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LEGAL BULLETIN

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A Compilation of Legal Updates and Relevant Judgments

Topics and Updates

S.No.	Title of the Judgment	Citation	Rationale of the Judgment
1.	Union of India v. Namdeo Ashruba Nakade	SC Order dated 07.11.2025	High Court's bail order was set aside as it failed to satisfy the mandatory twin conditions under Section 37 NDPS Act. Seriousness of allegations, fabrication of cavities for concealment, and prima facie involvement in organised drug trafficking outweighed factors of custody duration and delay in trial; no case made out for dispensing with Section 37.
2.	Union of India v. Vigin K. Varghese	2025 INSC 1316 (13.11.2025)	Bombay High Court's order granting bail was set aside as it did not conduct the required statutory analysis under Section 37(1)(b)(ii) NDPS Act. The Supreme Court held that courts must record satisfaction on the twin conditions with reference to prosecution materials. Matter remitted to High Court for fresh consideration strictly within Section 37 parameters.
3.	Sagar v. State of Uttar Pradesh & Anr.	2025 INSC 1370	Parity with a co-accused cannot be the sole ground for granting bail; courts must consider the individual role, gravity of offence, and statutory bail factors. A bail order that contains no reasons, or is bereft of relevant reasoning, is a non-speaking order violating principles of natural justice and is liable to be set aside.
4.	In Re: Summoning Advocates who give legal opinion or represent parties during investigation	2025 INSC 1275	Section 132 BSA protects privileged advocate-client communication; investigating agencies cannot summon advocates, except under narrow exceptions requiring judicial oversight.
5.	Mihir Rajesh Shah v. State of Maharashtra & Anr.	2025 INSC 1288	Written grounds of arrest must be furnished at the time of arrest when the police possess documentary basis for arrest; only in exceptional situations may oral communication precede written grounds, which must still be supplied within a reasonable time and in any case before production before the Magistrate.
6.	Kattavellai @ Deevakar v. State of Tamil Nadu	2025 LiveLaw (SC) 703	Supreme Court set aside a death sentence and acquitted the appellant due to a thoroughly faulty investigation, major breaks in the chain of custody of DNA evidence, unreliable "last seen" testimony, and procedural lapses in arrest, recovery, and TIP. Issued nationwide binding guidelines for the collection, preservation, transport, storage, and chain-of-custody of DNA and biological evidence.
7.	Chandan Pasi & Ors. v. State of Bihar	2025 LiveLaw (SC) 1157; 2025 INSC 1371	Convictions were set aside as the trial court failed to put specific incriminating circumstances to each accused under Section 313 CrPC; the Supreme Court held this to be a serious procedural defect prejudicing a fair trial and reiterated that the Public Prosecutor must actively assist the court in framing and putting proper 313 questions, rather than passively securing convictions at all costs.

I. SUPREME COURT ON RIGORS OF BAIL

1. Union of India v Namdeo Ashruba Nakade, SC Order dated November 7, 2025

Brief Facts: The accused was intercepted driving a lorry carrying 731.075 kg ganja valued at ₹2.91 crore and was charged under Sections 8(c), 20, 28, 29 NDPS Act. The Andhra Pradesh High Court granted bail, noting filing of chargesheet, completion of investigation, delay in trial, and 1 year 4 months of custody. Union of India challenged the order before the Supreme Court.

Issue: Whether the Andhra Pradesh High Court satisfied the requirements under section 37(1)(b)(ii) of NDPS Act in granting bail to the accused?

Judgment/Order:

- a) The Court emphasised the growing seriousness of drug trafficking and its societal impact.
- b) Despite custody duration and delay, the allegations were grave: theseized quantity exceeded commercial limits and the accused had ingenuously fabricated cavities to conceal the contraband.
- c) Material indicated prima facie involvement in organised drug trafficking; thus, the mandatory Section 37 embargo could not be dispensed with.
- d) Given the offence carries 10 – 20 years RI, custody of 1 year 4 months was not unreasonable.

Outcome: The order of Andhra Pradesh High Court was set aside and the accused was directed to surrender within two weeks.

2. Union of India v Vigin K. Varghese, 2025 INSC 1316, November 13, 2025

Brief Facts: The accused, Director of M/s Yummito International Foods, was charged for illicit import of 50.232 kg cocaine from South Africa. The NIA Special Court denied bail citing prima facie active involvement. Bombay High Court granted bail noting alleged lack of knowledge, clean antecedents, and likely trial delay. The Union of India preferred a Special Leave Petition before the Supreme Court.

