



WEB COPY



H.C.P.No.2484 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

H.C.P.No.2484 of 2024

Ali John
S/o Abdul Kadar .. Petitioner

v.

State of Tamil Nadu rep.by
1. The Secretary to Government
Home, Prohibition & Excise Department
Fort St.George, Chennai 600 009

2. The Commissioner
Salem City, Salem

3. The Superintendent of Central Prison
Central Prison, Salem

4. The Inspector of Police
Sooramangalam Police Station
Salem City .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, to call for the records pertaining to



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the order of detention passed by the 2nd respondent in C.M.P.No.67/Drug Offender/Salem City/2024 dated 10.09.2024 against the petitioner's son, the detenu Naveeth, Male, aged 30 years, Son of Ali John, who is now confined in Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.M.Rajkumar

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

ORDER

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

The petitioner herein, who is the father of the detenu, viz., Naveeth, S/o Ali John, aged 30 years, now confined at Central Prison, Salem, has come forward with this petition challenging the detention order passed by the second respondent in C.M.P.No.67/Drug Offender/Salem City/2024 dated 10.09.2024.

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

3. Two adverse cases are relied on for the purpose of detaining the



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detenu under the Act 14 of 1982. The adverse cases would reveal that minimum quantity of narcotic drugs are recovered and these cases can be dealt with under the regular penal law. Considering the fact that the relied on cases and the ground case would be insufficient to invoke the provisions of Act 14 of 1982 against the detenu, we are inclined to consider the present petition.

4. Accordingly, the detention order passed by the second respondent in C.M.P.No.67/Drug Offender/Salem City/2024 dated 10.09.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Naveeth, S/o Ali John, aged 30 years, now confined at Central Prison, Salem is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

Index : yes

Neutral citation : yes/no

(S.M.S.,J.)

(V.S.G.,J.)

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SS



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To
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2. The Commissioner
Salem City, Salem
3. The Superintendent
Central Prison, Salem
4. The Inspector of Police
Sooramangalam Police Station
Salem City
5. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

V.SIVAGNANAM,J.

SS

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