

2024:PHHC:071737



S. No.221

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24725 of 2024

Date of Decision:21.05.2024

Amit Kumar @ Mita @ Miti
Vs.

.....Petitioner

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Akshay Kumar Dahiya, Advocate
for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.390 dated 19.07.2023 registered under Sections 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Industrial Sector 29, District Panipat.

As per prosecution allegations, petitioner was apprehended and from his possession, 25 injections of Buprenorphine of 02 ml each were recovered on 19.07.2023.

Learned counsel for the petitioner has referred to Rule 66 of the Narcotic Drugs and Psychotropic Substances Rules, 1985, which is as under:-

66. Possession, etc., of psychotropic substances

. - [(1) No person shall possess any psychotropic substance for any of the purpose covered under 1945 Rules, unless he is lawfully authorised to possess such substance for any of the said purposes under these Rules.Provided that possession of a psychotropic substance specified in Schedule I shall be only for the purposes mentioned in Chapter



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VIIA.] [Substituted by Notification No. G.S.R. 224(E), dated 25.3.2015 (w.e.f. 14.11.1985).]

(2)Notwithstanding anything contained in sub-rule (1), any research institution, or a hospital or dispensary maintained or supported by Government or local body or by charity or voluntary subscription, which is not authorised to possess any psychotropic substance under the 1945 Rules, or any person who is not so authorised under the 1945 Rules, may possess a reasonable quantity of such substance as may be necessary for their genuine scientific requirements or genuine medical requirements, or both for such period as is deemed necessary by the said research institution or, as the case may be, the said hospital or dispensary or person:

Provided that where such psychotropic substance is in possession of an individual for his personal medical use the quantity thereof shall not exceed one hundred dosage units at a time:

[Provided further that an individual may possess the quantity of exceeding one hundred dosage units at a time] [Inserted by G.S.R. 639(E), dated 13.10.2006 (w.e.f. 13.10.2006).] [but not exceeding three hundred dosage units at a time] [Inserted by G.S.R. 2(E), dated 1.1.2008 (w.e.f. 1.1.2008).] [for his personal long term medical use if specifically prescribed by a Registered Medical Practitioner.] [Inserted by G.S.R. 639(E), dated 13.10.2006 (w.e.f. 13.10.2006).]

(3)The research institution, hospital and dispensary referred to in sub-rule (2) shall maintain proper accounts and records in relation to the purchase and consumption of the psychotropic substance in their possession.

Learned counsel for the petitioner contends that even without the medical prescription, an individual for his personal use can retain the quantity of Buprenorphine which is a psychotropic substance to the extent of not exceeding one hundred dosage. Learned counsel has also referred to a judgment of Division Bench of this Court in **Saleem Mohd. Vs. State of Punjab, 2015(25) R.C.R. (Criminal) 81.**

Notice of motion.



Mr. Ram Kumar Singla, DAG, Haryana, accepts notice on behalf of the respondent- State.

Learned State Counsel could not refute the afore-said contentions.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

May 21, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No