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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 74 of 2026

Nandhini

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
   Rep. by its Additional Chief Secretary to Government,
   Department of Prohibition and Excise (Home)
   Fort.St.George, Chennai – 600 009.

2. The Commissioner of Police,
   Office of the Commissioner of Police,
   Sholinganallur, Chennai – 600 119.

3. The Superintendent of Prison,
   Central Prison, Puzhal, Chennai.

4. The Inspector of Police,
   T-16, Semmanchery Police Station,
   Chennai.

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in BBCDEFGISSSV No.168/2025, dated 30.11.2025 on the file of second respondent herein and set aside the same as illegal and produce the detenu

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Manikandan, S/o Munusamy, aged about 27 years, who is confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner(s): Mr.Ilayaraja Kandasamy

For Respondent(s): Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The wife of the detenu – M.Manikandan, S/o.Munusamy, aged 27 years, has filed this petition challenging the detention order dated 30.11.2025, branding him as 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu for the respondents.

3. The detention order is liable to be quashed for more than one reason. Firstly, it is seen that the special report sent by the sponsoring authority is undated. The compelling necessity to detain the detenu would depend on the date on which the sponsoring authority has sent his report.

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In the absence of the said date, the special report would become irrelevant and the compelling necessity to detain the detenu becomes doubtful.

4. Further in ***'Rekha Vs. State of Tamil Nadu through Secretary to Government and another'*** reported in ***'2011 [5] SCC 244',*** the Hon'ble Supreme Court had held that where the detention order is passed on any irrelevant material, then, the detention order is liable to be quashed.

5.Secondly, the detaining authority has stated in the grounds of detention that the detenu is in remand; that he has not moved any bail application; and that there is a possibility of him coming out on bail in future. Admittedly, there was no material placed before the detaining authority that the detenu or his relatives were taking steps to file a bail application. In such circumstances, inference of the detaining authority that the detenu is likely to file a bail application and come out on bail is his mere *ipse dixit*. Since the satisfaction arrived at by the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated.

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6.Thirdly, it is seen from the grounds of detention that the detaining authority has relied upon an order passed in Crl.MP.No.9007 of 2023 by the learned Principal Special Court, Chengalpattu under EC and NDPS Act, Chennai-104 to arrive at a conclusion that in similar case, bail has been granted by the Court; and that therefore, the detenu is likely to be released on bail by filing the bail application.

7. The detaining authority ought to have seen whether the facts in the bail order relied upon by him were comparable to the facts of the instant case. In the order relied upon by the detaining authority, it is seen that the Special Court had granted bail under Section 167(2) Cr.P.C., since the final report was not filed within the statutory period and not on merits. Therefore, the reliance placed on the said order by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. The inference that the detenu would indulge in further criminal activities after his release also is without any basis. For the above said reasons, the detention order is liable to be quashed.

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8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.168/2025 dated 30.11.2025, is set aside.

9. The detenu, viz., M.Manikandan, S/o.Munusamy, aged 27 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
15-07-2026

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

Note: Issue order copy today

TSG

To

1. The Additional Chief Secretary to Government,
   Department of Prohibition and Excise (Home)
   Fort.St.George, Chennai – 600 009.

2. The Commissioner of Police,
   Office of the Commissioner of Police,
   Sholinganallur, Chennai – 600 119.

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3. The Superintendent of Prison,
   Central Prison, Puzhal, Chennai.

4. The Inspector of Police,
   T-16, Semmanchery Police Station,
   Chennai.

5. The Joint Secretary,
   Law and Order Department,
   Secretariat, Chennai – 600 009.

6. The Public Prosecutor,
   High Court of Madras.

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AND
SUNDER MOHAN, J.

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