

204.

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

CRM-M-21308-2021

Date of Decision: 18.11.2021

GURPREET SINGH @ BHOLA @ PENDU

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Saurabh Arora, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, who is in custody since 24.02.2021 in case FIR No.31, dated 24.02.2021 registered under Section 22 of the NDPS Act, 1985 at Police Station City Rupnagar, District Rupnagar.

It is argued that the petitioner has been arrested in the aforesaid FIR with the alleged recovery of 25 injections each containing 2 ML of Buprenorphine. It is submitted that the coordinate Bench in CRM-M-28002-2018 has referred the question to a Division Bench as to whether Buprenorphine Hydrochloride is a psychotropic substance within the meaning of Section 2(ixia) of the NDPS Act. It is submitted that in CRM-M-250-2018, titled as *Amandeep Versus State of Punjab*, wherein the accused was allegedly apprehended with 25 voils of injections of Buprenorphine, as

similar to the case in hand, regular bail has been allowed to him.

On the other hand, learned State counsel would submit that the contraband recovered from the petitioner herein is of commercial quantity and, therefore, the bar of Section 37 of NDPS Act would be applicable.

I have heard learned counsel for the parties and have perused the orders as relied upon.

Admittedly, the question whether Buprenorphine Hydrochloride is a psychotropic substance within the meaning of Section 2(ixia) of the NDPS Act, is pending consideration before the Division Bench of this Court and is now listed for hearing on 16.12.2021.

In view of that, let the petitioner herein be enlarged on interim bail till the said matter is decided subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Needless to say, the petitioner will surrender on the authoritative pronouncement given by the Division Bench as to whether or not Buprenorphine Hydrochloride is a psychotropic substance as envisaged under the NDPS Act.

The petition stands disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

18.11.2021
sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No