



CRM-M-20860-2025

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

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Decided on:05.08.2025

Kuldeep Ram**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Bikramjit Singh Baath, Advocate for the petitioner.

Mr. Jasdeep Singh, Addl. A.G., Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), seeking regular bail in connection with FIR No. 0001 dated 01.01.2025, registered under Section 2 of the NDPS Act at Police Station City Morinda, District Roopnagar.

2. According to the prosecution case, petitioner-Kuldeep Ram, was apprehended, by the police patrolling team in possession of 12 injections of Buprenorphine, labeled as Leegesic, each of 2 ml bearing Batch No. 1L24011, manufactured in 04/2024 and expiring in 03/2026. Along with this, 12 injections of Pheniramine Maleate, labeled as Avil, each of 10 ml bearing Batch No. 0424011, manufactured in 02/2024 and expiring in 01/2027, were also recovered. The total quantity of Buprenorphine thus, recovered amounts to 24 ml, which exceeds the maximum non-commercial quantity limit of 20 ml by 4 ml.

Learned counsel further submits that petitioner is in custody for over seven months and that the trial has yet, to progress to, recording



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of statements, as the charges were framed recently on 30.04.2025. Out of a total of 14 prosecution witnesses, none have been examined till date.

Additionally, Mr. Bikramjit Singh Baath, Advocate, relies upon the order dated 10.02.2025 passed by a co-ordinate Bench of this Court in CRM-M-65384-2024, specifically referring to paragraphs 5 and 6, which read as follows:

*“5 . Learned counsel for the petitioner has also placed reliance on judgment passed by this Court in **CRM-M-37530 of 2015 titled as Dr. Rajinder Singla Vs. State of Punjab**. The relevant portion of the same is reproduced as under:*

“Buprenorphine Hydrochloride I.P. is also a medication and is used as a pain reliever. Recently, 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. However, it is also capable of misuser being a psychotropic substance. Perhaps because of this reason, it was left out of Schedule I to the Narcotic Drugs And Psychotropic Substances Act but is very much regulated under the D and C Act and Rules.

As indicated above, Buprenorphine Hydrochloride is a Schedule H drug under the D and C Act and Rules and, though it is a psychotropic substance under the Narcotic Drugs And Psychotropic Substances Act, it is not included in Schedule I to the NDPS Rules. That being the case, its manufacture, possession or sale is not prohibited. As such, there is no contravention of the provisions of the NDPS Rules. Consequently, the offence under Section 8 of the Narcotic Drugs And Psychotropic Substances Act is not made out. Obviously, punishment under Section 22 of the Narcotic Drugs And Psychotropic Substances Act is also not attracted. Accordingly in these circumstances no offence under the Narcotic Drugs And Psychotropic Substances Act is made out, the petitioner would be entitled to bail. Accordingly, he is directed to be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned trial Court.”

6. Further reliance has been made on the judgment of this Court rendered in **CRM-M-38986 of 2018 titled as Nitin Rajput @ Raman vs. State of Punjab decided on 19.11.2018**. The relevant portion of the same is reproduced as under:-

“5. In the present case, the alleged recovery is 12 injections of Buprenorphine. As per proviso to Rule 66 of the NDPS Act, 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.

6. *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 judgment in case **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 (xxiii) of the Act. Same issue was there in judgments of this Court in cases **Amandeep Vs. State of Punjab CRM-M No.250 of 2018 decided on 12.01.2018, Sonu Vs. State of Punjab CRMM No.30008 of 2017 decided on 06.10.2017** as well as **Sulakhan Singh @ Billa Vs. State of Punjab CRM-M No.1010 of 2018 decided on 24.01.2018**.*

7. *Accordingly, keeping in view the ratio of law laid down in above said judgments and the orders passed under the similar circumstances, the present petition is allowed and the petitioner (Nitin Rajput @ Raman) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court."*

Learned counsel argues that the prosecution cannot conclusively claim that the Buprenorphine injections are covered under the NDPS Act, especially since, Buprenorphine is not listed in Schedule I of the Rules. Therefore, counsel prays for the grant of regular bail.

3. On the other hand, learned State counsel has filed the custody certificate of the petitioner, acknowledging that he is in custody for the last seven months. The State counsel submits that since the recovered quantity is commercial in nature, exceeding the maximum non-commercial quantity by only 4 ml, no leniency should be extended in granting bail. However, learned State counsel is unable to dispute the facts already noticed by the co-ordinate Bench of this Court in Aleem's case (*supra*).

4. Having heard learned counsel for both parties and perused the record, this Court finds that the petitioner has been in custody for

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over seven months and that the excess quantity of Buprenorphine injections recovered is only 4 ml above the prescribed maximum non-commercial quantity. It is also observed that, out of a total of 14 prosecution witnesses, none have been examined so far. In view of the slow pace of the trial, coupled with the fact that the personal liberty of the petitioner cannot be curtailed indefinitely, this Court finds merit in the prayer of the petitioner.

Consequently, the prayer made in the present petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

5. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

6. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

7. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 05, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**