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HCP No.1563 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

HCP No.1563 of 2025

R.Pooja
D/o. Rameshkumar,
No.33, Subramani Street, Seven Wells,
Chennai - 600001.

Petitioner(s)

Vs

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Police,
Greater, Chennai, Vepery,
Chennai - 600007.

3.The Superintendent,
Central Prison, Puzhal, Chennai - 600066.

4.State represented by the Inspector of Police,
C5, Kothavalchavadi Police Station,
Chennai - 600001.

Respondent(s)



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Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the entire records, relating to the petitioner's brother detention under Tamil Nadu Act 14/1982 *vide* detention order dated 20.06.2025 on the file of the second respondent herein in made proceedings Memo No.386/BCDFGISSSV/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's brother *viz.* R.Darshan, S/o.Ramesh Kumar, aged about 25 years, before this Court and set the petitioner's brother at liberty from detention, now the petitioner's brother detained at Central Prison, Puzhal, Chennai.

For Petitioner(s): Mr.C.Raghavan

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

ORDER

(made by N.Sathish Kumar, J.)

The petitioner, who is the sister of the detenu Darshan, S/o.Ramesh Kumar, aged about 25 years, has come forward with this petition challenging the detention order passed by the second respondent dated 20.06.2025 bearing reference No.386/BCDFGISSSV/2025 slapped on his brother, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders,



Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non- application of mind on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.

4. The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case and he has moved a bail application with respect to the ground case and the same was dismissed. However, the detaining authority while passing the impugned detention order arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by stating that the relatives of the detenu are intending to file a bail petition with respect to the ground case to



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take the detenu on bail.

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5. *Per contra*, the learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

6. A perusal of the statement recorded under Section 161 Cr.P.C. (180 of Bharatiya Nagarik Suraksha Sanhita [BNSS]) at page no.150 in Volume I of the booklet given by the mother of the detenu shows that indeed the mother of the detenu is taking steps to file a bail petition for the detenu, but, the said statement is undated, which clearly shows that the same has been inserted only for the purpose of passing detention order. Normally, the statements recorded under Section 161 Cr.P.C. (180 of BNSS) should reflect the date, on which, the same have been recorded. Hence, this Court is of the considered view that there is non application of mind on the part of the detaining authority while passing the impugned order. In such view of the matter, the impugned detention order is liable to be quashed.

In the result, this Habeas Corpus Petition is allowed and the detention



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order passed by the second respondent dated 20.06.2025 in No.386/BCDFGISSSV/2025 is hereby set aside. The detenu Darshan, S/o.Ramesh Kumar, aged about 25 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K., J.) (M.J.R., J.)

25-10-2025

nsd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Police,
Greater, Chennai, Vepery,
Chennai - 600007.

3.The Superintendent,
Central Prison, Puzhal, Chennai - 600066.

4.The Inspector of Police,
C5, Kothavalchavadi Police Station,
Chennai - 600001.

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



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6.The Joint Secretary to Government,
Public (Law and Order), Fort St.George, Chennai – 9.

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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

nsd

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