

17.08.2026

Present: Sh. Mukul Kumar, Ld. Addl. PP for the State.
Sh. Vaibhav Sharma, Sh. Sunil Kamat, Ms. Urvashi Sharma and
Sh. Arbaz Khan, Ld. Counsel for the applicant/accused.
IO ASI Dinesh Kumar (NP).

A) BRIEF

1. The present second regular bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred by the applicant Vallbha Charya seeking enlargement on bail in FIR No. 178 of 2026 registered at Police Station Special Cell under Section 25 of the Arms Act, 1959.
2. As per the prosecution case, on the basis of secret information that one Kanaha Singh associated with the Rohit Godara gang along with his associates would arrive in Delhi with illegal weapons, a raiding team was constituted. On the intervening night of 29/30.07.2026 at about 12:05 AM near Vishal Mega Mart, Ramphal Chowk Road, Sector-7, Dwarka, New Delhi, the applicant along with co-accused Kanaha Singh Jadaul and Suraj were apprehended. Upon personal search of the applicant, one country-made pistol (desi katta) along with one live cartridge was allegedly recovered from the left pocket of his pant. Similar recoveries were effected from the co-accused. The recovered arms and ammunition were seized and the present FIR was registered.
3. The applicant was arrested on 29/30.07.2026 and has been in judicial custody since 30.07.2026. The charge-sheet has not yet been filed. The first bail application was dismissed by the learned Judicial Magistrate vide order dated 07.08.2026.

B) ARGUMENTS OF LD. COUNSEL FOR THE ACCUSED

1. Learned counsel for the applicant submitted that the offence falls under Section 25(1B)(a) of the Arms Act which carries a maximum punishment of five years and therefore the police were under an obligation to comply with Section 35(3) BNSS / Section 41 CrPC, which was not done, in clear disregard of the law laid down in **Arnesh Kumar v. State of Bihar**. There is not a shred of evidence that the applicant is associated with any gang or has antecedents relating to the alleged gang. The observation in the earlier order that the accused were on their way to commit a firing incident for extortion is unsupported by any material regarding the place, purpose or target of such alleged incident.
2. The previous involvement (FIR No. 847/2024 under Sections 115(2)/126(2)/352 BNS) is a solitary case relating to simple hurt, wrongful restraint and breach of peace and is unconnected with any gang activity; there is no conviction. No further recovery is to be effected from the applicant. The witnesses are police officials and there is no apprehension of threat. The alleged recovery is shrouded in doubt as the police party had reached the area hours earlier yet failed to join independent witnesses despite the place being a busy locality. The applicant undertakes to abide by all conditions and furnish sound surety.

C) ARGUMENTS ON BEHALF OF STATE

1. The Investigating Officer in the reply strongly opposed the bail application. It is stated that the applicant was apprehended along with co-accused Kanaha Singh, a known member of the Rohit Godara gang, while they had come to Delhi looking for targets for extortion and firing. From the possession of the applicant **one desi katta with one live cartridge was recovered**. The accused persons disclosed their affiliation with the Kanaha Thakur / Rohit Godara gang. The supplier of the weapons (one Sardar of Badwani District, Madhya

Pradesh) remains untraceable. The recovered firearms have been sent to FSL and the report is pending.

2. The case is at the initial stage of investigation. The applicant has previous involvement in FIR No. 847/2024. It is apprehended that the accused may commit similar offences or jump bail if released at this stage. The first bail application has already been dismissed.

D) OBSERVATIONS OF THE COURT

1. Heard learned counsel for the applicant and the Investigating Officer and perused the material on record, including the FIR, the earlier order of the learned Magistrate and the status report.
2. The sole offence alleged against the applicant is under Section 25 of the Arms Act **arising from the recovery of one country-made pistol and one live cartridge**. The maximum punishment prescribed under Section 25(1B)(a) is imprisonment up to five years. The investigation has progressed to the stage where the recovered articles have already been seized and sent to FSL. **No further recovery is stated to be pending from the applicant.**
3. While the prosecution alleges association with a gang, the material presently available does not disclose any independent or concrete evidence linking the applicant to the Rohit Godara gang beyond the disclosure statements of the co-accused. **The previous involvement is a solitary case under milder provisions and is unconnected with organised crime or arms offences.**
4. Having regard to the nature of the solitary recovery, the stage of investigation, the period of custody already undergone and the absence of any tangible material indicating that the applicant is likely to abscond or tamper with evidence, this Court is of the considered view that the continued incarceration of the applicant is not warranted. The balance between the interests of investigation and the personal liberty of the applicant tilts in favour of grant of bail subject to appropriate conditions.

E) FINAL ORDER

1. Considering the facts and circumstances and period of custody, I am inclined to allow present bail application subject to the following conditions:
 - (a) The applicant shall furnish a personal bond and surety bond in the sum of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount subject to the satisfaction of Ld. Trial Court/Ld. Duty MM.
 - (b) The applicant shall furnish to the Investigating Officer/ S.H.O, a cell phone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - (c) The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending matter;
 - (d) The applicant/accused will not leave the country without prior permission of the court and will surrender his passport with the court concerned.
2. Nothing observed herein shall be treated as an expression of opinion on the merits of the case, which shall be decided at the appropriate stage.
3. The present application is disposed of accordingly.
4. Copy of this order be given dasti to Ld. Counsel for applicants/accused person and in compliance of Sanjay Singh Vs. State (Govt. of NCT of Delhi), Writ Petition Criminal no. 974/22, copy of this order be also sent to the concerned Jail Superintendent to convey the order to the inmate.

(Saurabh Partap Singh Laler)
ASJ-03, New Delhi District
Patiala House Courts, New Delhi
17.08.2026