



HCP.No.2191 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.2191 of 2025

Radha

... Petitioner
/Mother of the detenu

Versus

1. The Additional Chief Secretary
Government of Tamil Nadu
Home, Prohibition and Excise Department
Secretariat, Chennai – 600 009
2. The Commissioner of Police
Greater Chennai
Vepery, Chennai – 600 007
3. The Superintendent
Central Prison
Puzhal, Chennai
4. The Inspector of Police
PEW Adyar Police Station
Chennai

.. Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records pertaining to the order of detention passed by the second respondent herein and made in BCDFGISSSV No.260/2025 dated 15.05.2025 and to set aside the same and directing the respondents to produce the detenu, the petitioner's son Saranraj, S/o.Ravishankar, male, aged about 25 years, now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.B.Kalaiarasan

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 mother of the detenu Saranraj, S/o.Ravishankar, male, aged about 25 years, has come forward with this petition challenging the detention order passed by the second respondent dated 15.05.2025 bearing reference BCDFGISSSV No.260 of 2025 slapped on her son, 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].



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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 detaining authority while passing the impugned detention order arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order dated 15.12.2020 in CrI.M.P.No.1842 of 2020 wherein bail was granted to one Rakesh.



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5. In this regard, the learned counsel drew the attention this Court to order in Crl.M.P.No.1842 of 2020, which is enclosed at Page No.37 of Volume II of the booklet. A careful perusal of the said order brings to light that the contraband seized by the police was not produced before the case but in the case on hand, the contraband was produced before the Court and therefore, the subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 15.05.2025 bearing reference No.260/BCDFGISSSV/2025 is hereby set aside. The detenu viz., Saranraj, S/o.Ravishankar, male, aged 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.]
24.11.2025

Index: Yes/No
Neutral Citation: Yes/No



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To

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Vepery, Chennai – 600 007
3. The Superintendent
Central Prison
Puzhal, Chennai
4. The Inspector of Police
PEW Adyar Police Station
Chennai
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

M.JOTHIRAMAN, J.,

gpa

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