

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

**CRM-M No.13438 of 2018
Date of Decision: 05.04.2018**

**Harvarinder Ram @ Harminder Ram Petitioner
Vs**

State of Punjab Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Sarju Puri, 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.182 dated 19.12.2017 registered under Sections 22/61/85 of NDPS Act at Police Station Rahon, District SBS Nagar.

As per allegations in the FIR, 16 injections of Buprenorphine weighing 2 ML each and 16 injections of Avil weighing 10 ML each were allegedly recovered from the petitioner. FSL report has been received.

The controversy with regard to Buprenorphine at serial No.169 of the notification/Schedule of the NDPS Act, would be debatable as to whether it is psychotropic substance or not.

In view of ratio laid down in **Ajaib Singh Vs. State of Punjab, 2012(2) RCR (Criminal) 330**, Burprenorphine is not mentioned in Schedule I of the NDPS Rules, therefore, provision in terms of Section 8 of the Act would have no application. In **Kismat Singh Vs. State of Punjab, 2012(2) RCR (Criminal) 329**, the same proposition was held. In view of opinion to the contrary given by Chattishgarh High Court in **Dilip Kumar Virvani and others Vs. State of Chattishgarh, 2014(35) RCR (Criminal) 329**, it would be debatable as to the contraband falling under the ambit of narcotic substance or otherwise.

In view of above, 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.

April 05, 2018.

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No