



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

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

HCP No. 1876 of 2025

Meenakshi
W/o.Yuvaraj,
No.184, Atghipattu Pudhu Nagar,
Ambedkar Street, Thiruvallur District.

Petitioner(s)

Vs

1. The State Of Rep By Its,
Government of Tamil Nadu,
rep. By its
The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai.
- 2.The Commissioner Of Police,
Greater Chennai.
- 3.The Superintendent Of Prison,
Central Prison, Puzhal,
Chennai District.



4. The Inspector of Police,
Tondiarpet Police Station,
Chennai District.

Respondent(s)

PRAYER

This writ of Habeas Corpus has been filed under Article 226 of the Constitution of India to call for the records in Detention Order passed in No.499/BBCDEFGISSSV/2025 dated 24.07.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents herein to produce the petitioner's husband Thiru.Yuvaraj @ Kaisaman Yuvaraj, S/o.Balakrishnan, M/A.30 Years, now confined in Central Prison, Puzhal, Chennai before this Honble Court and set him at liberty.

For Petitioner(s): Mr. D.Padmanabhan

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

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner, who is the wife of the detenu Yuvaraj @ Kaisaman Yuvaraj, male, aged 30 years, son of Balakrishnan, has come forward with this



petition challenging the detention order passed by the second respondent dated 24.07.2025 bearing reference No. 499/BBCDEFGISSSV/2025 slapped on her

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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 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 the petitioner's husband was remanded to judicial custody on 21.06.2025 but the impugned detention order has been passed on 24.07.2025.



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 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 this matter falls under latter facet i.e., unexplained delay. Hence, on this



ground, the detention order is liable to be set aside.

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6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 24.07.2025 in Memo No. 499/BBCDEFGISSSV/2025 is hereby set aside. The detenu viz., Yuvaraj @ Kaisaman Yuvaraj, son of Balakrishnan, aged 30 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)

03-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

1. The Additional Chief Secretary,
Home Prohibition and Excise Department,
Secretariat, Chennai.



2.The Commissioner Of Police,
Greater Chennai.

3.The Superintendent Of Prison,
Central Prison, Puzhal, Chennai District.

4.The Inspector Of Police,
Tondiarpet Police Station, Chennai District.

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



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