



WEB COPY

HCP No. 376 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 376 of 2026

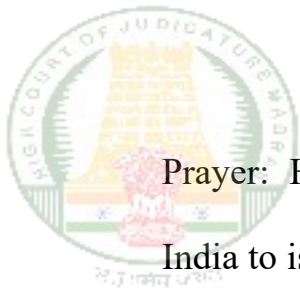
G. Raji, W/o.Gopal,
No.3/115, Lakshmi Garden, Vishvabrahma Nagar,
Varathaiyangarpalayam,
Presently Residing at
No.3/52, M.G.R Thottam Avinasi Road,
Annur, Coimbatore District.

..Petitioner(s)

Vs

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009
2. The District Collector and
District Magistrate of Coimbatore District,
Coimbatore
3. The Superintendent of Police,
Coimbatore District, Coimbatore
4. The Superintendent of Prison,
Central prison, Salem.
5. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District

..Respondent(s)



Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF HABEAS CORPUS or any other Writ or Order in the nature of Writ call for the records in connection with the order of Detention passed by the second respondent dated 25.12.2025 in Cr.M.P.No.64/D.O./2025 against the petitioner SON PRADEEP @ MOTTAI PRADEEP MALE AGED 22 YEARS S/O.GOPAL who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detinue before the Honble Court and set him at Liberty.

For Petitioner(s): Mr. D.Balaji

For Respondent(s): Mr.M.Mohamed Riyaz

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The order of detention passed by the 2nd respondent dated 25.12.2025 in Cr.M.P.No.64/DO.2025, dated 25.12.2025 is sought to be quashed in this Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.



3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non- application of mind on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.

4. The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case and three adverse case and the detaining authority, while passing the impugned detention order, arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order dated 06.11.2004 in CMP No.3460 of 2024 wherein bail was granted by the Additional District Judge, Special Court for NDPS Act cases, Madurai to the accused therein

5. In this regard, the learned counsel drew the attention this Court to said order in CMP No.3460 of 2024, which is enclosed at Page No. 159 of Booklet -II. A careful perusal of the said order, brings to light that the said case is totally different as that of the instant case, as there are no previous case against the said accused and the detenu in the instant case has got three previous cases. Therefore, taking the said bail order as a basis for arriving at subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail



is clearly vitiated. Therefore, the impugned preventive detention order deserves to be dislodged.

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6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 25.12.2025 in Cr.M.P.No.64/D.O/2025 is hereby set aside. The detenu viz., Pradeep @ Mottai Pradeep, aged 22 years, S/o Gopal is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
13-08-2026

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

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To

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector and
District Magistrate of Coimbatore District,
Coimbatore
3. The Superintendent of Police,
Coimbatore District, Coimbatore
4. The Superintendent of Prison,
Central prison, Salem.
5. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District
6. The Public Prosecutor, Madras High Court.



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**N.SATHISH KUMAR, J.
AND
K.RAJASEKAR, J.**

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