Issue: Whether the Bombay High Court Order in granting bail to the accused satisfied the requirements under section 37(1)(b)(ii) of NDPS Act?

Judgment/Order:

- a) Section 37 imposes a specific embargo requiring Courts to record satisfaction on the twin conditions in addition to CrPC tests.
- b) The High Court failed to undertake this statutory analysis with reference to prosecution material.
- c) Such factual satisfaction must be recorded with reasons after fair appraisal of rival contentions.

Outcome: High Court order set aside; matter remitted for **fresh consideration** under Section 37 parameters of the NDPS Act.

3. Sagar v. State of Uttar Pradesh & Anr. 2025 INSC 1370— Judgment dated 28 November 2025

Brief Facts: FIR alleged that deceased Sonveer was shot by Aditya, allegedly at the instigation of co accused Rajveer. Sessions Court twice rejected Rajveer's bail; the Allahabad High Court granted bail solely on parity with his father/co-accused and noting clean antecedents. The complainant appealed

Issues:

- 1) Whether parity alone can justify the grant of bail
- 2) Whether the High Court's bail orders for Rajveer and another co-accused, Prince, were non-speaking and contrary to settled law.
- 3) What are the principles governing appellate interference with bail orders.

Judgment/Order:

- a) Parity is not standalone; similarity must be in position and role and not just in the status as "accused" Rajveer's alleged role in instigating the shooting made him differently situated, rendering parity misplaced.
- b) Bail must contain reasons; the order granting bail to Prince lacked any reasoning and was therefore a non speaking order.
- c) The High Court ignored settled tests (gravity, role, antecedents, risks of tampering/absconding). Bail cannot be mechanical.
- d) Surveying multiple High Courts, the Court reiterated parity is only supplementary, never the sole basis for grant of bail

Outcome: The Supreme Court set aside the bail orders of Rajveer and Prince– directing Rajveer to surrender within two weeks and remanding Prince's case to the High Court for fresh consideration–while also forwarding the judgment to the Allahabad High Court for compliance.

II. SUPREME COURT ON OTHER MATTERS

4. In Re: Summoning Advocates who give legal opinion or represent parties during investigation 2025 INSC 1275

Brief Facts: The case arose from a Gujarat High Court matter where an IO summoned an advocate under Section 179 BNSS seeking "true details of facts," effectively compelling disclosure of privileged professional communication. Bar bodies argued violation of Section 132 BSA, the right to practice (Art. 19(1)(g)), and fair-trial rights.

Issues:

- 1) Whether investigating agencies can summon advocates who are representing an accused in a case.
- 2) Whether Section 132 BSA bars compelling such appearance or disclosure.
- 3) Whether judicial/independent oversight is required before summoning an advocate.

Judgment/Order:

- a) Section 132 BSA creates an absolute privilege protecting advocate –client communications.
- b) This privilege belongs to the client, is inviolable, and overrides police summons.
- c) Investigating agencies cannot examine advocates merely for representing an accused.
- d) Compelling disclosure violates Art. 19(1)(g), Art. 21 (fair trial), and the Advocates Act.
- e) Drawing from *Vishka* and *Jacob Mathew*, the Court held judicial guidelines are warranted where no statutory framework exists.
- f) Misuse of police/ED summons undermines justice.
- g) Advocates may be summoned only in narrow exceptions, and even, then with prior judicial scrutiny.

Outcome: The Supreme Court issued protective directions restraining investigating agencies from summoning advocates without prior judicial scrutiny/approval, reaffirming the statutory confidentiality guaranteed under Section 132 BSA.

5. Mihir Rajesh Shah v. State of Maharashtra & Another 2025 INSC 1288

Brief Facts: The appellant in a fatal BMW hit-and-run case challenged his arrest in the SC on the ground that written grounds of arrest were not furnished, despite acknowledgment by the Bombay High Court that no written grounds were served which had upheld its arrest

Issues:

- 1) Whether written grounds of arrest are mandatory under Article 22(1) and Section 47 BNSS (S.50 CrPC).
- 2) Whether non-furnishing of written grounds invalidates arrest in all cases.

Judgment/Order:

- a) The Supreme Court held that communicating grounds of arrest is a mandatory constitutional safeguard applicable in all cases.
- b) To be meaningful, the grounds must be furnished in writing in a language understood by the arrestee;
- c) Oral communication is generally insufficient.
- d) If documents forming the basis of arrest are available, they must be given at the time of arrest; only in rare situations may oral communication precede written supply.
- e) Written grounds must be provided within a reasonable time, and at least two hours before remand; remand papers must enclose the grounds and any explanation for delay.
- f) Non-compliance renders arrest and remand illegal, though the investigation is not vitiated; fresh remand may be sought after supplying written grounds

Outcome: The appeal was dismissed on merits; the Court declined to interfere but clarified the law on communication of arrest grounds.

