



The Indian Journal for Research in Law and Management

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

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CASE COMMENT: AMLESH KUMAR V. STATE OF BIHAR (2025)

~Anisha Bharat Parkar

CITATION: SLP (Crl.) No. 5392 of 2024

BENCH: Justice Sanjay Karol and Justice Prasanna B. Varale

JUDGEMENT: 9 June 2025

INTRODUCTION

The use of scientific methods in criminal investigations always raises very grave constitutional issues in India. In terms of these methods of investigation, Narco Analysis stands as one of the most controversial ones, since it infringes upon the person's right to mental autonomy and personal liberty. Although investigative bodies may justify their actions by saying that it helps them uncover the truth, however, the constitutional courts have always held the position that criminal investigation is subordinate to the fundamental rights of individuals.

Amlesh Kumar v. State of Bihar (2025) is another important case that needs mentioning within the field of Indian constitutional and criminal jurisprudence.¹ Issues addressed in this case included the legality of carrying out narco-analysis on bail applications, the legal basis of conviction based on voluntary narco-analysis, and whether the defendant has an unrestricted right to undergo such analysis.

This case law is in connection with Articles 20(3) and 21 of the Constitution of India.² Article 20(3) provides protection against being a witness against oneself and Article 21 provides protection of life and personal liberty, including privacy and dignity. The Court also referred to the decision made in Selvi v. State of Karnataka (2010).³

¹ Amlesh Kumar v. State of Bihar, SLP (Crl.) No. 5392 of 2024 (S.C. June 9, 2025).

² INDIA CONST. art. 20, cl. 3, INDIA CONST. art. 21.

³ Selvi v. State of Karnataka, (2010) 7 S.C.C. 263.

This ruling holds importance in as much as it emphasizes the supremacy of the constitution against any form of intrusive investigative measures and ensures that courts cannot turn bail hearings into investigations.

FACTUAL BACKGROUND OF THE CASE

This case stemmed from FIR No. 545 of 2022 lodged at Mahua Police Station, Bihar, under various sections of the Indian Penal Code, which included sections 363, 364, and 498A IPC.⁴

As per the allegations made by the complainant, the accused and his family members had subjected the deceased lady to mental torture and harassment for dowry demands post-marriage. Thereafter, the appellant informed the complainant that his wife was missing. There were reasonable grounds for believing that foul play was involved since the whereabouts of the woman could not be found.

During the investigation, some co-accused persons reportedly revealed that the deceased lady was murdered and her dead body was disposed of in the Saryu River. On this basis, the Sessions Court refused bail to the appellant.

The applicant then sought regular bail from the Patna High Court under Section 439 of the Code of Criminal Procedure. At the hearing, the Sub-Divisional Police Officer told the High Court that narco-analysis would be performed on all accused persons and witnesses, if necessary, during the investigation.

The High Court agreed to this assurance, and the bail request stayed pending until further investigation. Dissatisfied with the stated order, the applicant filed an appeal with the Supreme Court contending that the acceptance of narco-analysis infringed upon his rights safeguarded by Articles 20(3) and 21 of the Constitution.

ISSUES

The Supreme Court decided on the following issues:

1. Whether the decision of the High Court to accept the proposal for conducting narco-analysis during bail proceedings justified?
2. Whether the results of a voluntary narco-analysis test serve as a sole ground for conviction?
3. Whether the accused have any infeasible right to undertake voluntary narco-analysis?

⁴ Indian Penal Code, No. 45 of 1860, §§ 363, 364, 498A, INDIA CODE (1860).

ARGUMENTS OF THE PARTIES

Appellants Argument

Involuntary narco-analysis is violative of Article 20(3) of the Constitution, which ensures that no individual can be forced to be a witness against himself/herself. In addition, it was also pointed out that Article 21 will also stand violated due to interference in the mental privacy, dignity and personal liberty of an individual.

It was additionally contended that the bail procedure laid down under Section 439 CrPC is not meant to be an invasive process involving the use of any investigative technique.

Moreover, it was pointed out by the appellant, relying on *Selvi v. State of Karnataka*, that the involuntary use of scientific tests is constitutionally and legally impermissible.

Respondents Argument

It was contended by the State that modern investigative measures were essential in heinous crimes such as murder and dowry deaths. The State also argued that what the High Court did was just rely on the assurance of the investigating officer instead of actually ordering for the conducting of a narco-analysis test.

