

2025 LiveLaw (SC) 387

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
DIPANKAR DATTA; J., MANMOHAN; J.**

March 28, 2025.

CRIMINAL APPEAL No.1558/2025 [Arising out of SLP (Crl.) No.1031/2025]

KULWANT SINGH *versus* THE STATE OF PUNJAB

Narcotic Drugs and Psychotropic Substances Act, 1985; Sections 22 and 29 - Appeal against rejection of anticipatory bail - Allegation of recovery of 550 tablets of Tapentadol Hydrochloride from a vehicle – Tapentadol Hydrochloride is not included in the list of psychotropic substances under the NDPS Act – Accused was entitled to pre-arrest bail - Appeal allowed. (Para 7)

[Arising out of impugned final judgment and order dated 13-12-2024 in CRM-M No.62899/2024 passed by the High Court of Punjab & Haryana at Chandigarh]

For Petitioner(s): Mr. Karandeep Singh Sidhu, Adv. Ms. Ruchi Gupta, AOR

For Respondent(s): Ms. Baani Khanna, AOR

ORDER

1. Leave granted.
2. The High Court of Punjab and Haryana by the impugned judgment and order dated 13th December, 2024 has rejected the appellant's prayer for bail in anticipation of arrest.
3. The appellant figures as an accused in FIR No.77/2024 dated 16th September, 2024, registered at Police Station Lakho Ke Behram, District Ferozepur, Chandigarh, Punjab, under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985¹.
4. It is alleged in the afore-mentioned FIR that 550 tablets of Tapentadol Hydrochloride were recovered from a car in which the appellant was traveling with the co-accused, who happens to be the owner of such car.
5. We have heard Mr. Karandeep Singh Sidhu, learned counsel appearing for the appellant and Ms. Baani Khanna, learned counsel for the respondent.
6. It is the claim of Mr. Sidhu that Tapentadol Hydrochloride tablet is not included in the list of psychotropic substances specified in the Schedule, appended to the NDPS Act.
7. There are reported judgments of the High Courts ² holding that Tapentadol Hydrochloride is not a psychotropic substance, included in the Schedule of the NDPS Act.
8. No contrary decision has been brought to our notice.
9. We are, accordingly, of the view that the appellant is entitled to be admitted to an order for grant of pre-arrest bail.
10. Accordingly, the impugned judgment and order is set aside.
11. It is directed that in the event of the appellant being arrested, he shall be released on bail by the trial court on terms and conditions to be fixed by the trial court.
12. The appeal is, accordingly, allowed on the aforesaid terms.

¹ NDPS Act

² 2024 SCC OnLine Mad 445 and 2022 SCC OnLine Bom 1631

13. Pending application(s), if any, shall stand disposed of.

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