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

CRM-M No.17589 of 2018
Date of Decision: 02.05.2018

Sonu

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present: Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.28 dated 27.01.2018, registered under Section 22 of the NDPS Act at Police Station Division No.8, District Jalandhar.
2. 15 injections of Buprenorphine Hydrochloride were allegedly recovered from the petitioner each containing 02 ml. The controversy with regard to Buprenorphine at Serial No.169 of the Schedule of NDPS Act would be debatable as to whether the same is psychotropic substance or not.
3. In view of ratio of **Ajaib Singh Vs. State of Punjab,**

2012(2) RCR (Criminal) 330, Buprenorphine is not mentioned in Schedule I of the NDPS Rules, therefore, provision in terms of Section 8 of the Act would have no application. Similar view was expressed in **Kismat Singh Vs. State of Punjab, 2012(2) RCR (Criminal) 329**, however in **Dilip Kumar Virvani and others Vs. State of Chattishgarh, 2014(35) RCR (Criminal) 329**, different view was expressed. It would be debatable as to the contraband falling under the ambit of narcotic substance or otherwise.

4. Learned State counsel on instructions from HC Gurwinder Singh vehemently opposed the prayer on the ground that as per FSL report, Buprenorphine Hydrochloride was detected to the tune of 0.28 mg per ml. Challan has already been presented and one of the prosecution witness has been examined and the next date fixed before the trial Court is 11.05.2018.

5. In view of aforesaid position, I deem it appropriate to enlarge the petitioner on regular bail.

6. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

02.05.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No