



H.C.P.(MD)No.695 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2025

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

H.C.P.(MD)No.695 of 2025

Afrin Fathima

... Petitioner/Niece of the detenue

-VS-

- 1.State of Tamilnadu,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai.
 - 2.The District Collector and the District Magistrate,
O/o.The District Collector and the District Magistrate,
Ramanathapuram District.
 - 3.The Superintendent of Prison,
Central Prison,
Madurai.
 - 4.State of Tamil Nadu,
The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
- ... Respondents



H.C.P.(MD)No.695 of 2025

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 in S.R.No.24/D.O/2025 dated 25.04.2025 on the file of the respondent No.2 and quash the same as illegal and direct the respondents to produce the body or person of the petitioner's uncle namely Sahul Hameed, Son of Nalla Ibrahim aged about 46 years now confined at Central Prison, Madurai District before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the Niece of the detenu viz., Sahul Hameed, aged about 46 years, S/o.Nalla Ibrahim. The detenu has been detained by the second respondent by his order in S.R.No.24/D.O/2025, dated 25.04.2025 holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.



H.C.P.(MD)No.695 of 2025

WEB COPY

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.

3. The detenu was arrested and remanded to judicial custody in pursuant to the registration of the FIR in Cr.No.45 of 2025 for the offences under Sections 8(c) r/w 20(b) (ii) (B) Narcotic Drugs and Psychotropic Substances Act, 1985, on the file of the Inspector of Police, Keelakarai Police Station. Even prior to this case, the detenu also involved in another case in Cr.No.159 of 2024 for the offences under Sections 8 (c) r/w 20(b) (ii) (B) Narcotic Drugs and Psychotropic Substances Act, 1985, on the file of the very same police station. That apart, the detenu involved in several other similar cases under NDPS Act. Therefore, the detenu was detained under Act 14, 1982. The learned counsel appearing for the petitioner would submit that the detaining authority without applying mind passed the detention order for the reason that in the similar case, the petitioner was granted anticipatory bail even



H.C.P.(MD)No.695 of 2025

WEB COPY

before the order of detention. After the order of detention, the petitioner submitted a representation and it was not considered in time. Therefore, it caused prejudice to the detenu. It is seen from the records that after the order of detention was sent to the Advisory Board for confirmation, there was also a delay and it is not in consonance with the provision of the Section 11 of the Tamil Nadu Act, 14 of 1982.

4. On perusal of the counter affidavit filed by the respondents and also the submission made by the learned Additional Public Prosecutor reveals that the first ground raised by the petitioner is no more *res integra*. Already the Hon'ble Full Bench of this Court dealt with the issues of non-intimation of arrest on ground case and answered that the non-intimation of arrest to the relatives / friends in the ground case shall not be a ground to test the subjective satisfaction of the detaining authority. It shall be a point for consideration to test whether the detenu was anyway deprived of making effective representation against his detention. Failure to intimate the arrest in the ground case cannot be a *ipso facto* reason to hold the detention order illegal. In other



H.C.P.(MD)No.695 of 2025

words, non-intimation to relatives/friend about the arrest in ground case is not fatal to the detention order.

5. Insofar as the representation submitted by the petitioner is concerned dated 06.05.2025 and it was received on 15.05.2025 and it was considered and passed an order on 21.05.2025 and the same was duly served to the detenu. On perusal of the order of the grounds of detention shows that the petitioner filed a bail petition in the ground case and the same was dismissed. Thereafter, the petitioner filed anticipatory bail in the adverse case registered in Cr.No.159 of 2024, in which, he was granted anticipatory bail in Cr.M.P.No.5515 of 2024 by the Additional District and Sessions Court, Special Court for Essential Commodities and Narcotic Drugs and Psychotropic Substances Act Cases, Pudukkottai. The detaining authority has not stated in the detention order that the similarly placed person obtained anticipatory bail therefore, there is a possibility for the petitioner to come out on bail. In this case, in the ground case the detenu himself filed a petition for bail and the same was dismissed and subsequently, he filed anticipatory bail



H.C.P.(MD)No.695 of 2025

WEB COPY

in the adverse case and he was granted anticipatory bail, therefore, the detaining authority has stated that there is a possibility for the petitioner to come out on bail. Therefore, all the grounds raised by the detenue cannot be considered for setting aside the detention order and it is liable to be dismissed. Accordingly, the habeas corpus petition is devoid of merits and it is dismissed.

[G.K.I., J.] [R.P., J.]

02.12.2025

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



H.C.P.(MD)No.695 of 2025

WEB COPY

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai.
- 2.The District Collector and the District Magistrate,
O/o.The District Collector and the District Magistrate,
Ramanathapuram District.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.
- 4.The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.695 of 2025

G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

am

H.C.P.(MD)No.695 of 2025

02.12.2025