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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.34590 of 2026

CNR: {HCMA012839672026}

P.Balasubramaniam
S/o. Pannerselvam,
645, Aruna Nagar,
Nallampalayam,
Coimbatore.

Case QR

..Petitioner(s)

Vs

State by
The Deputy Superintendent of Police
Prohibition Enforcement Wing, Erode.
Crime No.87 of 2024

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the learned Special Court for Trial of Cases under NDPS Act, Coimbatore to dispose of the Warrant Recall Petition to be filed by the petitioner in C.C.No. 38 of 2025 on the same day of its filing without insisting on the personal appearance of the petitioner.

For Petitioner(s): Mr. R. Shanmugasundaram,
Senior Counsel
For Mr. R.Rajan

For Respondent(s): Mr. R. Ganesh Kumar
Additional Public Prosecutor

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ORDER

This petition has been filed for direction directing the learned Additional District Judge, Special Court for Trial of Cases under NDPS Act, Coimbatore to dispose of the Warrant Recall Petition to be filed by the petitioner in C.C.No. 38 of 2025 on the same day of its filing.

2. The petitioner is arrayed as A23 and is facing trial in C.C.No.38 of 2025 for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the "NDPS Act"). A1 to A3 are the named accused in the FIR, and based on their confession statements, the other accused have been implicated in the case. While so, some of the accused persons are attending the Trial Court through video conferencing, while others are appearing before the Trial Court in person. On 11.11.2026, the petitioner, along with the other accused persons, was called absent. Therefore, the Trial Court issued non-bailable warrants against the petitioner and the other accused. Hence, the petitioner has filed the present petition seeking the above relief.

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3. The learned Senior Counsel appearing for the petitioner submitted that the petitioner was absent for only one hearing. Further, due to the Advocates' boycott, the counsel for the petitioner could not file a petition to condone the petitioner's absence. Therefore, the non-bailable warrant is liable to be set aside.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the records and on the submissions made by the learned Additional Public Prosecutor, it is revealed that on 11.11.2026, some of the accused persons were also absent, and their counsel filed petitions, which were allowed by the Trial Court. Further, the petitioner is an accused in another case in Crime No.530 of 2026 on the file of the Inspector of Police, Nallur Police Station, for the offences punishable under Sections 5 and 7(3) of the Lotteries Regulation Act, 1998, and Section 112 of the BNS. Therefore, the petitioner apprehended arrest at the hands of the Inspector of Police, Nallur Police Station, and consequently, he did not appear before the Trial Court on 11.11.2026. Further, the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.32656 of 2026 only on 12.11.2026.

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6. Further, the petitioner has been implicated as an accused in the present case only on the basis of the confession statement of the co-accused. There was no recovery from the petitioner. According to the petitioner, he was absent for only one hearing, that too, on account of his business. However, the petitioner apprehended arrest at the hands of the Inspector of Police, Nallur Police Station, pursuant to the registration of the FIR in Crime No.530 of 2026.

7. Considering the above facts and circumstances of the case, the petitioner is directed to appear before the learned Additional District Judge, Special Court for Trial of Cases under the NDPS Act, Coimbatore, on or before 27.11.2026 and file a petition under Section 72(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to recall the NBW already issued against him. On filing such a petition, the learned Judge concerned is directed to consider the same in the light of the above facts and circumstances and recall the NBW on the same day, upon the petitioner's appearance, subject to the condition that the petitioner shall appear before the Trial Court on all hearing dates without fail.

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8. With the above directions, the Criminal Original Petition stands disposed of.

20.11.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

Note : Issue order copy today
ie., on 20.11.2026
rts

To

1. The Additional District Judge,
Special Court for Trial of Cases under NDPS Act,
Coimbatore.

2. The Deputy Superintendent of Police
Prohibition Enforcement Wing,
Erode.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN. J,

rts

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