



WEB COPY

HCP No. 377 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. 377 of 2026

Sunila Pradhan
W/o.Kaisar Pradhan,
Dasingabadi, Tekabadi,
Daringbadi, Kandhamal,
Odisha - 762 104

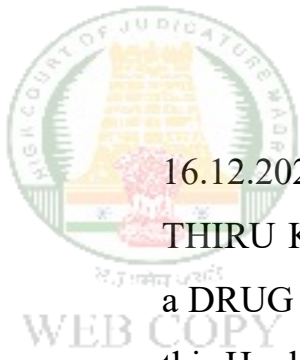
..Petitioner(s)

Vs

1. The State Rep By Its,
The Secretary Home Prohibition and Excise
Department, Secretariat,
Fort St George, Chennai - 600 009
2. The District collector and
District Magistrate, Coimbatore - 641 018
3. The Superintendent of Police,
Coimbatore City, Coimbatore
4. The Superintendent of Cental Prison,
Central Prison, Coimbatore
5. The Inspector of Police,
PEW Periyanaickenpalayam Police Station,
Coimbatore.

..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 Order or direction in the nature of Writ, call for the records pertaining to the Order of Detention passed by the second respondent in his proceedings in Cr.M.P.No.62/D.O./2025 dated



16.12.2025 and quash the same as illegal and produce the detenue, namely THIRU KAISAR PRADHAN AGED 43 YEARS, S/O.DADIA PRADHAN as a DRUG OFFENDER, now he is confined in Central Prison, Coimbatore before this Honble Court and set him at Liberty.

For Petitioner(s): Mr.S.MANOJ VASANTH

For Respondent(s): Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)

ORDER

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

The order of detention passed by the second respondent bearing Cr.M.P.No.62/D.O/2025, dated 16.12.2025 is sought to be quashed in the present Habeas Corpus Petition.

2.Heard the learned counsel for the petitioner and the learned Government Advocate 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 petitioner submitted that live and proximate link between the grounds of detention and purpose of detention has snapped as the detenu was arrested on 05.11.2025 but the impugned detention order has been passed on 16.12.2025 with a delay of 11 days.



4. Mr.M.Mohamed Riyaz, learned Government Advocate, submits to the contrary by saying that materials had to be collected /collated and time was consumed in this exercise. Considering the facts and circumstances of the case and nature of ground case, we find that this explanation of learned Government Advocate, is unacceptable.

5. In *Sushanta Kumar Banik's* case [*Sushanta Kumar Banik Vs. State of Tripura & others reported in 2022 LiveLaw (SC) 813 : 2022 SCC OnLine SC 1333*] which arose under 'Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988' [hereinafter 'PIT NDPS Act' for the sake of brevity] in Tirupura, after considering the proposal by the Sponsoring Authority and after noticing the trajectory the matter took, Hon'ble Supreme Court held that the 'live and proximate link between grounds of detention and purpose of detention snapping' point should be examined on a case to case basis. Hon'ble Supreme Court has held in *Banik* case law that this point has two facets. One facet is 'unreasonable delay' and other facet is 'unexplained delay'. We find that the this matter falls under latter facet i.e., unexplained delay. Hence, on this ground, the detention order is liable to be set aside.



6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 16.12.2025 in Cr.M.P.No.62/D.O.2025 is hereby set aside. The detenu viz., Kaisar Pradhan, S/o Dadia Pradhan, aged 43 years, 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

MST

To

1. The Secretary,
Home Prohibition and Excise Department,
Secretariat, Fort St George,
Chennai - 600 009.
2. The District collector and
District Magistrate, Coimbatore - 641 018
3. The Superintendent of Police,
Coimbatore City, Coimbatore
4. The Superintendent of Cental Prison,
Central Prison, Coimbatore
5. The Inspector of Police,
PEW Periyanaickenpalayam Police Station,
Coimbatore
6. The Public Prosecutor, Madras High Court.



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

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