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H.C.P.(MD) No.1247 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.1247 of 2021

Packet Raja @ Rajkumar

... Petitioner/detenu

Vs.

1.State of Tamil Nadu,
Rep. by Secretary to Government,
Prohibition and Excise Department,
Secretariat,
Chennai.

2.The District Collector cum District Magistrate,
Thanjavur District.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records in detention order passed in PD.No.78/2021 dated 15.07.2021 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the person or body of the petitioner namely Packet Raja @ Rajkumar, S/o.Ramalingam, male aged about 41 years, before this Court and set him at liberty from the Central Prison, Trichy.

For Petitioner : Mr.S.Gokulraj
For Respondents : Mr.A.Thiruvadi Kumar,
Addl. Public Prosecutor

O R D E R

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner is the the detenu, namely, Packet Raja @ Rajkumar, S/o.Ramalingam, aged about 41 years. The detenu has been detained by the second respondent by his order in PD.No.78/2021 dated 15.07.2021, 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 for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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3. The learned counsel for the petitioner would submit that the detention order has been passed without considering the materials in a proper perspective, which resulted in non-application of mind on the part of the detaining authority.

4. The detaining authority has overlooked the fact that this Court had dismissed the bail petition filed by the detenu. Despite the dismissal of the bail application by this Court, the detaining authority has averred that there is likelihood of the detenu being released on bail, which shows, clear non application of mind on the part of the Detaining Authority in passing the Detention Order.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in PD.No.78/2021 dated 15.07.2021, passed by the second respondent is set aside. The detenu, namely, Packet Raja @ Rajkumar, S/o.Ramalingam, male aged about 41 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government,
State of Tamil Nadu,
Prohibition and Excise Department,
Secretariat, Chennai.

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



2.The District Collector cum District Magistrate,
Thanjavur District.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy.

4. The Joint Secretary to Government,
Public (Law & Order), Fort Saint George, Chennai

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

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-10728[F] dated 08/03/2022)

ORDER MADE IN
H.C.P (MD) .No.1247 of 2021
08.03.2022

na (CO)
TR(25.03.2022) 3P 7C