



WEB COPY



HCP.No.1 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM :

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

H.C.P.No.1 of 2025

Geetha

... Petitioner/Mother of the
Detenu

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 09.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police (Law and Order),
H-1, Washermenpet Police Station,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 23.11.2024 in Memo.No.1149/BCDFGISSSV/2024 against the petitioner's son namey



HCP.No.1 of 2025

Ramesh @ Balloon Ramesh, Male, aged 27 years, S/o. Sekar, who is confined at Central Prison, Puzhal, and set aside the same and direct the respondents to produce the detenu before this court and set him at liberty.

For Petitioner : Mr.S.Senthilvel
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The writ of habeas corpus has been filed challenging the detention order passed by the second respondent in proceedings No.1149/BCDFGISSSV/2024 dated 23.11.2024.

2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. The first adverse case was registered in Crime No.82/2018. The second adverse case was registered in Crime No.383 of 2021. The third adverse case was registered in Crime No.527 of 2022. The fourth adverse case was registered in Crime No.493 of 2023. All the four adverse cases



HCP.No.1 of 2025

registered have no close proximity with the ground case. The fifth adverse case registered in Crime No.263 of 2024 under NDPS Act alone has got proximity with the ground case. As far as the ground case is concerned, the drug recovered from the detenu is about 1.5 Kgs. The said quantum cannot be construed as commercial quantity. Thus, keeping the detenu under the preventive detention law may not be required and the Police Authorities shall deal with the criminal cases registered under the ordinary Law and by following the procedures as contemplated.

4. Hence, for the aforesaid reasons, the detention order passed by the second respondent in proceedings No.1149/BCDFGISSSV/2024 dated 23.11.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz., Ramesh @ Balloon Ramesh, aged 27 years, S/o. Sekar 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.]
20.01.2025

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



HCP.No.1 of 2025

WEB COPY

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 09.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
Greater Chennai.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
5. The Inspector of Police (Law and Order),
H-1, Washermenpet Police Station,
Chennai.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



WEB COPY



HCP.No.1 of 2025

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

veda

H.C.P.No.1 of 2025

20.01.2025