



WEB COPY



HCP.No.1628 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1628 of 2025

Pavithra

... Petitioner

Versus

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

2. The Commissioner of Police
Greater Chennai

3. The Superintendent of Prison
Central Prison
Puzhal, Chennai – 600 066

4. The Inspector of Police
F-1, Chindatripet Police Station
Chennai

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 03.07.2025 in B.C.D.F.G.I.S.S.S.V No.437 of 2025 against the



HCP.No.1628 of 2025

petitioner husband Naveen Kumar, male, aged 26 years, son of Govindaraj, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : Mr.R.Mukesh Kannah

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the wife of the detenu Naveenkumar, S/o.Govindaraj, male, aged 26 years, has come forward with this petition challenging the detention order passed by the second respondent dated 03.07.2025 bearing reference No.437/BCDFGISSSV/2025 slapped on her husband, 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



HCP.No.1628 of 2025

WEB COPY

habeas corpus petition assailing the detention order, in the hearing, learned counsel for petitioner submitted that live and proximate link between the grounds of detention and purpose of detention has snapped as petitioner was arrested on 01.06.2025 but the impugned detention order has been passed on 03.07.2025.

4. Mr.A.Gokulakrishnan, learned State Additional Public Prosecutor, submits to the contrary by saying that materials had to be collected /collated and time was consumed in this exercise. Considering the facts and circumstances of the case and nature of ground case, we find that this explanation of learned Prosecutor is unacceptable.

5. In ***Sushanta Kumar Banik's*** case [***Sushanta Kumar Banik Vs. State of Tripura & others reported in 2022 LiveLaw (SC) 813 : 2022 SCC OnLine SC 1333***] which arose under 'Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988' [hereinafter 'PIT NDPS Act' for the sake of brevity] in Tirupura, after considering the proposal by the Sponsoring Authority and after noticing the trajectory the matter took, Hon'ble Supreme Court held that the 'live and proximate link between grounds of detention and purpose of detention snapping' point



HCP.No.1628 of 2025

WEB COPY

should be examined on a case to case basis. Hon'ble Supreme Court has held in **Banik** case law that this point has two facets. One facet is 'unreasonable delay' and other facet is 'unexplained delay'. We find that the this matter falls under latter facet i.e., unexplained delay. Hence, on this ground, the detention order is liable to be set aside.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 03.07.2025 in Memo No.437/BCDFGISSSV/2025 is hereby set aside. The detenu viz., Naveenkumar, s/o.Govindaraj, male, aged 26 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.]
29.10.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa



HCP.No.1628 of 2025

To
WEB COPY

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai – 600 009
2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Prison
Central Prison
Puzhal, Chennai – 600 066
4. The Inspector of Police
F-1, Chindatripet Police Station
Chennai
5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
6. The Public Prosecutor
High Court, Madras.



WEB COPY



HCP.No.1628 of 2025

N.SATHISH KUMAR, J.,

AND

M.JOTHIRAMAN, J.,

gpa

H.C.P.No.1628 of 2025

29.10.2025