



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-41519-2025 (O&M)
Date of decision: 09.09.2025

Riyajudin

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Kshitiz Goel, Advocate and
Mr. Krishan Kanha, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in FIR bearing No.15 dated 08.01.2025, registered under Section 22 (Section 29 added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Zirakpur, District SAS Nagar.

2. Briefly summarised, the facts of the present case are that the petitioner was apprehended when he was coming from the back side of the Radha Swami Satsang Ghar and on checking 87 intoxicating injections of Buprenorphine (2 ml each) alongwith 81 vials of Avil were recovered from his conscious possession and no valid permit or licence for keeping the same



was produced by him. Hence the FIR in question was lodged and the petitioner was arrested on the said date i.e. 08.01.2025 and he is in custody since then.

3. Learned counsel for the petitioner contends that 87 intoxicating injections of Buprenorphine (2ml each) alongwith the 81 vials of Avil were allegedly recovered from the conscious possession the petitioner. He contends that the petitioner has been in custody since 08.01.2025 and he is not involved in any other case. He contends that the quantity recovered would be a small quantity in view of the affidavit filed by the Union of India before the **Kerala High Court** in the matter of ‘**Salam Vs. Union of India**’ reported as **2007(16) RCR (Criminal) 909**. The operative part thereof reads thus:-

“2. A detailed counter affidavit has been filed on behalf of the first respondent and in paragraph 5 thereof it is stated as follows: It is specifically submitted that “Buprenorphine” injection or “Buprenorphine” Hydrochloride injection is a sterile solution of Buprenorphine Hydrochloride in water for injection and the standards for the same are given in the Indian Pharmacopoeia, 1996. As per Indian Pharmacopoeia, 1996 small quantity and commercial quantity of Buprenorphine is fixed as follows: It is respectfully submitted that as per the Indian Pharmacopoeia standards one gram of Buprenorphine is 3333.33 millilitres when it is in liquid form for the purpose of small quantity. For the purpose of commercial quantity 20 grams of Buprenorphine is 66666.60 millilitres when it is in liquid form.

Small Quantity of Buprenorphine			Commercial Quantity of Buprenorphine		
As	per	Equivalent	As	per	Equivalent



<i>Notification S.O.527(E) dated 16.17.1996 of M/O. Finance, D/O. revenue</i>	<i>quantity in Milliliters in its present available liquid form as per IP, 1996 standards</i>	<i>Notification S.O.527(E) dated 16.7.1996 of M/O finance, D/O. Revenue</i>	<i>quantity in Milliliters in its present available liquid form as per IP, 1996 standards</i>
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3. Even though Sri. M.V.Mathai Muthirenthi, learned counsel for the petitioner addressed me at length with reference to the averments in the writ petition and the grounds raised therein and the learned counsel drew my attention to the apparent conflict between the judgment of the Supreme Court and that of the Division Bench of this Court in view of the stand taken by the first respondent through the counter affidavit before this Court and the submissions of the learned Assistant Solicitor General Sri. Parameswaran Nair at the bar, it is not necessary that the issue is discussed and gone into by this Court elaborately. It is not in dispute that it is necessary that small quantity and commercial quantity of buprenorphine tidegisic is fixed in milliliters considering the liquid form of the substance. The Government have relied on Indian Pharmacopoeia 1996 and taken the stand that 1 gram of buprenorphine corresponds to 3333.33 milliliters and 20 grams corresponds to 66666.60 milliliters.

Ultimately Mr. Mathai Muthirenthi also submitted that it will suffice, if the above stand of the first respondent taken on the basis of Indian Pharmacopoeia 1996 be given the fiat of the court. Under the above circumstances, the writ petition will



stand disposed of declaring that 1 gram of buprenorphine is equivalent to 3333.33 milli liters when it is a liquid form for the purpose of small quantity and declaring further that for the purpose of commercial quantity of 20 grams of buprenorphine is equivalent to 66666.60.”

4. Counsel for the petitioner contends that the aforesaid judgment of the **Kerala High Court** was relied upon by a Coordinate Bench of this Court in its order dated 18.03.2025 passed in CRM-M-8308-2025 titled as ‘Pardeep Kumar @ Manga Vs. State of Punjab’. He contends that since the recovered quantity from the petitioner would work out to be 174 ml, hence, it is less than 1 gram of Buprenorphine, which is a small quantity.

5. Learned counsel for respondent-State, however, contends that the 174 ml of Buprenorphine was recovered from the conscious possession of the petitioner, even though he submits that the calculation would be different, I find that once the affidavit had been filed by the Union of India before the **High Court of Kerala**, any other interpretation or conversion by the State of Punjab would not override the specific affidavit that has been filed by the Union of India in relation to the quantities under the NDPS Act, the Act being a Central Legislation.

6. Taking into consideration the actual custody of the petitioner i.e. nearly 8 months, the stage of the trial where charges have not been framed so far and lack of criminal antecedents as well as reliance of the petitioner on the judgment passed in the matter of **Salam (supra)** and bearing in mind that the conclusion of the trial is likely to take a long time, I



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deem it fit to allow the instant petition.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

09.09.2025*Mangal Singh*

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