JUDICIAL ASPECT AND PRECEDENTS

Selvi v. State of Karnataka (2010) forms an important judicial precedent in relation to the use of involuntary narco-analysis, polygraph examinations and brain mapping which have been declared as unconstitutional.

According to *Selvi*, forced scientific tests constitute a breach of self-incrimination under Article 20(3) and violate personal liberty as per Article 21 of the Constitution.

Furthermore, the Supreme Court cited *Sangitaben Shaileshbhai Datana v. State of Gujarat* (2019) wherein it was observed that conducting scientific tests during bail proceedings effectively turns the bail application into a mini-trial.⁵

Vinobhai v. State of Kerala (2025) and *Manoj Kumar Soni v. State of Madhya Pradesh* (2023) are two cases which have emphasized on the fact that disclosure statement cannot prove beyond reasonable doubt and thus, cannot serve as the basis for conviction.

⁵ *Sangitaben Shaileshbhai Datana v. State of Gujarat*, (2019) 14 S.C.C. 522.

JUDGMENT OF THE COURT

The Supreme Court upheld the appeal and overruled the judgment of the Patna High Court.

The Court opined that the High Court has erred in considering the submission made by the investigating officer pertaining to narco-analysis. The bail court needs to look only at matters like the seriousness of the allegation, nature of evidence, absconding, and tampering with evidence. It does not have to agree to any invasive investigative method.

The Court once again held that the involuntary narco-analysis procedure violates Article 20(3) and Article 21, thus making it unconstitutional. According to the Court, constitutional provisions cannot be made subservient just because the investigation agencies want modern methods of investigation.

With regards to the admissibility of the test results, the Court held that even if the narco-analysis was voluntary, it still could not be the sole ground for conviction. Any statement obtained from such tests cannot be considered as substantive evidence and will be subject to limitations imposed by Section 23 of the BSA 2023.⁶

CRITICAL ANALYSIS

The judgment is important as it significantly enhances constitutional morality in criminal investigation procedures. It is important for the Court to have highlighted the principle that convenience of investigation cannot trump fundamental rights. In an age where science is increasingly being utilized in criminal administration, this judgment helps uphold the dignity and mental privacy of an individual.

One of the best things about this judgment is that it considers that even indirect judicial sanction of narco-analysis can amount to a constitutional violation. While it is true that the High Court did not directly order the conducting of the test, it considered the suggestion of the investigating officer as judicial sanction. This helps in ensuring constitutional responsibility in the process of adjudication.

The judgment correctly limits the ambit of the bail hearing. Bail hearing is a process which is solely designed for determining whether liberty temporarily needs to be granted in the absence of any conviction.

⁶ Bharatiya Sakshya Adhiniyam, No. 47 of 2023, § 23, INDIA CODE (2023).

Apart from that, another valuable aspect of the decision pertains to the Court's measured response towards voluntary narco-analysis. The Bench neither outlawed scientific methods nor provided carte blanche for their application. On the contrary, it took a more conservative approach, allowing voluntary testing only with proper safety protocols and judicial oversight.

Nevertheless, some drawbacks can be noted in the decision too. For instance, the Supreme Court reiterated the guidelines of the NHRC without providing an elaborate statutory regulation of narco-analysis. Issues related to medical guidance, scientific validity, admissibility norms, and the element of consent are insufficiently covered in the judgment.

Moreover, the notion of "voluntary consent" is somewhat controversial in a custodial context. An accused individual might be persuaded to submit himself/herself to these tests under duress, intimidation, and/or false promises of release. Although the decision recognizes such possibilities, it does not establish clear criteria for coercion.

The third limitation is that although the Bench prohibited involuntary narco-analysis, it did not completely close the door for its voluntary administration. The latter may result in indirect pressure exerted on the accused individuals by the investigating agency to voluntarily undergo such tests.

CONCLUSION

The ruling of the Supreme Court of India in *Amlesh Kumar v. State of Bihar* is among the most important affirmations of constitutional rights within the realm of criminal justice administration. The ruling states that the extent of scientific research must not surpass the limits established by Article 20(3) and Article 21 of the Constitution.

The ban on the use of narco-analysis in bail proceedings, as well as the limited evidentiary value of voluntary tests, helped preserve the values of fairness and dignity. Besides, the decision prevented the bail proceedings from becoming a criminal trial.

However, the necessity of legislative regulations of scientific methods used in criminal investigations in India has become obvious. It is critical to regulate the process with respect to procedural, evidentiary, and consent aspects.

Thus, the judgment in question can be viewed as an effective reaction of the constitution against abusive scientific methods in criminal investigations.