



HCP.No.3298 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.3298 of 2024

A.Moorthi

... Petitioner/Brother in law of
the Detenu

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent,
Special Prison for Women, Puzhal,
Chennai - 66.
4. The Inspector of Police (Law and Order),
P-6, Kodungaiyur Police Station,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 14.12.2024 in



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Memo No.1247/BCDFGISSSV/2024 against the petitioner's aunt Anjalai, Female, aged 50 years, W/o. Anandan, who is confined at Special Prison for Women, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

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 No.1247/BCDFGISSSV/2024 dated 14.12.2024.

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

3. The first adverse case was registered in the year 2022 and the second adverse case was registered in the year 2023. Both the adverse cases have no proximity with the ground case, which is registered in the year 2024



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under NDPS Act. The quantity of drug recovered from the detenu cannot be construed as commercial quantity. Thus, the police Authorities may deal with the criminal cases registered under the ordinary Law.

4. Hence, for the aforesaid reasons, the detention order passed by the second respondent in proceedings No.1247/BCDFGISSSV/2024 dated 14.12.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz., Anjalai, aged 50 years, W/o. Anandan, confined at Special Prison for Women, Puzhal, Chennai is directed to be set at liberty forthwith, unless she 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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1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
Greater Chennai.
4. The Superintendent,
Special Prison for Women, Puzhal,
Chennai - 66.
5. The Inspector of Police (Law and Order),
P-6, Kodungaiyur Police Station,
Chennai.
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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