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H.C.P.No.2991 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM:

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

H.C.P.No.2991 of 2024

Santhakumari

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.

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

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

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Habeas Corpus, calling for



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the records pertaining to the order of detention passed by the second respondent in his proceedings in No.969/BCDFGISSSV/2024, dated 19.09.2024 and quash the same as illegal and produce the detenu namely Karthick @ Gundu Karthick, S/o.Janakiraman, aged 27 years, as DRUG OFFENDER, now he is confined in Central Prison, Puzhal - II, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.C.Raja

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent in proceeding No.969/BCDFGISSSV/2024, dated 19.09.2024 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.

3. The learned counsel for the petitioner submitted that the impugned detention order has been passed on the basis of one adverse case registered by F-5 Choolaimedu Police Station in Crime No.62/2024 and the ground



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case registered under the NDPS Act.

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4. Since the respondent Police confiscated 1.100 Kgs of ganja from the detenu, the case registered under the NDPS Act can be dealt with under the ordinary law by following procedures and the preventive detention may not be required in such nature of cases. Therefore, we are inclined to interfere with the impugned detention order.

5. Accordingly, the detention order passed by the second respondent, in No.969/BCDFGISSSV/2024 dated 19.09.2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Karthick @ Gundu Karthick, S/o.Janakiraman, aged 27 years, (who is presently under going detention in the Central Prison, Puzhal - II, 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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and
M.JOTHIRAMAN, J.

Sni

To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.

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

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

5.The Public Prosecutor,
High Court of Madras, Chennai.

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