



**IN THE HIGH COURT OF PUNJAB & HARYANA
CHANDIGARH**

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CRM-M-18732-2026 (O&M)
Date of decision: 16.04.2026

Agayapal Singh

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashish Nagar, Advocate, and
Mr. Dinesh Nagar, Advocate, for the petitioner.

Ms. Manjot Kaur, AAG, Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.0086 dated 15.06.2025, registered under Sections 22 and 29 of the NDPS Act, at Police Station Balachaur, District SBS Nagar.

2. Learned counsel contends that the petitioner has been in custody for about 10 months. He alleges false implication in the case. As per the allegations, small quantity of contraband, it being 11 injections of Buprenorphine IP Legesic and 4 unlabelled injections, each measuring 2 ml allegedly recovered from the dash board of the car in which he was travelling and driven by co-accused Sukhdeep Singh @ Sukhdip Singh, who has since been granted bail by this Court vide order dated 12.03.2026, Annexure P-3, after being in custody for 8 months and 22 days. It is debatable whether he is in



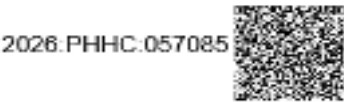
conscious possession of the same. No independent witness was joined. Charges have been framed on 12.01.2026, however, out of 16 PWs, only 03 have been examined. He is involved in 01 more case. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that commercial quantity of contraband has been recovered from the petitioner, who was apprehended at the spot. However, he is unable to controvert the submissions with regard to custody, stage and the co-accused enlarged on bail.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

6. Insofar as the question, whether the quantity of contraband recovered, falls in the small or commercial quantity is concerned, it would be apposite to refer to the judgment passed by Kerala High Court in **Salam vs. Union of India**, (2007) 16 RCR (Crl.) 909, to which no challenge was made, wherein the conclusion arrived at was that as per Indian Pharmacopoeia standards, 1 gram of Buprenorphine in its liquid form would be equal to 3333.33 millilitres and 20 grams of Buprenorphine, i.e. the minimum for commercial quantity, to 66666.60 millilitres. The relevant paras whereof read



thus:

“2. A detailed counter affidavit has been filed on behalf of the first respondent and in paragraph 5 thereof it is stated as follows: It is specifically submitted that “Buprenorphine” injection or “Buprenorphine” Hydrochloride injection is a sterile solution of Buprenorphine Hydrochloride in water for injection and the standards for the same are given in the Indian Pharmacopoeia, 1996. As per Indian Pharmacopoeia, 1996 small quantity and commercial quantity of Buprenorphine is fixed as follows: It is respectfully submitted that as per the Indian Pharmacopoeia standards one gram of Buprenorphine is 3333.33 millilitres when it is in liquid form for the purpose of small quantity. For the purpose of commercial quantity 20 grams of Buprenorphine is 66666.60 millilitres when it is in liquid form.

Small Quantity of Buprenorphine		Commercial Quantity of Buprenorphine	
As per Notification S.O.527(E) dated 16.17.1996 of M/O. Finance, D/O. revenue	Equivalent quantity in Milliliters in its present available liquid form as per IP, 1996 standards	As per Notification S.O.527(E) dated 16.7.1996 of M/O finance, D/O. Revenue	Equivalent quantity in Milliliters in its present available liquid form as per IP, 1996 standards

3. Even though Sri. M.V.Mathai Muthirenthi, learned counsel for the petitioner addressed me at length with reference to the averments in the writ petition and the grounds raised therein and the learned counsel drew my attention to the apparent conflict between the judgment of the Supreme Court and that of the Division Bench of this Court in view of the stand taken by the first respondent through the counter affidavit before this Court and the submissions of the learned Assistant Solicitor General Sri. Parameswaran Nair at the bar, it is not necessary that the issue is discussed and gone into by this Court elaborately. It is not in dispute that it is necessary that small quantity and commercial quantity of buprenorphine tidegistic is fixed in milliliters considering the liquid form of the substance. The Government have relied on Indian Pharmacopoeia 1996 and taken the stand that 1 gram of buprenorphine corresponds to 3333.33 milliliters and 20 grams corresponds to 66666.60 milliliters. Ultimately Mr. Mathai Muthirenthi also



submitted that it will suffice, if the above stand of the first respondent taken on the basis of Indian Pharmacopoeia 1996 be given the fiat of the court. Under the above circumstances, the writ petition will stand disposed of declaring that 1 gram of buprenorphine is equivalent to 3333.33 milliliters when it is a liquid form for the purpose of small quantity and declaring further that for the purpose of commercial quantity of 20 grams of buprenorphine is equivalent to 66666.60.”

7. As is apparent from the aforesaid, the quantity recovered from the petitioner, amounts to 22 ml (11 injections x 2ml), being far below the threshold for small quantity set out in the afore judgment, it being 3333.33 ml, thus the quantity so recovered, would unambiguously fall thereunder for the purpose of the present petition only.

8. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 9 months and 27 days; co-accused is on bail; charges were framed on 12.01.2026 and out of 16 PWs, only 03 have been examined, the trial is likely to take a considerable time; further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

9. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.



- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

10. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

11. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

16.04.2026

dinesh

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No