



WEB COPY



HCP.No.1741 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

H.C.P.No.1741 of 2024

Baskar

.... Petitioner

Vs

- 1 The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-9
- 2 The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai Police,
Chennai.
- 3 The Superintendent of Police,
Central Women Prison,
Puzhal, Chennai.
- 4 The Inspector of Police
K-8, Arumbakkam Police Station,
Chennai.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the entire records pertaining to the order of detention passed by the second respondent in his proceedings in



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No.734/BCDFGISSSV/2024, dated 27.06.2024 and quash the same as illegal and produce the detenue, namely Geetha, W/o. Baskar, aged 35 years, Drug Offender now she is confined in Central Women Prison, Puzhal II, Chennai, before this Court and set him at liberty.

For Petitioner : Mr. C. Raja

For Respondents : Mr.E. Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the Commissioner of Police, Office of the Commissioner of Police, Greater Chennai Police, Chennai, No.734/BCDFGISSSV/2024, dated 27.06.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. The ground case was registered by K-8, Arumbakkam Police Station on 01.06.2024 under NDPS Act against the detenue and there is no adverse case against her. Based on the ground case alone, Act 14 of 1982 has been invoked by the detaining authority.

3. The learned counsel for the petitioner would submit that in the Special Report filed by the Sponsoring Authority, the date of remand has been erroneously stated as 02.06.2024 instead of 01.06.2024.



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4. That apart, we are of the opinion the ground case, which was registered against the detainee under the NDPS Act, would be insufficient to arrive a conclusion that there is likelihood of causing breach of Public Order.

5. The above fact would be sufficient to draw an inference that the detaining authority has failed to apply their mind for the purpose of issuing the impugned order under Act 14 of 1982.

6. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.734/BCDFGISSSV/2024, dated 27.06.2024 is quashed and the Habeas Corpus Petition is allowed. The detainee, viz., Geetha, W/o. Baskar, aged 35 years, Drug Offender, now confined in Central Women Prison, Puzhal II, Chennai, is directed to be set at liberty forthwith, unless she is required in connection with any other case.

[S.M.S., J.] [V.S.G., J.]
30.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
mrp



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- 2 The Commissioner of Police,
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Greater Chennai Police,
Chennai.
- 3 The Superintendent of Police,
Central Women Prison,
Puzhal, Chennai.
- 4 The Inspector of Police
K-8, Arumbakkam Police Station,
Chennai.
5. The Joint Secretary to Government,
Public (Law & Order),
Fort St. George, Chennai.
6. The Public Prosecutor,
High Court, Madras.



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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