



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

BREATH ANALYZER TEST IS NOT A CONCLUSIVE PROOF OF ALCOHOL CONSUMPTION

-Kabhilakshya D V

ABSTRACT

Breath analyzer tests are widely used by Indian police during drunk driving checks. However, courts have consistently held that such tests cannot, by themselves, conclusively establish alcohol consumption. This blog explains the statutory framework, judicial interpretations, scientific limitations, and procedural safeguards that guide the treatment of breath analyzer results in criminal prosecutions.

INTRODUCTION

Across India, traffic enforcement officers frequently rely on handheld breath analyzers to detect intoxication. These devices offer quick readings and help identify suspected offenders. Yet, contrary to common belief, a breath analyzer reading alone cannot secure a drunk-driving conviction. Indian courts insist on more reliable and corroborative evidence to satisfy the criminal law requirement of proving guilt beyond reasonable doubt. This caution arises from both scientific uncertainties and statutory safeguards embedded in the Motor Vehicles Act, 1988. Breath analyzers act as preliminary screening tools, not definitive proof.

STATUTORY FRAMEWORK: SECTIONS 185 AND 203 OF THE MOTOR VEHICLES ACT

Section 185 of the Motor Vehicles Act criminalises driving with a blood alcohol concentration (BAC) exceeding 30 mg per 100 ml of blood. While breath analyzers may estimate BAC, Section 203 makes clear that proper procedure must be followed when administering breath tests.

Under Section 203:

- Only authorised officers may conduct tests.

- Devices must be operated in accordance with prescribed rules.
- The accused may request a medical examination.
- Breath tests are intended as preliminary checks.

Thus, the statute itself does not elevate breath analyzer readings to conclusive or standalone evidence.

JUDICIAL APPROACH: BREATH ANALYZER RESULTS REQUIRE CORROBORATION

Indian courts have consistently held that breath analyzer readings cannot be relied upon without corroborative evidence. In *State of Himachal Pradesh v. Piar Chand*, the Himachal Pradesh High Court held that breath analyzer results are not substantive evidence unless the prosecution proves proper calibration, maintenance, and compliance with procedure.¹ The Court emphasised that scientific devices may malfunction and therefore require supporting evidence. Similarly, the Supreme Court in *State of Kerala v. Unni* ruled that breath analyzer readings must be supported by proof of the device's accuracy, the operator's training, and adherence to statutory procedure.² Without this evidentiary foundation, the reading is unreliable. Courts often give more weight to behavioural evidence such as slurred speech, erratic driving, unsteady gait, or the smell of alcohol, because such signs relate directly to the legal requirement of "impaired control."

SCIENTIFIC LIMITATIONS OF BREATH ANALYZER DEVICES

Breath analyzers estimate BAC using the assumed blood–breath ratio of 2,100:1. However, this assumption does not hold true for everyone.

1. Variability in Blood–Breath Ratio

Scientific studies reveal that an individual's blood–breath ratio may vary widely from 1,300:1 to 3,000:1 which means two people with the same BAC could show very different breath readings.³ This undermines the reliability of uniform legal thresholds.

2. Mouth Alcohol Interference

Residual alcohol in the mouth from mouthwash, dental procedures, burping, or acid reflux can artificially inflate readings.

¹ *State of Himachal Pradesh v. Piar Chand*, 2007 SCC OnLine HP 66.

² *State of Kerala v. Unni*, (2007) 2 KLT 733 (SC).

³ A.W. Jones, "Variability of the Blood/Breath Alcohol Ratio in Drinking Drivers," *Forensic Science Review*, Vol. 2, No. 1 (1990), 23–43.

3. Medical Conditions

People with diabetes or those undergoing ketosis may produce acetone, which older breath analyzers can misinterpret as ethanol, causing false high readings.⁴

4. Environmental and Temperature Sensitivity

Breath analyzers are affected by humidity, ambient temperature, and body temperature. Warmer temperatures can exaggerate readings.

5. Calibration and Operator Error

Breath analyzers must be regularly calibrated and maintained. Improper calibration, poor record-keeping, or untrained officers can lead to inaccurate results.⁵ Given these limitations, breath analyzer results must be treated with caution.

PROCEDURAL SAFEGUARDS REQUIRED BY COURTS

Indian courts insist on strict procedural compliance before admitting breath analyzer results as credible evidence:

- Proof of calibration, including dates and certification.
- Training records showing the officer is qualified to operate the device.
- Compliance with Section 203, including informing the accused of the right to a medical examination.
- Opportunity for a blood test, which remains the gold standard.
- Behavioural observations to demonstrate impairment.
- Chain of custody records for the device.

Courts have also held that machine-generated evidence must be corroborated, and an accused cannot be convicted solely on a device reading.⁶ Furthermore, denying a person's request for a medical examination can seriously weaken the prosecution's case.⁷

⁴ Alan Wayne Jones, "Role of Acetone in Breath Alcohol Analysis," *Journal of Analytical Toxicology*, Vol. 14, No. 2 (1990), 86–89.

⁵ Kurt M. Dubowski, "Quality Assurance in Breath Alcohol Testing," *Journal of Analytical Toxicology*, Vol. 16 (1992), 1–4.

⁶ *Mukesh Kumar v. State (NCT of Delhi)*, 2019 SCC OnLine Del 11622.

⁷ *Vikram Singh v. State of Punjab*, 2007 SCC OnLine P&H 1017

WHY COURTS TAKE A CAUTIOUS APPROACH

The criminal justice system operates on the principle that guilt must be proven beyond reasonable doubt. Since breath analyzers are susceptible to inaccuracies due to physiological, environmental, and mechanical factors, courts avoid relying on them as the sole basis for conviction.

This approach balances two competing interests:

1. Maintaining road safety through effective enforcement, and
2. Protecting individuals from wrongful convictions based on faulty or uncorroborated scientific evidence.

CONCLUSION

Breath analyzers remain useful for quick roadside screening, but they cannot conclusively establish intoxication. Courts require corroborative evidence such as medical examination results, behavioural indicators, and proof of procedural correctness before accepting breath analyzer readings. This ensures fairness, accuracy, and adherence to fundamental criminal law principles.