



HCP(MD)No.761 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and**

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.761 of 2025

Menaka

... Petitioner

vs.

1. The State of Tamil Naadu
The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2. The District Collector and District Magistrate,
O/o the District Collector and District Magistrate,
Thanjavur District.

3.The Superintendent of Police,
Central Prison,
Tiruchirappalli.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records in Detention Order in P.D.No.75 / 2024 dated 19.12.2024 on the file of the 2nd respondent and quash the same and direct the respondents herein to produce the petitioner's father / detenu Mr.Muthaiah, S/o. Karuppaiah aged about 61 years now confined in Central Prison at Trichy before this Court and set him at liberty.



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For Petitioner : Mr. M. Mohamed Saifulla

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

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ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

The petitioner is the wife of the detenu viz., .Muthaiah, S/o. Karuppaiah aged about 61 years. The detenu has been detained by the second respondent by his order in P.D.No.75/2024, dated 19.12.2024, 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.

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 learned counsel appearing for the petitioner would submit that, though in paragraph No. 7 of the grounds of detention it is stated that Tmt. Nagalakshmi, wife of Muthaiah, is taking action to take out her husband Muthaiah, on bail in the case registered in Crime No.306 of 2024, for the offence under Sections 8(c) r/w. 20(b)(ii)(C), 25 and 29(2)(a) of Narcotic Drugs



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and Psychotropic Substances Act, 1985 on the file of the Peravurani Police

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Station, there is no material evidence to substantiate this claim. Therefore, it is evident that the detaining authority, without sufficient material, has mechanically arrived at the subjective satisfaction based solely on the information provided by the sponsoring authority. As such, the entire detention order stands vitiated and is liable to be set aside.

4. Learned Additional Public Prosecutor, on instructions, submitted that after satisfying with the materials placed by the Sponsoring Authority, the Detaining Authority has passed the impugned detention order with proper application of mind and there is no illegality or infirmity in the detention order and hence, prayed for dismissal of the habeas corpus petition. He would further submit that the final report has been filed in the said case after grant of extension by the trial Court.

5. Considering the submissions made by the learned counsel for the petitioner and on perusal of the records, we find that there is nothing on record to show that Tmt. Nagalakshmi, wife of Muthaiah, is taking steps to take out her husband viz., Muthaiah, on bail in the case registered in Crime No.306 of 2024, for the offence under Sections 8(c) r/w. 20(b)(ii)(C), 25 and 29(2)(a) of



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Narcotic Drugs and Psychotropic Substances Act, 1985 on the file of the

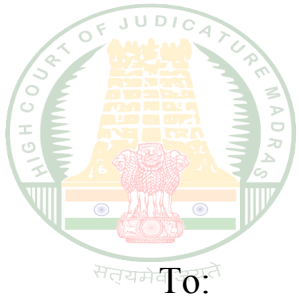
Peravurani Police Station. Therefore, the detention order is vitiated on the ground of non-application of mind.

6. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of non-application of mind on the part of the detaining authority in passing the impugned detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.75 of 2024, dated 19.12.2024, passed by the second respondent is set aside. The detenu, viz., Muthaiah, S/o. Karuppaiah aged about 61 years, is directed to be released forthwith unless his detention is required in connection with any other case. It is made clear that quashing of detention order will not entitle the detenu for grant of bail. The trial Court shall independently consider the bail application taking into consideration of Section 37 of the NDPS Act.

[A.D.J.C., J.] [R.P., J.]
26.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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O/o the District Collector and District Magistrate,
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**A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.**

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**ORDER MADE IN
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DATED : 26.08.2025