



H.C.P.(MD)No.562 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
18.09.2025	24.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD)No.562 of 2025

Manikrishnan

... Petitioner / Detenu

VS.

1.State of Tamil Nadu Rep. by its,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 600 009.

2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

... Respondents



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Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the second respondent in Detention Order No.P.D.O.01/2025, dated 08.02.2025, quash the same and direct the respondents to produce the detenu or body of the detenu, by name Manikrishnan @ Moltimani, son of Rethinam, aged about 26 years, now confined as "Drug Offender" at Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner

: Dr.R.Alagumani

For Respondents

: Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

C.V.KARTHIKEYAN, J.

The present Habeas Corpus Petition has been filed by the petitioner / detenu seeking to quash the detention order passed by the second respondent dated 08.02.2025.

2. The learned counsel for the petitioner contended that the Detaining Authority, in the detention order, had stated that the detenu had filed CrI.M.P.No.

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344 of 2025 before the Special Court for EC and NDPS Act Cases at Pudukottai seeking bail, and that the same was pending. The learned counsel argued that there were no materials on record to substantiate this claim and that a copy of the said bail application had not been furnished along with the relied-upon documents.

3. However, it is relevant to note the decision in **Sunila Jain vs. Union of India and Another** reported in **(2006) 3 SCC 321**, wherein the Hon'ble Supreme Court held that a copy of the bail application need only be supplied if it contains material facts that formed the basis of the Detaining Authority's subjective satisfaction. In the present case, the Detaining Authority has not relied on the contents of the bail application. Instead, the Detaining Authority merely noted that a bail petition was pending and observed that there was a possibility of the detenu being released on bail.

4. The learned counsel for the petitioner had relied on the judgment of the Hon'ble Supreme Court in **P.U.Abdul Rahiman vs. Union of India and others** reported in **1991 Supp (2) SCC 274**, wherein the Hon'ble Supreme Court had



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held that non-supply of copies of bail application and the bail order were fatal to the continuation of detention. The Hon'ble Supreme Court in that decision, had placed reliance on its earlier judgment in **M.Ahamedkutty vs. Union of India and another** reported in (1990) 2 SCC 1, wherein it had also been held that when the bail application and the bail order had not supplied to the detenu, it would be violative of Article 22(5) of the Constitution of India and therefore, continued detention would be illegal.

5. However, the Hon'ble Supreme Court in **Sunila Jain** [*referred supra*] reported in (2006) 3 SCC 321, had again considered the entire issue and after considering the judgments which had been relied on by the learned counsel for the petitioner namely, **M.Ahamedkutty** [*referred supra*] reported in (1990) 2 SCC 1; and **P.U.Abdul Rahiman** [*referred supra*] reported in 1991 Supp (2) SCC 274, it held as follows:-

"15. In M.Ahamedkutty vs. Union of India [(1990) 2 SCC 1 : 1990 SCC (Cri) 258] this Court was dealing with a case where an order of bail was passed on the condition that he would report before the Customs Authority on every Wednesday and would not change his residence without prior permission of the Court. This Court in the



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aforementioned fact situation opined that non-consideration of the order passed on the said petition for bail would amount to non-application of mind on the part of the detaining authority holding: (SCC p. 16, para 27)

"Considering the facts in the instant case, the bail application and the bail order were vital materials for consideration. If those were not considered the satisfaction of the detaining authority itself would have been impaired, and if those had been considered, they would be documents relied on by the detaining authority though not specifically mentioned in the annexure to the order of detention and those ought to have formed part of the documents supplied to the detenu with the grounds of detention and without them the grounds themselves could not be said to have been complete. We have, therefore, no alternative but to hold that it amounted to denial of the detenu's right to make an effective representation and that it resulted in violation of Article 22(5) of the Constitution of India rendering the continued detention of the detenu illegal and entitling the detenu to be set at liberty in this case."

The said decision has no application to the present case.

