



WEB COPY



HCP.No.50 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.50 of 2025

N.Mahalakshmi

... Petitioner/Wife of the detenu

Vs.

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

2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent, Central Prison,
Puzhal, Chennai – 66.

4.The Inspector of Police,
Prohibition Enforcement Wing
Anna Nagar, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, or any other appropriate writ order or direction in the nature of writ, calling for the records relating to the detention order passed by the



HCP.No.50 of 2025

second respondent pertaining to the order made in B.C.D.F.G.I.S.S.S.V.No.1266/2024 dated 18.12.2024 in detain the detenue under 2(e) of Tamil Nadu Act 14/1982, as a Drug Offender and quash the same and direct the respondent to produce the detenue PRAKASH, S/o.SURESH, aged about 27 years, who is detained at Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.G.Nirmal Krishnan

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 B.C.D.F.G.I.S.S.S.V.No.1266/2024 dated 18.12.2024 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.



HCP.No.50 of 2025

3. Based on one adverse case and three previous cases, the impugned detention order has been issued. The adverse case was registered in Crime No.1464/2021 under Sections 8(c) r/w 20(b) (ii) (B), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985. The adverse case relied upon in the impugned order has no close proximity with the ground case. The ground case was under the NDPS Act. The quantum of Kanja recovered cannot be considered commercial in nature. Therefore, the police authorities may deal with the criminal cases under the ordinary law. The reasons stated in the order impugned to invoke the Preventive Detention Law would be insufficient and therefore, we are inclined to interfere.

4. Accordingly, the impugned order of detention passed by the second respondent in B.C.D.F.G.I.S.S.S.V.No.1266/2024 dated 18.12.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Prakash, S/o.Suresh, aged about 27 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
23.01.2025

Index : Yes/No
Speaking Order : Yes/No



HCP.No.50 of 2025

Neutral Citation : Yes/No
kak

WEB COPY

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
- 2.The Commissioner of Police,
Greater Chennai.
- 3.The Superintendent, Central Prison,
Puzhal, Chennai – 66.
- 4.The Inspector of Police,
Prohibition Enforcement Wing
Anna Nagar, Chennai.
- 5.The Joint Secretary to Government,
Public (Law & Order),
Fort St.George,
Chennai.
- 6.The Additional Public Prosecutor,
Madras High Court.



WEB COPY



HCP.No.50 of 2025

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

kak

H.C.P.No.50 of 2025

23.01.2025