



NDPS S. 50 - Non compliance - Absence of the word "Magistrate" in the notice provided to the accused. [PLRonline 414666]

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Option which was required to be given to the accused, as per Section 50 of the NDPS Act, was that he has a right to be searched in the presence of a Magistrate or a Gazetted Officer - The Option which was given to him was that whether the accused opted to be searched before a Gazetted Officer or a Civil Gazetted Officer or before him - Word „Magistrate“ was missing from the notice - Mandatory provisions of S. 50 of the NDPS Act not complied - No conviction can be based on such a defective option.

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