



WEB COPY



HCP.No.3261 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3261 of 2024

Rita

... Petitioner/Mother of the detenu

Vs.

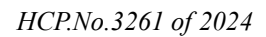
1.State of Tamilnadu,
Rep.by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.

3.The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

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

... Respondents



For Petitioner : Mr.R.Muthukumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.



HCP.No.3261 of 2024

3. Based on the ground case, the detenu has been detained under the Preventive Detention Law. The ground case has been registered under the NDPS Act. The police authorities recovered 2.5 kilograms of Kanja, which cannot be construed as commercial quantity. Therefore, the police authorities may deal with the criminal cases under the ordinary law. The reasons stated in the order impugned to invoke the Preventive Detention Law would be insufficient and therefore, we are inclined to interfere.

4. Accordingly, the impugned order of detention passed by the second respondent in Memo No.1160/BCDFGISSSV/2024 dated 25.11.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenu, namely, Lasar Merwin Vijay @ Merwin Vijay, S/o. Joseph Selvam, aged about 39 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
24.01.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
kak



HCP.No.3261 of 2024

To

- 1.The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.
- 3.The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai – 600 066.
- 5.The Joint Secretary to Government,
Public (Law & Order),
Fort St.George,
Chennai.
- 6.The Additional Public Prosecutor,
Madras High Court.



WEB COPY



HCP.No.3261 of 2024

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

kak

H.C.P.No.3261 of 2024

24.01.2025