



WEB COPY



HCP.No.3288 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.3288 of 2024

A.Abitha Begum

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai Police Commissionerate,
Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
D-1, Triplicane Police Station,
Triplicane, Chennai - 600 005.

... Respondents



HCP.No.3288 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records of the Commissioner of Police, Greater Chennai Police Commissionerate, Vepery, Chennai, the 2nd respondent herein in connection with the detention order vide 1181/BCDFGISSSV/2024, dated 30.11.2024 and quash the same and further direct the respondents to produce the detenu Bayas @ Mohammed Bayas, son of Abdul Rahim Basha, male, aged 31 years, who is detained at Central Prison, Puzhal before this Court and set him at liberty forthwith.

For Petitioner : M/s.V.Ramanareddy

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.1181/BCDFGISSSV/2024 dated 30.11.2024.

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



HCP.No.3288 of 2024

3. There is no adverse case relied on for the purpose of invoking Act 14 of 1982. The ground case has been registered under NDPS Act. The solitary case registered against the detenu can be dealt with by the Authorities under the ordinary Law. Since there is no adverse case relied on for the purpose of invoking Act 14 of 1982, we are inclined to consider the present petition. More-so, the quantity of drugs recovered from the detenu cannot be construed as commercial quantity.

4. Hence, for the aforesaid reasons, the detention order passed by the second respondent in proceedings No.1181/BCDFGISSSV/2024 dated 30.11.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz., Bayas @ Mohammed Bayas, aged 31 years, S/o. Abdul Rahim Basha confined at Central Prison, Puzhal, Chennai 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
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HCP.No.3288 of 2024

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1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
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,
Greater Chennai Police Commissionerate,
Vepery, Chennai - 600 007.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.
5. The Inspector of Police,
D-1, Triplicane Police Station,
Triplicane, Chennai - 600 005.
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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