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

**CRM-M No. 250 of 2018  
Date of Decision: 12.01.2018**

**Amandeep**

**.....Petitioner**

**Vs**

**State of Punjab.**

**.....Respondent**

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

Present: Mr. Ramneek Vasudeva, Advocate  
for the petitioner.

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

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**RAJ MOHAN SINGH, J.(Oral)**

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.41 dated 15.06.2017, registered under Sections 22/61/85 of the NDPS Act, 1985, registered at Police Station GRP Sirhind, District Fatehgarh Sahib (Pb.).

As per allegations in the FIR, 25 voils of injections Buprenorphine IP 2ml and 25 voils of injections of Avil 10 ml were allegedly recovered from the petitioner.

Learned counsel for the petitioner submits that as per proviso to Rule 66 of NDPS Act, 1985, an individual can possess 100 doses of Buprenorphine Hydrochloride. 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 a psychotropic substance or not.

In view of the conflicting opinion given in Kismat Singh Vs. State of Punjab, 2012 (2) RCR (Criminal) 329 and Ajaib Singh Vs. State of Punjab, 2012 (2) RCR (Criminal) 330, wherein it was held that Buprenorphine falls under Drugs and Cosmetics Act and the salt has not been included in the Schedule I of the NDPS rules, whereas as per Dilip Kumar Virvani and others Vs. State of Chattishgarh, 2014 (35) RCR (Criminal) 329, Buprenorphine Hydrochloride is a psychotropic substance within the meaning of Section 2 (ixia) of the Act.

Learned counsel for the petitioner further submits that recovery of 25 voils of injections of Avil would not fall under the category of NDPS Act and the same is not covered under the schedule.

Looking to the controversy from point of view of proviso to Rule 66 of NDPS Schedule as also qua the weight of the total contraband, it would be debatable as to the trial of present contraband under NDPS Act.

In view of the above, without adverting to the merits of the case, it will be just and expedient to grant benefit of regular

bail to the petitioner.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Accordingly, this petition is allowed.

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

January 12, 2018.  
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(RAJ MOHAN SINGH)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |