



HCP.No.2181 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2181 of 2025

Banita Balua

... Petitioner

Wife of the detenu

Versus

1. The Principal Secretary to the Government
Home, Prohibition and Excise (XVI) Department
Secretariat, Chennai – 600 009
2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Prison
Central Prison Puzhal
Chennai District



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4. The Inspector of Police
Prohibition Enforcement Wing
Tambaram

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the entire records connected with the detention order in No.78/BCDFGISSSV/2025 dated 08.07.2025 on the file of Respondent No.2 and quash the same and direct the respondents to produce the person of petitioner's husband one named B.Debabrat Kisan, S/o.Bishnucharan Kisan, aged about 34 years, now confined at Central Prison, Puzhal before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Muthamizhselvakumar

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 B.Debabrat Kisan, S/o.Bishnucharan Kisan, male, aged 34 years, has come forward with this petition challenging the detention order passed by the second respondent dated 08.07.2025 bearing reference BCDFGISSSV No. 78/2025 slapped on



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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.



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3. Though several grounds have been raised, the learned counsel for the petitioner in the hearing submitted that the Detaining Authority has relied on the report of the Sponsoring Authority with regard to steps being taken by the relatives of the detenu for taking him out on bail but special report of the Sponsoring Authority is undated.

4. We had the benefit of perusing the grounds booklet served on the detenu and we find that the special report of the sponsoring authority at page 157 of the booklet is undated and the signature of the sponsoring authority also does not contain a date.

5. In response to the aforementioned argument, learned Prosecutor submitted that there is a special report and therefore, the same has been relied on.

6. We carefully considered the rival submissions.



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7. The Detaining Authority has passed the detention order only based on the report of the Sponsoring Authority. Therefore, we are of the view that if the special report is undated, the veracity of such a report becomes even more suspect. In this view of the matter, relying on the *ipsi dixit* of the Sponsoring Authority is clearly a non-application of mind when it comes to passing of impugned preventive detention order. In this view of the matter, the impugned preventive detention order is vitiated and the same is liable to be set aside.

8. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 08.07.2025 in BCDFGISSSV No.78 of 2025 is hereby set aside. The detenu viz., B.Debabrat Kisan, S/o.Bishnucharan Kisan, male, aged 34 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.



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[N.S.K.,J.] [M.J.R.,J.]

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Index: Yes/No

Neutral Citation: Yes/No

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To

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2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Prison
Central Prison, Puzhal
Chennai District
4. The Inspector of Police
Prohibition Enforcement Wing
Tambaram
5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
6. The Public Prosecutor
High Court, Madras.



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AND

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