

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

**CRM-M No.6660 of 2018(O&M)
Date of Decision: 04.04.2018**

Gurjinder Singh

.....Petitioner

Vs

UT of Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Saloni Sharma, Advocate
for the petitioner.

Mr. Gautam Dutt, APP, UT, Chandigarh.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.140 dated 04.09.2017 registered under Section 22 of the NDPS Act at Police Station Sector 19, Chandigarh.

Petitioner was found in possession of 15 injections of Buprenorphine 2 ML each and 15 injections of Pheniramine Maleate 10 ML each.

Pheniramine Maleate is not covered under the schedule of NDPS Act. 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.

As per ratio laid down in **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 taken in **Kismat Singh Vs. State of Punjab, 2012(2) RCR (Criminal) 329**. 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.

Mr. Gautam Dutt, APP, UT, Chandigarh on instructions from SI Balwinder Singh submits that out of total 10 prosecution witnesses, 3 witness have been examined. Petitioner is in custody since 04.09.2017.

In view of aforesaid, 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/Duty Magistrate.

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

April 04, 2018.
Prince

(RAJ MOHAN SINGH)
JUDGE

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