



HCPNo.2718 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

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

H.C.P.No.2718 of 2024

1 Ragupathy Sanjivi ... PETITIONER
Vs

1 The Principal Secretary To
Government, Home, Prohibition And Excise
Department, Secretariat, Chennai - 600 009.

2 State Rep. By
District Collector And District Magistrate
Ranipet District, Tamil Nadu - 632 401.

3 The Superintendent Of Police
Ranipet District, Tamil Nadu - 632 401.

4 The Superintendent,
Central Prison, Vellore,
Tamil Nadu - 632 002.

5 Sub-inspector Of Police
Arakkonam Town Police Station,
Ranipet, Tamil Nadu - 638 105. ... RESPONDENTS



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records of detention order bearing No. B3/D.O.No.71/2024 dated 12.09.2024 passed by the 2nd Respondent against the detenu and quash the same and produce the Petitioner's brother Kumar S/o.Sanjivi aged 52 years presently confined in Central Prison, Vellore and set aside the same consequently direct the Respondents to produce the body of the detenu before this Honble Court and set him at liberty.

For Petitioner : Mr.B.Arvind Srevatsa

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 second respondent in B3/D.O.No.71/2024 dated 12.09.2024 is sought to be quashed in the present Habeas Corpus Petition.



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2.The impugned detention order has been issued based on three adverse cases registered under the Cigarette and Other Tobacco Products Prohibition of Advertisement and Regulations of Trade and Commerce Production Supply and Distribution Act, 2003. The ground case also has been registered under the same Act.

3.With reference to the ground case, the learned counsel appearing for the petitioner would submit that statutory bail has already been granted by the learned Judicial Magistrate No.1, Arakkonam on 15.11.2024 in CrI.M.P.No.2963 of 2024.

4.Since bail has already been granted with reference to the ground case, the detention order became unnecessary and therefore, we are inclined to interfere with it.

5.Hence, for the aforesaid reason, the detention order passed by the second respondent in B3/D.O.No.71/2024 dated 12.09.2024 is quashed and



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the Habeas Corpus Petition is allowed. The detenu, viz., Kumar S/o.Sanjivi, aged 52 years, presently confined in Central Prison, Vellore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

Index	:	Yes/No	[S.M.S., J.]	[M.J.R., J.]
Speaking Order	:	Yes/No	03.12.2024	
Neutral Citation	:	Yes/No		

sms

To

- 1 The Principal Secretary To
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- 6 The Public Prosecutor,
Madras High Court.



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AND
M.JOTHIRAMAN, J.

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