



HCP.No.2477 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.2477 of 2024

Surya Prakash

... Petitioner/Detenu

Vs.

1. State of Tamil Nadu,
Represented by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
Prohibition Enforcement Wing,
St.Thomas Mount Unit,
Chennai.
4. The Superintendent of Prison,
Central Prison - II,
Puzhal, Chennai - 600 066.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the detention order in Memo No.706/BCDFGISSSV/2024 dated 24.06.2024 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner Thiru.Surya Prakash S/o. Muniyandi, aged about 24 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner Thiru.Surya Prakash S/o. Muniyandi, aged about 24 years the detenu herein at liberty.

For Petitioner : Mr.R.Muthukumar

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

ORDER

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

The preventive detention order passed by the second respondent dated 24.06.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.



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3. Based on ground case alone the petitioner has been detained.

The said case registered under Narcotic Drugs and Psychotropic Substances Act, 1985 can be dealt with under the relevant provisions of law.

4. Therefore, the ground for detention in our opinion seems to be insufficient for invoking Act 14 of 1982.

5. Accordingly, the detention order passed by the second respondent in proceedings BCDFGISSSV No.706/2024 dated 24.06.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Surya Prakash, aged 24 years, S/o. Muniyandi confined at Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.] [V.S.G., J.]
19.10.2024

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

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1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
4. The Inspector of Police,
Prohibition Enforcement Wing,
St.Thomas Mount Unit,
Chennai.
5. The Superintendent of Prison,
Central Prison - II,
Puzhal, Chennai - 600 066.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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

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