter, accused/ applicant had preferred another anticipatory bail application before the Hon'ble High Court of Delhi but the same was disposed of as withdrawn.

Reply to the second anticipatory bail application is already filed. Copy already supplied.

IO has filed copy of FIR on record as it was not annexed with the anticipatory bail application.

Arguments heard.

Ld. counsel for the applicant/ accused submits that as per the facts of the case, secret information was received by the police to the effect that one person namely Sagar Babbar,

who can be found in possession of illegal arms, would come at DDA Park, Community Centre, Motiya Khan, Paharganj, Delhi and if raid is conducted, then he can be apprehended. He further argues that thereafter, raid was conducted and said accused was apprehended and a pistol alongwith five live cartridges was recovered from him.

Ld. counsel for the applicant/ accused further argues that since recovery has already been made, therefore, there are no grounds of arrest of the applicant/ accused. He further argues that the situation must have been all together different if some other offence like murder or other heinous offence would have been committed by using that weapon, thus according to him, there would have been offence of hatching conspiracy by the applicant/ accused and in those conditions, there might be the situation that the arrest of accused/ applicant would have been required but no such offence has been committed in the present facts and circumstances of the case.

He further argues that since, there are no allegations of hatching conspiracy, therefore, the role of the applicant/ accused is not specific.

He further argues that the disclosure statement of accused Sagar Babbar is not admissible in evidence, therefore, as of now, there is no admissible incriminating evidence against the applicant/ accused. He further argues that since, there was no recovery in pursuance of disclosure statement made by accused Sagar Babbar, therefore, said disclosure statement cannot be read out against the applicant/ accused.

He further argues that the applicant/ accused is a businessman and he has clean antecedents. He further submits

that the applicant/ accused is ready to join the investigation as and when called by the IO.

In support of his submissions, he has relied upon *Govind Vs. State of Haryana, Crl. Appeal No. 5641/2024, decided on 14.11.2025; Ashok Kumar Singh Vs. State of NCT of Delhi, Crl. Rev. P. 745/2023 & Crl. M.A. 18447/2023, decided on 30.05.2024 & Manoj Kumar Soni Vs. The State of Madhya Pradesh Crl. Appeal No. 1030/2023, decided on 11.08.2023.*

Per contra, Ld. Substitute Addl. PP for the State as well as IO have vehemently opposed the anticipatory bail application of the applicant/ accused stating that the allegations against the applicant/ accused are serious in nature. They further submit that the applicant/ accused is the source of recovered pistol and his custodial interrogation is required.

They further submit that two notices U/s 35(3) of BNSS, 2023 were given to the applicant/ accused after filing previous anticipatory bail application. Thereafter, applicant/ accused had joined the investigation and at first time though he joined the investigation but he did not co-operate. Thereafter, second notice was also served but he did not join the investigation. Thereafter, previous anticipatory bail application of the applicant/ accused was heard and dismissed.

They further submit that after dismissal of first anticipatory bail application, another notice was also given to him to join the investigation but he did not join the investigation. They further submit that thereafter, the anticipatory bail application of the applicant/ accused was dismissed by the Hon'ble High Court of Delhi.

They further submit that as per the disclosure

statement of accused Sagar Babbar, there were two pistols with the applicant/ accused and only one pistol was supplied to accused Sagar Babbar and second pistol is in possession of the applicant/ accused. They further submit that the custodial interrogation of the applicant/ accused is required for sustainable investigation as well as for recovery of the second pistol.

In view of abovesaid, they submit that there is no change of circumstances after dismissal of previous anticipatory bail application of the applicant/ accused.

Submissions considered. Record perused.

As per the facts of the case, on 13.01.2026, accused Sagar Babbar was arrested in consequence of a secret information and one semi-automatic pistol alongwith five live cartridges was recovered from his possession. During investigation, he disclosed that the applicant/ accused had handed over recovered pistol and cartridges to him, who had procured the same from one Arif @ Pari, a known illegal arms supplier operating in the Trans-Yamuna area, Delhi. Thereafter, applicant/ accused had preferred anticipatory bail application. During pendency of said application, notice U/s 35(3) of BNSS, 2023 was served upon the accused/ applicant and he joined the investigation on 30.01.2026 but did not co-operate in the investigation and failed to give satisfactory replies regarding disclosure statement of accused Sagar Babbar, remaining case property and involvement of other accused persons. He was again directed to join the investigation on 03.02.2026 but he failed to join the same. Thereafter, his anticipatory bail application was dismissed by this Court. Notice U/s 35(3) of BNSS, 2023 was again given to him to join the investigation on

07.02.2026 but then also, he did not join the investigation. On 17.02.2026, applicant/ accused preferred anticipatory bail application before the Hon'ble High Court of Delhi but the same was withdrawn.

Ld. counsel for the applicant/ accused has contended that the disclosure statement of accused Sagar Babbar is not admissible.

In support of his submissions, he has relied upon aforesaid judgments. On perusal of judgment *Ashok Kumar Singh Vs. State of NCT of Delhi (supra)*, it is observed that the said judgment is relating to discharge of accused. On perusal of judgment *Govind Vs. State of Haryana (supra)*, it is observed that in the said case, appellant was convicted by the Trial Court and on perusal of judgment *Manoj Kumar Soni Vs. The State of Madhya Pradesh (supra)*, in the said case, accused Manoj and Kallu @ Habib were convicted and thereafter, said appeal was filed. However, present matter is under investigation and therefore, the judgments are distinguishable and therefore, same are not applicable in the present facts and circumstances of the case.

As per reply filed by the IO, the applicant/ accused is the 'supplier' of illegal semi-automatic pistol and five live cartridges and during arguments, he also disclosed that there is another pistol in the possession of the applicant/ accused. He has also mentioned that the custodial interrogation of applicant/ accused is required for sustainable investigation, recovery of other case property and for identification of other accused persons.

In view of abovesaid facts and circumstances, the

allegations against the applicant/ accused are serious in nature. His custodial interrogation is required for recovery of the other case property as well as for sustainable investigation and identification of other co-accused persons. Further, there is no change of circumstances after dismissal of previous anticipatory bail application.

In view of abovesaid facts and circumstances, I do not find merits in the present anticipatory bail application, therefore, bail application of the applicant/ accused **Sahil Kumar Gohar @ Sahil** stands **dismissed**.

The observations made on the merits of the case are purely for the purposes of deciding the present anticipatory bail application and shall not be construed as expression upon the merits of the case.

Copy of the order be given dasti to the IO as well as to the Ld. Counsel for applicant/ accused.

(Virender Singh)
Special Judge, NDPS,
Central, THC, Delhi/23.03.2026