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**DEFENDING THE CONSTITUTION: AMLESH KUMAR VS. STATE OF
BIHAR AND THE REJECTION OF INVASIVE TESTING**

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Introduction & Background

Criminal justice is a field whose entire purpose is to remain restless in its search for truth and justice. This restlessness has, over the last few decades, given law enforcement many innovative techniques to pursue evidence and find out the truth. Be it the revolutionary Fingerprint and DNA analysis techniques or the particularly controversial, Deception Detection Tests like polygraphs, brain mapping and narco-analysis, which are being used by Law enforcement agencies worldwide. These tools attempt to read the reactions and responses the body or mind of their test subjects make to being asked pointed questions in situations of pressure. Conventional questioning reads the words of its subject, which can be easy to mask. This piece of innovation does not want to has attracted a large amount of critics, majorly because the science behind them is standing on a four legged stool with only one functioning leg, that being, their results are often inadmissible, and the questions they raise about fairness and dignity are ones courts keep coming back to.¹

Narco analysis or Narco Tests have become a major topic of examination and scrutiny by both the general public and the legal fraternity, because of their use of intrusive procedures, like registering relaxants to temporarily incapacitate people into providing information that they would never otherwise divulge with anybody or cannot divulge due to extenuating circumstances.²

Robert House tested the concept in its inaugural attempt in 1922 but it was introduced to India during the probe of the tragic Godhra train disaster of 2002. The use of narco-analysis in this case, along with the Arun Bhatt kidnapping and the Telgi scam of 1993, sparked a huge debate and highlighted critical concerns about ethics, legality, and the character of truth in context of criminal

¹Senthil Kumaran M, Bedanta Sarma & Arun Kumar S, *Deception detection tests: A subdued investigating tool*, 8 INTERNATIONAL JOURNAL OF RESEARCH AND REVIEW 419–422 (2021).
https://www.ijrrjournal.com/IJRR_Vol.8_Issue.11_Nov2021/IJRR053.pdf

²Jyaditya Dogra, *Narco analysis: A comparative study with respect to India and Western countries*, JOURNAL OF LEGAL SUBJECTS 7–13 (2023). <https://journal.hmjournals.com/index.php/JLS/article/view/3303/2728>

justice and it has been called into question numerous times over the years in cases such as the Dinesh Dalmia case³, the Arushi Talwar Murder case⁴, the Ramchandra Reddy case⁵ and perhaps the most famous, the Selvi vs. State case⁶.

Naturally, one can assume that the higher judiciary has a lot to say about the validity and implementation of this criminal investigative approach and the case of Amlesh Kumar v. State of Bihar⁷ continues in this vein. Amlesh Kumar is suspected of being engaged in his wife's unexpected abduction as well as dowry-related maltreatment. As a result, his in-laws filed a First Information Report (FIR) against him under the Indian Penal Code. While the Patna High Court reviewed Kumar's bail plea, it permitted narco-analysis tests for himself as well as the witnesses he had, but the Supreme Court eventually declared this practice illegal, emphasizing that such exams should not be the major foundation for conviction.⁸

Legal and Constitutional Context

Two constitutional provisions anchor this debate. Article 20(3) of the Indian Constitution guarantees that no accused person can be compelled to be a witness against themselves. This is a fundamental right, therefore the legal system simply cannot deploy mechanisms designed to extract self-incriminating statements by force or chemical coercion. Article 21, which protects life and personal liberty, has been read broadly by the Supreme Court to cover privacy, dignity and access to fair proceedings.⁹ In Selvi v. State, the court determined that involuntary tests, including narco-

³A. Mathur, STATE OF WEST BENGAL VS DINESH DALMIA ON 25 APRIL, 2007 JAJHARKHAND.IN, https://jajharkhand.in/wp/wp-content/judicial_updates_files/07_Criminal_Law/15_order_of_remand/State_Of_West_Bengal_vs_Dinesh_Dalmia_on_25_April_2007.PDF (last visited Jan 12, 2026).

⁴Divyani Rattanpal, THE CURIOUS CASE OF NARCO TESTS IN AARUSHI-HEMRAJ MURDER MYSTERY THEQUINT (2017), <https://www.thequint.com/news/india/the-curious-case-of-narco-tests-in-aarushi-hemraj-murder-mystery> (last visited Jan 12, 2026).

⁵A. S. Dalal, and Arunava Mukherjee. "Constitutional And Evidentiary Validity Of New Scientific Tests, 4 Journal of the Indian Law Institute, 529–42 (2007) http://14.139.60.116:8080/jspui/bitstream/123456789/12786/1/022_Constitutional%20and%20Evidentiary%20Validity%20of%20New%20Scientific%20Tests%20%28529-542%29.pdf

⁶ Selvi & Ors vs State of Karnataka & Anr. AIR 2010 SUPREME COURT 1974

⁷ Amlesh Kumar Vs. State of Bihar SLP (Crl.) No. 5392 of 2024

⁸Amlesh Kumar Vs. State of Bihar, SCI.GOV.IN (2025), https://api.sci.gov.in/supremecourt/2024/9701/9701_2024_4_1501_62184_Judgement_09-Jun-2025.pdf (last visited Jan 12, 2026).

