



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

H.C.P. (MD) No.694 of 2019

Ramesh

...

Petitioner/Detenu

Vs

- 1.State of Tamil Nadu
rep. by the Principal Secretary to Government
Home, Prohibition & Excise Department,
Fort St. George,
Chennai-09.
- 2.The District Collector & District Magistrate,
Tirunelveli District
Tirunelveli.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

.... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in M.H.S.Confdl.No.49/2019 dated 10.07.2019 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Ramesh, aged about 28 years, S/o.Thangapandi, now detained at Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner	: Mr.N.Pragalathan
For Respondents	: Mr.K.Dinesh Babu
	Addl.Public Prosecutor

O R D E R

[Order of the Court was made by **T.RAJA, J.**]

Mr.N.Pragalathan, learned counsel appearing for the petitioner, wholly making false statements, submitted that the Detaining Authority, while passing the impugned detention order dated 10.07.2019 has erroneously compared with one case, where the learned Trial Court has granted bail, even after 60 days, charge sheet was not filed. Sofar as the trial courts are concerned, as per their criteria, if in a case like this, charge-sheet is not filed within 60 days, the trial courts are entitled to grant bail.

<https://hcservices.ecourts.gov.in/hcservices/>

2.We do not expect at this Court this kind of erroneous



submission. Therefore, this Court is not inclined to entertain this petition.

3. Even a perusal of the order dated 03rd May 2019 passed in CrI.M.P.No.1282/2019 also clearly shows that Mr. Ramesh, aged about 28 years, S/o. Thangapandi was granted bail only on the ground that the prosecution conceded before the trial court that investigation did not complete. The said accused was in judicial custody for about 60 days, as he was carrying 1.200 kgs of ganja. Therefore, the arguments advanced before us by the learned counsel appearing for the petitioner that the Detaining Authority has erroneously equated the present case with the similar case filed in CrI.M.P.No.1282/2019 on 03rd May 2019 is not correct and that cannot be accepted by this Court.

4. Secondly, when the petitioner was arrested on 18.06.2019 branding a similar accused in similar case as stated above, bail was granted to him for carrying 1.200 kgs of ganja.

5. We have also heard the learned Additional Public Prosecutor.

6. In view of the above, we are of the considered view that the Detaining Authority has rightly passed the impugned detention order on 10.07.2019 branding the petitioner as "Drug Offender". Therefore, we do not find any merit in this petition.

7. Accordingly, this habeas corpus petition is dismissed.

Sd/
Assistant Registrar (P AND A)

/True copy/

/02/2020
Sub Assistant Registrar

vs

To

1. The Principal Secretary to Government
Home, Prohibition & Excise Department,
Fort St. George,
Chennai-09.

2. The District Collector & District Magistrate,
Tirunelveli District
Tirunelveli.

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



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-4885[F] dated 05/02/2020)

WEB COPY

H.C.P. (MD) No.694 of 2019
04.02.2020

VS

KK/SAR/20.02.2020/3P-6C