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CRL OP No. 5435 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 5435 of 2026
and CRL.MP.No.4128 of 2026**

1. M/s. Stella Industries Limited,
Old Khandsa Road,
Sector 37, HSIIDC,
Gurugram - 122001,
Haryana Rep.by its,
Managing Director Rohit Wassan
2. Rohit Wassan
Managing Director,
M/s. Stella Industries Limited,
Old Khandsa Road,
Sector 37,
HSIDC, Gurugram - 122 001.

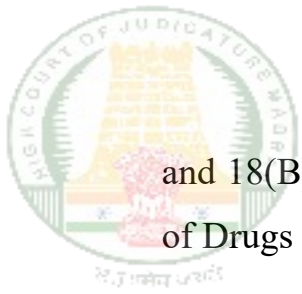
..Petitioner(s)

Vs

1. The Tamilnadu State Rep. by,
The Drugs Inspector,
Kancheepuram Range/
Chrompet Range (ic),
Office of Assistant Director of Drugs Control,
DMS Campus,
Teynampet,
Chennai - 600 006.
2. The State Rep. by,
The Inspector of Police,
Chengalpet Police Station,
Chengalpet District.

..Respondent(s)

This petition is filed under Section 528 of BNSS Act to set-aside the order of Non Bailable Warrant dated 12.05.2023 issued in connection with CC.No.524/2022 registered for contraventions u/s.18(a)(ii) r/w Sec.17(C)(b)



and 18(B) of Drugs and Cosmetics Act 1940 punishable u/s. 27(A)(ii) and 28A of Drugs and Cosmetics Act, 1940 and thus render justice.

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For Petitioner(s): Mr.C. Manishankar, Senior Counsel
FOR Mr.C.Arun Kumar

For Respondent(s): M/S. LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PP FOR R1 & R2

ORDER

The petitioners have filed this petition seeking to set-aside the order dated 12.05.2023, by which a Non-Bailable Warrant (NBW) was issued against them.

2. The petitioners were arrayed as A6 and A7 in PRC.No.102 of 2022. Subsequently, the case was transferred to the Chief Judicial Magistrate Court, Chengalpattu and renumbered as CC.No.524 of 2022. The petitioners are facing trial for the offences punishable u/s.18(a)(ii) r/w. Sec.17(C)(b) and 18(B) of Drugs and Cosmetics Act 1940 punishable u/s. 27(A)(ii) and 28A of Drugs and Cosmetics Act, 1940.

3. The learned Senior Counsel for the petitioners submitted that initially a complaint was filed by the respondent before the Sessions Court. The Sessions Court by order dated 10.11.2021, issued summons. On 24.06.2022, in view of Section 36-A of the Drugs and Cosmetics Act, the case was made over to the Chief Judicial Magistrate, Chengalpattu. In the meanwhile, some of the accused



filed a quash petition before this Court, and in Crl.OP.No.15650 of 2023, this Court granted a stay. Subsequently, on 26.03.2025, the said petition was dismissed. On 26.06.2025, fresh summons were ordered and on 05.08.2025, a Non-Bailable Warrant was issued against the second petitioner (A7).

4. The contention of the learned Senior Counsel is that the second petitioner (A7) the Managing Director of A6 Company. Due to communication gap, second petitioner, who hails from Gurugram, was not informed in time and he could not appear before the Trial Court on the specified date. It is further submitted that the petitioner is presently in Dubai and, due to the prevailing situation there, he is unable to immediately return to India.

5. The learned Senior Counsel further submitted that in this case even 202 enquiry proceedings has not been conducted and the Trial Court proceeded as though the trial was already in progress and the absence of the petitioner was treated as stalling the proceedings, which is not proper.

6. The learned Senior Counsel for the petitioners fairly submitted that three weeks from now the second petitioner would be able to return to India and appear before the Trial Court to file a petition to recall the NBW. However, there is an apprehension that such a recall petition may be dismissed and that he may be remanded.



7. The learned Additional Public Prosecutor submitted that the petitioners have been absenting themselves alternatively and protracting the proceedings. Though the complaint was filed in the year 2021, the trial has not progressed due to the repeated absence of the accused.

8. Considering the facts and circumstances of the case and the submissions made on both sides, this Court is of the view that since the case arises out a complaint filed by a public servant, the apprehension expressed by the petitioner will not arise. In any event, the Trial Court is directed to recall the Non-Bailable Warrant issued against the second petitioner after getting appropriate undertaking from him. Due to the prevailing situation, the second petitioner is directed to appear before the Trial Court on any date after 15.04.2026. Till such time, no coercive steps shall be taken against the petitioner, pursuant to the NBW.

9. With the above directions, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

16-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS



To

1. The Drugs Inspector,
The Tamilnadu State
Kancheepuram Range/
Chrompet Range (ic),
Office of Assistant Director of Drugs Control,
DMS Campus,
Teynampet,
Chennai - 600 006.
2. The Inspector of Police,
Chengalpet Police Station,
Chengalpet District.



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M.NIRMAL KUMAR, J.

PVS

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