



WEB COPY



HCP No. 273 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 273 of 2026

Subbaiah

..Petitioner(s)

Vs

1. The Secretary to the Government
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Inspector of Police,
St. Thomas Mount,
Greater 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 connection with the order of Detention passed by the second respondent 05.11.2025 in BBCDEFGISSSV No. 910/2025 against the petitioner's son Sudalai Murugan, Male aged 23 years S/o.Subbaiah who is confined at Central Prison, Puzhal, Chennai - 66 and set aside the same and direct



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the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s):	Mr.D.Balaji
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 father of the detenu - Sudalai Murugan, aged 23 years, S/o.Subbaiah, has filed this petition challenging the detention order dated 05.11.2025, branding him as a 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents.

3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.



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4. In the grounds of detention, the detaining authority has stated that the detenu had filed a bail application in CrI.M.P.No.6886 of 2025 before the Principal Special Court under Essential Commodities and Narcotic Drugs and Psychotropic Substances Act Cases, Chennai, and the same was pending; and that in a similar case, bail was granted by the Principal Special Court under Essential Commodities and Narcotic Drugs and Psychotropic Substances Act, Chennai, in CrI.M.P.No.13461 of 2024 on 02.12.2024.

5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, no contraband was seized from the accused therein, however, in the present case, contraband has been seized from the co-accused, when they were both apprehended together. Hence, the reliance placed by the detaining authority on the said order, in CrI.M.P.No.13641 of 2024 vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. Hence, the detention order is liable to be quashed.



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6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.910/2025 dated 05.11.2025, is set aside.

7. The detenu, viz., Sudalai Murugan, aged 23 years S/o.Subbaiah, 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.)
08-07-2026

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

Note: Issue order copy today.

TSG

To

1. The Secretary to the Government
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison
Central Prison, Puzhal.



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4. The Inspector of Police
St. Thomas Mount,
Greater 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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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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