

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

**CRM-M No.32727 of 2020(O&M)  
Date of Decision-11.10.2021**

Parminder Kaler @ Bobi ... Petitioner  
Versus

State of Punjab ... Respondent

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

Present: Mr. Parshotam Lal Singla, Advocate  
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

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**RAJ MOHAN SINGH, J.**

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.406 dated 10.12.2019 registered under Section 22 of the NDPS Act at Police Station Phillaur, District Jalandhar.

[2]. FIR was registered with the allegations that when ASI Dharminder Singh gave information on telephone to MHC of Police Station that he along with police party was present at Y point Talwan Road, Phillaur, then from the side of Nurmahal road, one clean shave young person was seen coming on foot. He was having black colour carry bag in his left hand. On suspicion, he was stopped. On being asked, he disclosed his name as Parminder Kaler @ Bobi. Search of his bag was conducted and narcotic injections were recovered. Investigating Officer was called for further police

proceedings. Thereafter, Investigating Officer reached at the site. ASI Dharminder Singh produced the suspect before the Investigating Officer and the accused was apprehended, who disclosed his name as Parminder Kaler @ Bobi. On being checked, the bag was found carrying 28 narcotic injections, out of which 14 injections were of Avil. 5 injections were having batch number and 9 injections were without batch numbers. 14 injections of Buprenorphine Rexogesic with batch numbers were found. Thereafter, police proceeded to complete the formalities.

[3]. Learned counsel for the petitioner submitted that recovery has already been effected by ASI Dharminder Singh before calling Investigating Officer at the spot. Calling of Investigating Officer was on account of prior information, still the police did not comply with the mandatory requirement of Section 50 of the NDPS Act. 14 injections of Avil are not to be considered for the purpose of granting regular bail having not fallen under the category of NDPS Act. Pheniramine maleate salt was found in Avil, therefore, NDPS Act is not attracted. Learned counsel further submitted that Buprenorphine Hydrochloride is a manufacturing drug and is a Schedule H drug under Drugs and Cosmetic Act and Rules framed thereunder. It is also a narcotic substance under the NDPS Act. It is a medication and is being used as a pain killer. It is also being used to treat opiate addiction, such as addiction to heroin. It has legitimate uses as an analgesic and for de-addiction. That is how, interpretation attached to Rule 66 of the NDPS Rules of 1985 came

into being, wherein it has been observed that a person can possess 100 doses of Buprenorphine Hydrochloride without any medical prescription and can retain such like psychotropic substance. Learned counsel referred to **CRM-M No.5207 of 2014** titled **Saleem Mohd. Vs. State of Punjab** decided on 04.11.2015 by the Division Bench and **CRM-M No.13312 of 2020** titled **Sukhwinder Singh @ Vicky Vs. State of Punjab** decided on 10.11.2020 to contend that even in case of 70 injections of Buprenorphine Rexogesic 02 ml each, bail was granted by this Court after considering the interpretation attached to Rule 66 of 1985 Rules and other precedents on the point.

[4]. Learned counsel further submitted that as per custody certificate produced by learned State counsel, petitioner is not involved in any other case. Petitioner is in custody since 10.12.2019. Long custody of the petitioner itself is a ground to grant him regular bail *de hors* the nature of quantity allegedly recovered. Learned counsel referred to **CRM-M No.20566 of 2019** titled **Veeru Vs. State of Punjab** decided on 19.11.2019, **CRM-M No.41779 of 2020** titled **Gurpreet Singh Vs. State of Punjab** decided on 17.12.2020, **CRM-M No.17481 of 2020** titled **Mani Singh @ Maddi Vs. State of Punjab** decided on 22.07.2020 and **CRM-M No.25382 of 2020** titled **Gurbaksh Singh Vs. State of Punjab** decided on 02.09.2020 in the aforesaid context.

[5]. Learned State counsel, however, opposed the bail on the strength of some contrary view expressed by some Courts.

[6]. The judgment rendered by the Co-ordinate Bench in **Sukhwinder Singh @ Vicky's case (supra)** can be relied in this context, which has been delivered after considering the import of all such judgments.

[7]. At this stage, keeping in view the long incarceration of the petitioner, *prima facie* consideration of the case and in view of situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

[8]. In view of above, the present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

[9]. Nothing expressed hereinabove, would be construed to be an opinion on merits of the case.

**(RAJ MOHAN SINGH)**  
**JUDGE**

11.10.2021

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**Whether reasoned/speaking**

**Yes/No**

**Whether reportable**

**Yes/No**