6. KATTAVELLAI @ DEEVAKAR v. STATE OF TAMIL NADU, 2025 LiveLaw (SC) 703, 15 July 2025

Brief Facts: The appellant, on death row for murder and rape, was convicted solely on circumstantial evidence, including a DNA match. He challenged the reliability of evidence citing missing chain-of-custody entries, contradictions, improper biological sample handling, and unreliability of key witnesses.

Issues:

1. Whether the circumstantial evidence formed an unbroken chain establishing guilt beyond reasonable doubt.
2. Whether the DNA evidence—the principal incriminating factor—was reliable given the severe procedural defects.
3. Whether TIP, arrest, recovery, and the “last-seen” evidence met the standards of legal admissibility and credibility.
4. Whether faulty investigation rendered the conviction unsustainable.

Judgment/Order:

- a) Circumstantial chain incomplete: PW-5 and PW -25 were unreliable; motive unproven; arrest, confessions, and recoveries suffered from inconsistencies and lack of independent witnesses.
- b) DNA evidence wholly unreliable due to absence of chain-of-custody, improper sealing/storage, unexplained FSL delays, and missing documentation.
- c) TIP doubtful as conducted nine days after arrest when accused's identity was publicly known.

Outcome: The Supreme Court acquitted a man who was sentenced to death for the murders of a couple and the rape of the woman victim, citing grave procedural lapses in the handling of DNA evidence. In doing so, the Court issued the following binding nationwide guidelines:

- a) Collection of DNA samples (proper documentation, IO & Police station details, signatures, reasons for missing witnesses, serial numbers, etc).
- b) Transportation (IO responsible for this 48-hour limit; reasons for delay in case diary).
- c) Storage & Handling (no resealing or package opening without court order).
- d) Chain-of-Custody Register (continuous, countersigned (collection → trial → appeals → final disposal), appended to record; DGPs to standardise forms).
- e) Mandatory circulation of the order to all High Courts, DGPs and Police Academies.

7. CHANDAN PASI & ORS. v. STATE OF BIHAR 2025 LiveLaw (SC) 1157 / 2025 INSC 1371

Brief Facts: Three appellants, convicted for murder and house- trespass, challenged their conviction before the Hon'ble SC on the ground that Section 313 CrPC examination was improperly conducted. The Trial Court had asked only four generic questions, and the High Court affirmed the conviction. A principal ground urged was non compliance with Section 313 CrPC

Issues :

1. Whether the manner in which the trial court recorded the statements of the appellants under Section 313 CrPC satisfied the mandatory requirements of a fair trial.
2. Whether failure to put each material circumstance to the accused, coupled with mechanical, identical questions and answers, caused prejudice sufficient to vitiate the conviction.
3. What is the role and duty of the Public Prosecutor in ensuring proper compliance with Section 313 CrPC?

Judgment / Key Findings:

- a) The Court, referring to *Sanatan Naskar, Indrakunwar, Raj Kumar, Aejaz Ahmad Sheikh, etc.*, reiterated that Section 313 CrPC is a non-negotiable facet of fair trial rooted in *audi alteram partem*: every material incriminating circumstance must be specifically and distinctly put to the accused, and anything not so put cannot be used against them.
- b) On examining the 313 statements, the Court found that only four vague, omnibus questions were asked to each appellant, merely paraphrasing broad allegations; the questions and answers were virtually identical, consisted only of bare denials, and did not refer to any specific evidence, witness, role, weapon, or medical/forensic material. This was termed a "sorry state of affairs", a serious irregularity causing prejudice and undermining trial fairness.
- c) On the role of the Public Prosecutor the Court noted that, in the zeal to secure conviction, the Prosecutor failed to assist the Trial Court in framing proper 313 questions, and reaffirmed (with reference to *Sovaran Singh Prajapati* and *Ashok v. State of U.P., 2024 LiveLaw (SC) 941*) that the PP, as an officer of the Court,

must act in the interest of justice, alert the Court if any material circumstance is omitted in 313, assist in framing questions, and ensure no procedural infirmity prejudices the accused or renders the conviction vulnerable.

Outcome: The Supreme Court set aside the convictions of the three appellants solely on the ground of defective Section 313 examination, remanded the matter for fresh compliance (limited to them), left the convictions of the other co-accused intact, and directed the Trial Court to complete the exercise within four months.





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