⁹ Prashant Kanha, NARCO-ANALYSIS CONSTITUTIONALITY IN INDIA: 2025 SUPREME COURT RULING ON CONSENT, RIGHTS, AND LEGAL ADMISSIBILITY EXPLAINED PRASHANTKANHA.COM (2025), <https://www.prashantkanha.com/narco-analysis-constitutionality-in-india/> (last visited Jan 12, 2026).

analysis, polygraph tests, and brain mapping, were in violation of Articles 20(3) and 21 of the Constitution.¹⁰

This is because they violate a person's mental autonomy by gathering statements without authorization.¹¹ The court directed that voluntary, informed permission be acquired prior to conducting these tests, with documentation by a magistrate¹². In its recent decision, the Supreme Court reiterated that coercive narco-analysis is fundamentally prohibited, and that even consensual findings from this kind of testing cannot be used as physical proof in court. The Supreme Court stressed that coerced narco-analysis is prohibited. It said that even results from tests conducted with voluntary consent should not be used as evidence in court. This decision guarantees constitutional rights contrary to invasive investigative procedures, particularly during bail hearings. Even if somebody voluntarily takes such a test, its outcomes cannot be presented as credible evidence in court. The SC for the first time in such uncertain terms recognized that involuntary tests invade personal mental privacy and coerces confessions without consent. This is a violation of the dignity and human rights of the accused.¹³

Judgment Analysis

The Supreme Court's decision demonstrates the preservation of fundamental rights provided by Article 20(3) of the Indian Constitution, which prohibits forcing an accused person to provide self-incriminating evidence. The Court ruled that narco-analysis tests, especially when administered without free and informed consent, qualified as coercive testimonial intimidation.

The pharmaceutical effects of narcoanalysis may impede the accused's ability to hide damaging information, jeopardizing their case. It is critical to prevent the abuse of authority within the judicial system in order to safeguard persons from coercive behaviour.¹⁴ Article 21 ensures individual

¹⁰ K.G. BALAKRISHNAN, R.V. RAVEENDRAN & J.M. PANCHAL, SMT. SELVI & ORS. v. STATE OF KARNATAKA CDNBSR.S3WAAS.GOV.IN, https://cdnbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/aor_notice_circular/26.pdf (last visited Jan 12, 2026).

¹¹ Selvi vs. State of Karnataka (2010), <https://privacylibrary.ccgmlud.org/case/selvi-vs-state-of-karnataka> (last visited Jan 12, 2026).

¹² Riya Rathore, Supreme Court: No indefeasible right with accused to undergo narco-analysis test; but can apply to court Verdictum (2025), <https://www.verdictum.in/court-updates/supreme-court/accused-has-a-right-to-voluntarily-undergo-a-narcoanalysis-test-2025-insc-810-amlesh-kumar-v-state-of-bihar-1580476> (last visited Jan 12, 2026).

¹³ "under no circumstances, is an involuntary or forced narco-analysis test permissible under law"; SC sets aside Patna High Court's order permitting involuntary test, SCC TIMES (2025), <https://www.scconline.com/blog/post/2025/06/10/sc-sets-aside-patna-high-court-order-permitting-forced-narco-analysis-test/> (last visited Jan 12, 2026).

¹⁴ Forensic Science and Human Rights, NHRC.NIC.IN (2023),

sovereignty as well as psychological and physical integrity for people, stressing the right to be protected.¹⁵ Coercive narco-analysis is regarded as a violation of people's privacy and dignity, by the courts, thus explaining why they are committed to protecting individual freedoms by prohibiting intrusive examinations, particularly during bail hearings, in order to prevent the misuse of coercive investigative procedures. Although the court's judgment may make it harder for law enforcement to handle complicated situations, it does not mean that all scientific procedures are eliminated.

It stresses the need for voluntary participation. The court has created strong constitutional safeguards that require specific permission, judicial monitoring, and medical supervision before conducting narco-analysis. The involuntary use of narco-analysis is considered as an intrusive approach that invades mental privacy, an important feature of human dignity. By prohibiting such assessments in bail applications, the Court wants to defend personal freedom while discouraging the normalization of intrusive investigative practices. Information obtained using some technologies (like narco-analysis) cannot be offered as actual evidence in court. Only facts obtained pursuant to a specified section of the Evidence Act (S. 27) could be considered valid.¹⁶ This clause makes some confessions given to police admissible in court should they result in an uncovering of facts. Other forms of information or evidence obtained through invasive means are not valid.

Conclusion

Amlesh Kumar v. The state of Bihar matters because it refuses to treat investigative convenience as a good enough reason to erode constitutional rights.

The Supreme Court's message is pointed:

- The urgency of a case, however real, does not justify bypassing protections that exist precisely for difficult situations.
- Forced narco-analysis is never justifiable and even consensual results carry strict limits on admissibility.
- Bail hearings, which are the first high-stakes moment for the accused, are no place for coercive interrogation techniques.

https://nhrc.nic.in/assets/uploads/publication/Fotrensic_Sc_HR_Book_2024.pdf (last visited Jan 12, 2026).

¹⁵ Mili Gupta & Bodhisattwa Som, Beyond madness of marks and metrics: Recognition of mental health as a constitutional right in India Live Law (2025),

<https://www.livelaw.in/articles/mental-health-as-constitutional-right-in-india-analysis-307712> (last visited Jan 12, 2026).

¹⁶The Indian Evidence Act, 1872, INDIACODE.NIC.IN (2020),

https://www.indiacode.nic.in/bitstream/123456789/15351/1/iea_1872.pdf (last visited Jan 12, 2026).

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In the longer arc of Indian jurisprudence on deception detection, this case reinforces what Selvi began. The search for truth in criminal justice is legitimate and important. But it has to work within constraints that protect the person sitting across from the state's investigative machinery. That balance, the Court insists, is not negotiable.

