REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

STATE OF HARYANA V. BHOOP SINGH (2023)

BENCH: Mr. Justice Abhay S. Oka & Mr. Justice Rajesh Bindal **DECIDED:** August 10, 2023

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Section 50 NDPS Act applies only to personal search of the accused; recovery from baggage or vehicles does not require Section 50 compliance.

1. Factual Matrix & Background:

Narcotics were recovered from a bag carried on a scooter by the accused. The High Court acquitted the accused on the ground that the investigating officer failed to apprise him of his legal right to be searched before a Gazetted Officer or Magistrate under Section 50 NDPS Act.

2. Substantive Legal Questions Framed:

Whether the mandatory procedural requirements of Section 50 of the NDPS Act apply to searches of bags, luggage, or vehicles in which contraband is transported.

3. Analysis & Ratio Decidendi:

The Supreme Court set aside the acquittal and reiterated the Constitution Bench judgment in State of Punjab v. Baldev Singh. Section 50 applies exclusively to the search of the physical person of the accused. Recovery of contraband from a bag, vehicle, or container carried by the accused is outside the purview of Section 50, and failure to give a Section 50 notice does not vitiate the recovery.

4. Principles Enunciated:

- 1. Section 50 NDPS safeguards apply strictly to personal body searches.
- 2. Recovery from vehicles, bags, containers, or premises does not attract Section 50.
- 3. High Courts cannot expand Section 50 beyond physical searches of the human body.

5. Practical Litigation Implications:

- In NDPS defence, verify whether personal pockets or body was searched simultaneously; if both person and bag were searched together, personal search safeguards under Section 50 may still apply.

.....J.
[SUPREME COURT BENCH]

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