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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 23 of 2026 and 2591 of 2025

S.Karthika
W/o. Alex,
No.3/364, Patti Road,
Vizhunthamavadi,
Kilvelur Taluk,
Nagapattinam-611112.

..Petitioner in
HCP.No.23 of 2026

Annamayil
W/o. Muthaiya,
Posanthapuram, Kombai Thozhu,
Kadamalikundu, Andipatti Taluk,
Theni District 625579.

..Petitioner in
HCP.No.2591 of 2025

Vs

1. The State of Tamil Nadu rep by Secretary to Government
Prohibition and Excise Department,
Fort St.George,
Chennai – 600009.
2. The District Magistrate and District Collector
Nagapattinam District,
Nangapattinam.
3. The Superintendent of Police
Nagapattinam.
4. The Superintendent of Prison



Central Prison,
Cuddalore District,
Cuddalore.

5. The Inspector of Police
Velankanni Police Station,
Nagapattinam District.

..Respondent(s) in both
HCP's

Prayer in HCP.No.23 of 2026: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other appropriate Writ, or order, or direction, in the nature of the writ to call for the records relating to the detention order dated 13.08.2025 passed by the 2nd respondent herein in his proceedings C.O.C.No.24/2025 under the Taminadu Act 14 of 1982 and to quash the same and direct the respondents herein to produce petitioner's brother namely Saranraj, S/o. Selvaraj aged 22 years now under detention as Goondas in Central Prison, Cuddalore, Cuddalore District before this Court and set him at liberty forthwith and pass such any other orders as this Court.

Prayer in HCP.No.2591 of 2025: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ, or order or Direction Particularly in the nature of Habeas Corpus to call for the records in C.O.C.No.25 of 2025 dated 13.08.2025 on the file of the second respondent herein and quash the same as illegal and consequently direct the respondents to produce the detenu Dhinesh S/o. Muthaiya. aged 33 Years, Who now confined at Central Prison, Cuddalore before this Honble Court and set him at liberty and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render Justice.

For Petitioner(s):

Mr.S.Angamuthu
for Mr.S.Jayaprakash
(in HCP.No.23 of 2026)



Mr.G.Anbuchezeiyan
(in HCP.No.2591 of 2025)

For Respondent(s):

Mr. R. Muniyapparaj Additional Public Prosecutor
Assisted By Mr. M. Sylvester John
(in both HCP's)

COMMON ORDER

(PER BENCH)

In both HCPs, the sister of the detenus –Saranraj, S/o. Selvaraj (HCP.No.23 of 2026), Dhinesh, S/o. Muthaiya (HCP.No.2591 of 2025), both branded as Drug Offender and confined in Central Prison, Cuddalore, under detention orders dated 13.08.2025, have challenged the orders of detention in these HCPs. Both the detenus are co-accused in Crime No.276 of 2025 and they have been found in possession of 160 Kgs of ganga, which is a commercial quantity.

2. Mr.S.Angamuthu, learned counsel appearing for Mr.S.Jayaprakash, learned counsel on record for the petitioner in HCP No.23 of 2026 and Mr.G.Anbuchezeiyan, learned counsel for the petitioner in HCP No.2591 of 2025 would submit that the detenus have been arrested on 19.07.2025, whereas the orders of detention have been passed on 13.08.2025. Hence, invoking the ratio the judgment in *Sushanta Kumar Banik Vs. State of Tripura* (2022 LiveLaw (SC) 813), there is no proximate link between the cause of arrest and the detention.

3. That apart, they would submit that they have not moved bail



application at all and hence the statement of the detaining authority to the effect that their relatives are taking steps to enlarge them on bail has absolutely no basis.

4. Learned Additional Public Prosecutor, for his part, would urge that there is no merit in the HCPs, since the quantity of the ganja carried by them is so huge.

5. We have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents and have also perused the material papers.

6. Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) provides for a check and balance in the grant of bail to those individuals accused of offences involving commercial quantity of ganja.

7. In the present case, the quantity of ganja involved is 160 Kgs., which is a commercial quantity. Hence, in all probability and invoking the object of Section 37 of the NDPS Act, grant of bail to the detenus in regular course is not probable. This would allay the apprehension of the learned Additional Public Prosecutor. That apart, we find that there is a delay of nearly a month between the date of arrest and the date of detention.

8. Coming to the question of detenus being enlarged on bail, quite apart from what we have noticed in paragraphs above, we have also find that they have not moved any bail application at all. Hence, in these circumstances, the question of granting bail becomes illusory.



9. The detaining authority has referred to the statement recorded from the relatives of the detenus. However, a careful perusal of the booklets do not reveal any such statements at all. Hence, there is no merit in the aforesaid statement of the detaining authority.

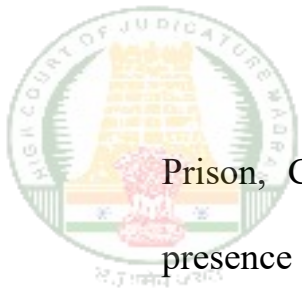
10. Most importantly, we find that the detaining authority has relied upon an order passed by the Additional District Judge, Special court in CrI.M.P.No.202 of 2018 dated 11.09.2018 granting bail to another accused. That order is placed in the booklet and we find from the perusal of the same, that that accused was carrying 1.100 Kgs. of ganja, whereas in the present case, the quantity is 160 Kgs. of ganja.

11. Hence, the circumstances in which the bail was granted in that case and the facts and circumstances that arises in the present case are entirely different, both on facts as well as legal ramifications thereof.

12. In such circumstances, we are of the considered view that there is no merit whatsoever in the subjective satisfaction expressed by the detaining authority that the detenus will be enlarged on bail quite apart from other errors that we have noted and narrated in the paragraphs supra.

13. Hence, these Habeas Corpus Petitions are allowed and the Detention Orders passed by the second respondent in C.O.C.Nos.24/2025 and 25/2025 both dated 13.08.2025 are set aside.

14. The detenus, viz., Saranraj, S/o.Selvaraj, male aged 22 years, and Dhinesh, S/o.Muthiaya, male aged 33 years, who are now confined in Central



Prison, Cuddalore, are directed to be set at liberty forthwith unless their presence is required in connection with any other case.

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(A.S.M.,J.) (S.M.,J.)
28-04-2026

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Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today

To

1. The State of Tamil Nadu rep by Secretary to Government
Prohibition and Excise Department,
Fort St.George,
Chennai - 600009.
2. The District Magistrate and District Collector
Nagapattinam District,
Nangapattinam.
3. The Superintendent of Police
Nagapattinam.
4. The Superintendent of Prison
Central Prison,
Cuddalore District,
Cuddalore.
5. The Inspector of Police
Velankanni Police Station,
Nagapattinam District.
6. The Public Prosecutor (Puducherry),
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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HCP Nos. 23 of 2026 and 2591 of 2



**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

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