



WEB COPY



HCP.No.2673 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.2673 of 2024

Selvi ... Petitioner /Mother of the detenu

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. District Collector and District Magistrate,
Ranipet District, Ranipet.
3. The Superintendent of Prison,
Ranipet District, Ranipet.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records, in connection with the order of detention passed by the second respondent dated 12.09.2024 in B3/D.O.NO. 72/2024 against the petitioner Son Gopinath, Male, aged 22 years, S/O. Osanna who is confined at Central Prison, Vellore and set aside the same and direct the respondent to produce the detenue before the hon'ble court and set him at liberty

For Petitioner : Mr. P. Raman

For Respondents : Mr.R. Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of detention passed by the District Collector and District Magistrate, Ranipet District, Ranipet, in B3/D.O.NO. 72/2024 dated 12.09.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The ground case was registered by Arakkonam Town Police Station on 24.08.2024 under NDPS Act against the detenu and 500 grams, which is not a commercial quantity, had been recovered from him.



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

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in B3/D.O.No.72/2024 dated 12.09.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Gopinath, aged 22 years, S/o. Osanna, confined at Central Prison, Vellore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]

07.11.2024

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

mrp



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
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Chennai 600 009.
2. District Collector and District Magistrate,
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3. The Superintendent of Prison,
Ranipet District, Ranipet.
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5. The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.
6. The Public Prosecutor,
High Court, Madras.

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