

HCP(MD)No.465 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2026

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

HABEAS CORPUS PETITION(MD)No.465 of 2026

Sivamurugan @ Murugan

... Petitioner

Vs.

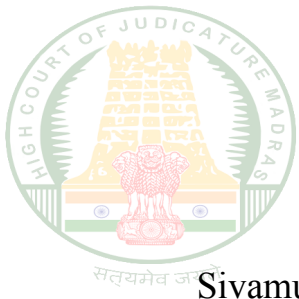
1. The State of Tamil Nadu,
Rep. by its The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XIV) Department,
Fort St. George, Chennai-600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli District.

3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the 2nd respondent passed in No. 33/BBCDEFGISSSV/2026 dated 27-02-2026 and quash the same and direct the respondents to produce the body or person of the detenu by name



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Sivamurugan @ Murugan, son of Pitchaiah, aged about 36 years, detained as 'Drug Offender' at Palayamkottai Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.G.Karuppasamy Pandiyan
Counsel for State of Tamilnadu (Crl.Side)

ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

The petitioner is the detenu viz., Sivamurugan @ Murugan, son of Pitchaiah, aged about 36 years. The detenu has been detained by the second respondent by his order in No.33/BBCDEFGISSSV/2026 dated 27-02-2026, holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned counsel for State of Tamilnadu (Crl.Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that the detaining authority, without any particulars with regard to previous cases, has arrived at a subjective satisfaction that if the detenu comes out on bail, there is every possibility that the detenu will indulge in further activities in future and thereby the detention order is vitiated for non-application of mind and liable to be quashed.

4. The learned counsel for the State of Tamil Nadu appearing for the respondents strongly opposed the Habeas Corpus Petition by filing his counter. However, he would fairly concede that though it is stated in the order of detention that there is no previous cases and based on the solitary case, detention order has been clamped, however, there are previous cases pending against the detenu.

5. The detaining authority, while recording the detenu's involvement in the sole ground case in Crime No.38/2026, had observed that there is a real possibility of the detenu coming out on bail, since bails



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are being granted by the appropriate Courts in such cases and had referred to a similar case, wherein, bail was granted to one Thangadurai son of Marimuthu in Crl.M.P.No.1958/2024 dated 25.07.2024 by the Principal Special Court for EC and NDPS Act Cases, Madurai. While observing so, the detaining authority had stated that if the detenu comes out on bail, he will indulge in further activities in future, which will be prejudicial to the maintenance of the public order. Though it is represented by the learned counsel for the State of Tamil Nadu that there are several cases pending against the detenu, the documents supplied to the detenu and placed before the detaining authority does not disclose about those cases.

6.In such circumstances, the subjective satisfaction arrived at by the detaining authority to the effect that the detenu is likely to indulge in further activities in future, is baseless and would amount to non-application of mind. Hence, the impugned order of detention is liable to be quashed.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.33/BBCDEFGISSSV/2026 dated 27-02-2026,



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passed by the second respondent is set aside. The detenu namely, Sivamurugan @ Murugan, son of Pitchaiah, aged about 36 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

[A.D.J.C., J.] [R.P., J.]
29.07.2026

Index : Yes / No
Neutral Citation : Yes / No
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To:

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XIV) Department,
Fort St. George, Chennai-600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli District.

3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

4. The Counsel for State of Tamilnadu (Crl.Side),
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

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ORDER MADE IN
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DATED : 29.07.2026