



WEB COPY



HCP.No.2681 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

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

H.C.P.No.2681 of 2024

Malliga

... Petitioner /wife of the detenu

Vs

1. State of Tamil Nadu,
rep. by the Secretary,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai 600 009.

2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police (Goondas Section),
Vepery, Chennai 600 007.

3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.

4. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

... 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, relating to the detention order vide No.733/BCDFGISSSV/2024 dated 27.06.2024, passed by the 2nd respondent and quash the same and direct the respondents herein to produce the petitioner's husband, namely, Krishnamurthy, S/o. Lakshmipathy, aged 60 years, who is presently under going detention in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr. R. Parthiban
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 second respondent, in No.733/BCDFGISSSV/2024 dated 27.06.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. No adverse case relied on for issuing the impugned order of detention. Based on the ground case, the impugned order has been issued. Though ground case has been registered under NDPS Act, the ganja confiscated from the detenu cannot be construed as large scale commercial quantity.



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3. The learned Additional Public Prosecutor has not stated anything about the antecedent of the detenu.

4. Considering the fact that ground case alone has been relied on for the purpose of issuing the impugned order, we are inclined to quash the impugned order.

5. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.733/BCDFGISSSV/2024 dated 27.06.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Krishnamurthy, S/o. Lakshmipathy, aged 60 years, confined at Central Prison, Puzhal, Chennai, 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.]

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

mrp

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