

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 34 of 2026

V.Sasi
W/o.Vikki alias Vignesh,
Nattar Street, Malavantangal Village,
Gingee Taluk, Villupuram District.

..Petitioner(s)

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The District Collector
Office of District Collector and District
Magistrate, Villupuram District.
3. The Superintendent of Police,
Office of Superintendent of Police,
Villupuram District.
4. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
5. The Inspector of Police,
Kandachipuram Police Station,
Villupuram District,
Villupuram.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to
issue a WRIT OF HABEAS CORPUS or any other writ or order in the nature of



writ calling for the entire records relating to the detention order dated 08.11.2025, on the file of the 2nd respondent herein made in proceedings R.C.No.C2/53/2025, dated 08.11.2025, “GOONDA” and quash the same as illegal and consequently direct the respondents herein to produce the detenu, Vikki alias Vignesh, son of Murugan, aged 25 years, now detained in Central Prison, Cuddalore before this Hon’ble Court and set him at liberty.

For Petitioner(s): Mr.B.Ajith Kumar

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

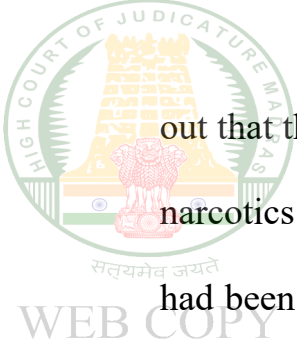
Order

(Order of the Court was made by Dr.Anita Sumanth J.)

The wife of the Vikki alias Vignesh (detenu), S/o. Murugan, branded as ‘Drug Offender’ under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982) and confined in Central Prison, Cuddalore under detention order dated 08.11.2025 has challenged the order of detention in this HCP.

2. Learned counsel for petitioner would assail the impugned order of detention on several grounds. The main ground is the non-application of mind on the part of the detaining authority in passing the impugned order since no prima facie case has been made out in relation to the commission of an offence by the detenu.

3. Per contra, the prosecution would defend the impugned order pointing



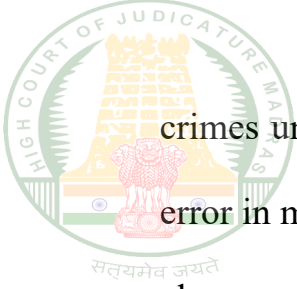
out that this is not the first instance where the detenu was found in possession of narcotics and there are previous instances, for instance, on 05.11.2024 when he had been arrested for possessing 10 gms of ganja by the Kandachipuram police for which he pleaded guilty.

4. We have heard Mr.B.Ajith Kumar, learned counsel for petitioner and Mr.C.R.Malarvannan, learned counsel For Government Of Tamil Nadu (Criminal Side) for respondents.

5. On a perusal of the booklet, we find that the FIR laid on 09.10.2025 arrays six accused. The detenu is A1 and A4 is one Jean Fleming. Our attention has been drawn to the seizure mahazar wherein, as rightly pointed out by learned counsel for petitioner, the recovery of 1kg of ganja has been from Jean Fleming / A4 only. The detenu finds no mention in the seizure mahazar at all leading to the clear position that there is no recovery from him. The case made out as against the detenu by the detaining authority hence has no prima facie basis and this in our considered view would vitiate the subjective satisfaction qua the need for preventive detention.

6. That apart, we also find an error in the quantity of ganja recovered, as in the seizure mahazar, there is mention of 1kg, whereas the detaining authority, in paragraph 4 of the impugned order, says that the detenu along with associates, possessed 1.2 kgs of ganja, which is contrary to the record.

7. We also find that in paragraph 5, the detaining authority has referred to the bail granted to the accused in Crime No. 284/2023 who had been accused of



crimes under Section 8(c), 20(b)(ii)(B) of the NDPS Act. However, there is an error in mentioning of the crime no, which is in fact Crime No.184/2023. This is also a pointer to the non-application of mind on the part of the detaining authority.

8. For the reasons aforesaid, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Rc.No.C2/53/2025, dated 08.11.2025, is set aside.

9. The detenu, viz., Vikki alias Vignesh, S/o. Murugan, male aged 25 years, confined in Central Prison, Cuddalore, is 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.)
17-07-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SSM

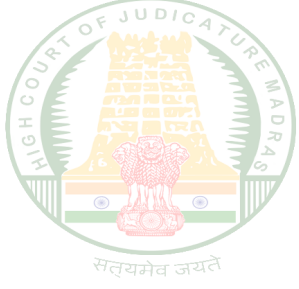
Note to Registry : Issue Today

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The District Collector
Office of District Collector and District
Magistrate,
Villupuram District.



3. The Superintendent of Police,
Office of Superintendent of Police,
Villupuram District.
4. The Superintendent of Prison,
Central Prison,
Cuddalore,
Cuddalore District.
5. The Inspector of Police,
Kandachipuram Police Station,
Villupuram District,
Villupuram.
6. The Joint Secretary to Government,
Public (Law & Order), Secretariat,
Fort St.George, Chennai-600 009.
7. The Public Prosecutor, High Court, Madras.



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HCP No. 34 of 2



DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

HCP No. 34 of 2026

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