# IPC Section 86: Offence requiring a particular intent or knowledge committed by one who is intoxicated.

## IPC Section 86: Offence Requiring a Particular Intent or Knowledge Committed by One Who Is Intoxicated - A Detailed Explanation  
  
Section 86 of the Indian Penal Code (IPC) addresses the complex interplay between intoxication and criminal liability. Unlike Section 85, which deals with involuntary intoxication, Section 86 focuses on offences committed under the influence of voluntary intoxication. It clarifies the extent to which voluntary intoxication can be considered a defense or mitigating factor. The section states:  
  
\*\*"In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will."\*\*  
  
This densely worded section requires careful unpacking to understand its implications:  
  
\*\*1. Voluntary Intoxication:\*\*  
  
Section 86 primarily deals with situations where an individual has consumed an intoxicating substance voluntarily. This means they were not forced or tricked into consuming it and were aware of its intoxicating properties. The section acknowledges that voluntary intoxication can impair judgment and cognitive function but does not offer a complete defense.  
  
  
\*\*2. Offences Requiring Specific Intent or Knowledge:\*\*  
  
The section's applicability is limited to offences that require a specific \*mens rea\* (mental state), specifically "particular knowledge or intent." This means the prosecution must prove that the accused possessed a specific mental state at the time of the offence. Examples include offences like murder, which requires the intention to cause death, or theft, which requires the intention to permanently deprive someone of their property.  
  
  
\*\*3. Deemed Knowledge and Intent:\*\*  
  
The crucial provision of Section 86 is the legal fiction it creates. It states that an intoxicated person shall be treated "as if he had the same knowledge as he would have had if he had not been intoxicated." This means the court will assess the accused's knowledge and intent as if they were sober, even if their actual mental state was impaired due to intoxication. This effectively prevents individuals from using voluntary intoxication as an excuse for lacking the required \*mens rea\*.  
  
  
\*\*4. Exception for Involuntary Intoxication:\*\*  
  
The proviso at the end of the section reiterates the principle established in Section 85. If the intoxication was involuntary – administered without the person's knowledge or against their will – then Section 85 applies, and the individual may have a complete defense. This reinforces the distinction between voluntary and involuntary intoxication and their different legal implications.  
  
  
\*\*5. Burden of Proof:\*\*  
  
The burden of proving involuntary intoxication, as in Section 85, lies on the accused. They must provide evidence that the intoxicating substance was administered without their knowledge or against their will. If the intoxication is deemed voluntary, the prosecution still bears the burden of proving the required \*mens rea\* for the offence, but the court will assess this as if the accused were sober.  
  
  
\*\*6. Relevance of Capacity to Form Intent:\*\*  
  
While Section 86 creates a legal fiction regarding knowledge and intent, the accused’s actual capacity to form the required \*mens rea\* can still be relevant in sentencing. If the intoxication was so severe that the individual was practically incapable of forming the specific intent, even though the law deems them to have it, the court may consider this as a mitigating factor during sentencing. This means the punishment may be less severe than it would be for a sober individual who committed the same offence.  
  
  
\*\*7. No Defense for Basic Intent Offences:\*\*  
  
Voluntary intoxication provides no defense for offences that do not require a specific intent but only a "basic intent" or recklessness. For example, in cases of assault, the prosecution only needs to prove that the accused intended to apply force to another person, not that they intended to cause any specific harm. Voluntary intoxication would not be a defense in such cases.  
  
  
\*\*8. Judicial Interpretation:\*\*  
  
Courts have consistently interpreted Section 86 strictly. They have emphasized that voluntary intoxication cannot excuse criminal behavior and that individuals are responsible for the consequences of their actions even if they were intoxicated. The legal fiction of deemed knowledge and intent ensures that individuals cannot escape liability by claiming they lacked the required \*mens rea\* due to voluntary intoxication.  
  
  
\*\*9. Policy Considerations:\*\*  
  
The rationale behind Section 86 is to deter individuals from committing crimes under the influence of alcohol or drugs. It prevents individuals from using voluntary intoxication as a shield against criminal liability. It recognizes that allowing such a defense would undermine public safety and encourage irresponsible behavior.  
  
  
\*\*10. Evidentiary Issues:\*\*  
  
Determining the level and impact of intoxication can be challenging. Evidence may include witness testimony, blood alcohol tests, and the accused's behavior. The court must carefully assess the evidence to determine the extent to which the intoxication affected the accused's mental state, even though the legal fiction of deemed knowledge applies.  
  
  
\*\*11. Distinction from Insanity:\*\*  
  
While both intoxication and insanity can affect an individual's mental state, they are distinct legal concepts. Insanity refers to a mental condition that impairs an individual's capacity to understand the nature and quality of their actions. Intoxication, whether voluntary or involuntary, refers to the effect of substances on the individual's mental state. The legal tests and consequences for each are different.  
  
  
\*\*12. Conclusion:\*\*  
  
Section 86 of the IPC addresses the complex relationship between voluntary intoxication and criminal liability. It clarifies that voluntary intoxication does not provide a defense for offences requiring specific intent or knowledge. The legal fiction of deemed knowledge ensures that individuals cannot escape liability by claiming they lacked the required \*mens rea\* due to voluntary intoxication. However, the degree of intoxication may be considered as a mitigating factor during sentencing. The section reflects a policy balance between holding individuals accountable for their actions and recognizing the potential impact of intoxication on their mental state.