

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.11129 of 2018
Date of Decision: 21.03.2018**

**Sachin @ Sonu
Vs**

.....Petitioner

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Subhash , Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.246 dated 26.11.2017 registered under Section 22 of the NDPS Act at Police Station Maqsudan, District Jalandhar Rural.

The alleged recovery from the petitioner is of 15 injections of Buprenorphine (Rexogesic) 2 ML and 15 injections of Pheniramine Maleate (A VIL) 10 ML. Buprenorphine finds mentioned at serial No.69 of the notification/Schedule of the NDPS Act. It would be debatable as to the contraband falling under the definition of psychotropic substance or not?

In **Kismat Singh Vs. State of Punjab, 2012(2) RCR**

(Criminal) 329 and Ajaib Singh Vs. State of Punjab, 2012(2) RCR (Criminal) 330, it was opined that Buprenorphine falls under Drugs and Cosmetics Act and the salt has not been included in the Schedule I of the NDPS Rules. Whereas contrary view has been taken in Dilip Kumar Virvani and others Vs. State of Chhattisgarh, 2014(35) RCR (Criminal) 329, wherein it was observed that Buprenorphine Hydrochloride is a psychotropic substance within the meaning of Section 2(ixia) of the Act.

So far as Pheniramine Maleate containing A VIL is concerned, the same is not included in the Schedule of NDPS Act.

In view of above, at this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 21, 2018.

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No