



WEB COPY



HCP.No.3281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3281 of 2024

Deebaraj Pradhan

... Petitioner/Father of the
Detenu

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police/
Detaining Authority,
Tiruppur City,
Tiruppur District.
3. The Superintendent of Prison,
Central Prison-Coimbatore,
Coimbatore District.
4. State represented by its
The Inspector of Police,
South Police Station,
Tiruppur City,
Tiruppur District.

... Respondents



HCP.No.3281 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records, relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 22.11.2024 on the file of the second respondent herein made in proceedings C.No.94/D.O./IS/Tiruppur City/2024, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Manoj Pradhan, S/o. Deebaraj Pradhan, aged 30 years before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner	: Mr.W.Camyles Gandhi
For Respondents	: Mr. R.Muniyapparaj
	Additional Public Prosecutor

ORDER

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

The writ of habeas corpus has been filed challenging the detention order passed by the second respondent in proceedings C.No.94/D.O./IS/Tiruppur City/2024 dated 22.11.2024.

2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. The impugned detention order has been passed relying on two adverse cases and the ground case. The first adverse case was registered in



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Crime No.1252 of 2022 and the second adverse case was registered in Crime No.979 of 2024. Both the cases are registered under NDPS Act. The first adverse case has no proximity with the ground case. The quantum of Ganja involved in the ground case is not commercial. Therefore, the said case shall be dealt with by the Police Authorities under the ordinary law. Preventive detention may not be required in such nature of cases, where the drugs are not in commercial quantity.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in proceedings C.No.94/D.O./IS/Tiruppur City/2024 dated 22.11.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz., Manoj Pradhan, aged 30 years, S/o. Deebharaj Pradhan, confined at Central Prison, Coimbatore is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
20.01.2025

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



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To

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1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police/
Detaining Authority,
Tiruppur City,
Tiruppur District.
4. The Superintendent of Prison,
Central Prison-Coimbatore,
Coimbatore District.
5. The Inspector of Police,
South Police Station,
Tiruppur City,
Tiruppur District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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

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