



WEB COPY

HCP No. 1291 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

HCP No. 1291 of 2025

1. PRANUHYA

D/o.Kasireddy, Osian Chlorophyll,
Tower-9, No.9008, Porur, Link Road,
Devi Parasakthi Nagar, Porur, Chennai-
600 116.

Petitioner(s)

Vs

1. The Additional Secretary To The
Government,
Home, Prohibition and Excise
Department, Fort St.George, Chennai-
600 009.

2.The Commissioner Of Police,
Greater Chennai , Vepery, Chennai-600
007.

3.The Superintendent Of Prison,
Central Prison-II, Puzhal, Chennai-600
066.



WEB G-5, Secretariat Colony Police Station,
Chennai-600 012.

Respondent(s)

PRAYER

To issue a Writ of Habeas Corpus or any other appropriate writ, order or direction, directing the respondents to call for the records and produce the detenu Mr.Imran Nazeer, Male, age 25 Yrs, S/o.Allapitchai, who is detained in Central Prison II, Puzhal, Chennai, before this Honble Court and pass an order to call for the records of detention order passed by the second respondent in No.305/BCDFGISSSV/2025 dated 04.06.2025 against petitioners friend Mr.Imran Nazeer, S/o.Allapitchai, and set aside the same and set the detenu at liberty.

For Petitioner(s): R.Rafi Babu

For Respondent(s): Mr.A.Gokulakrishnan, Additional
Public Prosecutor

ORDER

J.Nisha Banu J.

and

S.Sounthar,J.

The petitioner is the friend of the detenu, viz., Imran Nazeer, S/o Allapitchai, aged 25 years, who is confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in No.305/BCDFGISSSV/2025 dated 04.06.2025, branding him as "Drug Offender" under the Tamil Nadu Prevention of



Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug offenders, Forest offenders, Goondas, Immoral Traffic offenders, Sand offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982] read with the order issued by the Government in G.O.(D).No.97 Home Prohibition and Excise (XVI) Department dated 11.04.2025 under section 3(2) of the aforesaid Act.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Learned counsel for the petitioner would state that though the detenue was arrested on 01.05.2025, the detention order was passed only on 04.06.2025. Hence, there is a delay in passing the order of detention. Therefore, the detention order is liable to be quashed.

4. Learned Additional Public Prosecutor would also fairly submits that there is a delay in passing the detention order.

5. We have gone through the entire materials placed on record. As seen from the grounds of detention, it is clear that though the detenue was arrested on 01.05.2025, the order of detention came to be passed only on 04.06.2025. There is no satisfactory explanation offered by the Detaining Authority for the delay in



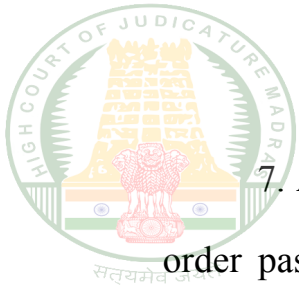
passing the order of detention. Hence, the impugned order of detention is liable to be set aside.

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6. Further, the issue involved in this petition is squarely covered by the ratio laid down by the decision of the Hon'ble Supreme Court in the case of *Sushanta Kumar Banik Vs. State of Tripura*', reported in '2022 LiveLaw (SC) 813'. The relevant portion of the said judgment of the Hon'ble Supreme Court is extracted hereunder:-

“20. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case.”

Therefore, following the aforesaid judgment of the Hon'ble Supreme Court, the impugned order passed by the 2nd respondent is liable to be set aside.



7. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent in No.305/BCDFGISSSV/2025 dated 04.06.2025 is hereby set aside. The detenu, viz.,Imran Nazeer, Son of Allapichai, aged about 25 years, who is now confined in the Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(J.NISHA BANU J.)(S.SOUNTHAR J.)

07-10-2025

vsi

To

1.The Additional Secretary To The
Government,
Home, Prohibition and Excise
Department, Fort St.George, Chennai-
600 009.

2.The Commissioner Of Police,
Greater Chennai , Vepery, Chennai-600
007.

3.The Superintendent Of Prison,
Central Prison-II, Puzhal, Chennai-600
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4.The Inspector Of Police,
G-5, Secretariat Colony Police Station,
Chennai-600 012.



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5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.

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6. The Public Prosecutor,
High Court, Madras.



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