



H.C.P.(MD)No.412 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MRS. JUSTICE N.MALA

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Balaji @ Madras Balaji

... Petitioner/detenu

-VS-

1.State of Tamil Nadu through
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St George, Chennai-600 009.

2.The Commissioner of Police
O/o.The Commissioner of Police
Madurai City, Madurai.

3.The Superintendent of Prison
Madurai Central Prison
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the respondent No.2 in No. 04/BCDFGISSSV/2025 dated 03.02.2025 and quash the same and direct the



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respondents to produce the body or person of the detenu by name Balaji @ Madras Balaji, son of Nethaji, aged about 32 years, now detained as "Drug Offender" at Madurai Central Prison, before this Court and set him at liberty forth with.

For Petitioner : Dr.R.Alagumani
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner, detenu herein, has been detained by the second respondent by his order in No.04/BCDFGISSSV/2025 dated 03.02.2025, holding him to be a "Drug Offender", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3.The learned counsel appearing for the petitioner would submit that the detenu was arrested on 23.11.2024 in pursuant to the registration of FIR in Crime No.1273/2024 for the offences punishable under Sections 8[c] read with 20[b][ii][B], 25 and 29[1] of NDPS Act, on the file of the Sponsoring Authority. After a period of 72 days, the Sponsoring Authority sponsored the name of the detenu to detain him under Act 14/1982, branding him as a "Drug Offender", on 03.02.2025. This shows an inordinate delay in passing the detention order, which is also unexplained. The live and proximate link between the arrest of the detenu and the need for passing the order of detention has snapped. Thus, on this sole ground, the impugned order of detention is liable to be set aside.

4.In the case of *Sushanta Kumar Banik vs. State of Tripura*, reported in **2022 SCC Online (SC) 1333**, when there was an inordinate delay from the date of proposal till passing of the detention order and likewise, between the date of actual arrest and the date of detention order, the Honourable Supreme Court has held that the live and proximate link, between the grounds and the purpose of detention, stands snapped throwing a considerable doubt on the genuineness of the requisite satisfaction of the



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detaining authority in passing the detention order unless such delay is satisfactorily explained and consequently making it invalid. The relevant portion is extracted hereunder:-

"20. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the "live and proximate link" between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case."

5. In view of the above, as pointed out by the learned counsel



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for the petitioner, the delay has not been satisfactorily explained, thereby vitiating and invalidating the detention order.

6.In the result, the Habeas Corpus Petition is allowed and the order of detention in No.04/BCDFGISSSV/2025, dated 03.02.2025 passed by the second respondent is set aside. The detenu, viz., Balaji @ Madras Balaji, son of Nethaji, aged about 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

7.It is also made clear that if any bail application is filed by the detenu, the trial Court is directed to dispose the bail application on its own merits and in accordance with law, without influencing any of the observations made by this Court.

[G.K.I., J.]
11.12.2025

[N.M., J.]

AP
NCC :Yes/No
Index: Yes/No
Internet: Yes/No

To



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O/o.The Commissioner of Police
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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