



HCP.No.2370 of 2025

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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.2370 of 2025

S.Renuka

... Petitioner

Versus

1. The State of Tamil Nadu
Rep. By the Secretary to Government
Prohibition and Excise Department
Fort St.George
Chennai – 600 009
2. The Commissioner of Police
Greater Chennai
Chennai – 600 007



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3. The Superintendent of Prison
Central Prison, Palayamkottai

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4. The Inspector of Police
G-7 Chetpet Police Station
Chennai – 600 031

.. 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 in Memo No.448/BCDFGISSSV/2025 dated 04.07.2025 on the file of the 2nd respondent herein and set aside the same and direct the respondents herein to produce the petitioner's husband Sugu @ Sugumar, S/o.Anbarasu, aged 34 years, now confined in the Central Prison, Palayamkottai, before this Honble Court and set him at liberty.

For Petitioner : Mr.Charles Kamalesh M.Appaji

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 wife of the detenu Sugu @ Sugumar, S/o.Anbarasu, male, aged 34 years, has come forward with this petition challenging the detention order passed by the second respondent dated 04.07.2025 bearing reference Memo No.448/BCDFGISSSV/2025 slapped on her husband, 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



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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 detenu was arrested and remanded to judicial custody in connection with the ground case and two adverse cases and the detaining authority while passing the



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impugned detention order arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order dated 27.07.2023 in Crl.M.P.No.5272 of 2023 wherein statutory bail was granted to one Sanjaykumar @ Sanjay.

5. In this regard, the learned counsel drew the attention this Court to order in Crl.M.P.No.5272 of 2023, which is enclosed at Page No. 73 of the booklet. A careful perusal of the said order, brings to light that it is a case of statutory bail under Section 167(2) of Cr.P.C read with Section 36A(4) of the NDPS Act. Therefore, taking a default bail order as a basis for arriving at 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



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detention order passed by the second respondent dated 04.07.2025 bearing
reference No.448/BCDFGISSSV/2025 is hereby set aside. The detenu viz.,

Sugu @Sugumar, S/o.Anbarasu, male, aged 34 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

the Secretary to Government
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Fort St.George
Chennai – 600 009

2. The Commissioner of Police
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Chennai – 600 007

3.The Superintendent of Prison
Central Prison, Palayamkottai

4. The Inspector of Police
G-7 Chetpet Police Station
Chennai – 600 031

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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