16. In *P.U.Abdul Rahiman vs. Union of India* [1991 Supp (2) SCC 274 : 1991 SCC (Cri) 1032] this Court held: (SCC p. 275, para 4)

"4. The appellant had been arrested on 4-6-1988 under



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the Narcotic Drugs and Psychotropic Substances Act, 1985. On 9-6-1988 he had moved an application before the Judicial First Class Magistrate, Kasargod for bail. That application was rejected. On 10-6-1988 the appellant moved an application for bail, as CMP No. 104 of 1988, before the District Sessions Judge, Kasargod. On 17-6-1988 the appellant was released on bail subject to certain conditions. In the two applications for bail the appellant had specifically stated that he had retracted from the statement made by him. The co-accused, who had also made a statement, had retracted from his statement."

17. The bail petition filed by the detenu therein contained material facts which were required to be taken into consideration by the detaining authority. Such is not the case here.

18. The decisions of this Court referred to hereinbefore must be read in their entirety. It is no doubt true that whether a detenu on the date of the passing of the order of detention was in custody or not, would be a relevant fact. It would also be a relevant fact that whether he is free on that date and if he is, whether he is subjected to certain conditions in pursuance to and in furtherance of the order of bail. If pursuant to or in furtherance of such conditions he may not be able to flee from justice, that may be held to be relevant consideration for the purpose of passing an order of detention but the converse is not true. Some such other



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grounds raised in the application for bail and forming the basis of passing an order of bail may also be held to be relevant. It would, however, not be correct to contend that irrespective of the nature of the application for bail or irrespective of the nature of the restrictions, if any, placed by the court of competent jurisdiction in releasing the detenu on bail, the same must invariably and mandatorily be placed before the detaining authority and the copies thereof supplied to the detenu."

6. In view of the reasoning of the Hon'ble Supreme Court, and particularly taking note of the fact that in this case, the bail application was pending and no order had been passed on the date of the detention order, we hold that no prejudice was caused to the detenu by the non-supply of his bail application. Therefore, we are not inclined to accept the contention that the non-supply of the bail application vitiates the order of detention or affects the subjective satisfaction of the Detaining Authority.

7. The learned counsel further submitted that, according to the detention order, 30 tablets of Lanidol 100 mg were seized from the detenu. He argued that the laboratory report had not been filed to conclusively prove that the seized tablets were indeed Lanidol 100 mg.



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8. The learned counsel for the petitioner had also placed reliance on the judgments of the Hon'ble Supreme Court in **Union of India vs. Ranu Bhandari** reported in (2008) 17 SCC 348 and **Jaseela Shaji vs. Union of India and others** reported in (2024) 9 SCC 53, to contend that all documents, irrespective of whether they are in favour of or against the detenu, must be furnished to the detenu.

9. In this regard, it is to be noted that the contraband seized from the accused consisted of tablets packed in a cover clearly marked with the name "Lanidol 100 mg." The details of the seized items were recorded in the Seizure Mahazar, a copy of which was served on the detenu. The name of the tablets was clearly specified in that document. In the light of the same, we are of the view that a separate laboratory report to confirm the name of the tablets was not necessary in the circumstances of this case.

10. The learned counsel for the petitioner also raised an additional argument based on the translated version of the detention order, wherein it was stated as follows:-



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"பொதுமக்களின் உயிரையும், உடைமைகளையும் பாதுகாக்கும் நோக்கில் திருச்சிராப்பள்ளியில் உள்ள மத்திய சிறையில் தடுப்புக் காவலில் வைக்கும்படி இதனால் உத்தரவிடுகின்றேன்."

The learned counsel further submitted that the said particular statement appearing in the Tamil version of the detention order is absent from its English version.

11. While this line does not appear in the English version, we are of the considered view that its inclusion in the Tamil version does not materially affect or vitiate the detention order. In fact, even in the English version, the Detaining Authority has clearly stated that the preventive detention of the detenu was warranted in order to prevent the targeting of innocent youth through the sale of narcotic substances.

12. The inclusion of the above line in the Tamil version does not introduce any new ground or reasoning beyond what is already conveyed in the detention order. Moreover, the learned counsel for the petitioner has not demonstrated how the inclusion of this statement has caused any prejudice to the detenu or deprived



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him of the opportunity to effectively challenge the order of detention.

Accordingly, we find no merit in this contention as well. The Habeas Corpus Petition therefore stands dismissed.

Index : Yes / No
NCC : Yes / No
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[C.V.K., J.] & [R.V., J.]
24.09.2025

To

- 1.The Additional Chief Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

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PRE-DELIVERY ORDER MADE IN
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