



HCP(MD)No.746 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
and

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.746 of 2025

Syed Musthafa @ Musthafa

... Petitioner

vs.

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

2. The Commissioner of Police
Tiruchirapalli City,
Tiruchirapalli

3. The Superintendent of Prison,
Tiruchirapalli Central Prison,
Tiruchirapalli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the second respondent in C.No. 45/Detention /C.P.O/T.C/2025 dt. 17.04.2025 and quash the same and direct the respondents to produce the body or person of the detenu by



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name Syed Musthafa @ Musthafa S/o. Abuthahir, aged about 20 years, now detained as “Drug Offender” at Trichy Central Prison before this Court and set him at liberty forthwith

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.**]

This Habeus Corpus Petition has been filed to quash the detention order passed by the second respondent in No.C.No. 45/Detention /C.P.O/T.C/2025 dt. 17.04.2025 and direct the respondents to produce the body or person of the detenu by name Syed Musthafa @ Musthafa S/o. Abuthahir, aged about 20 years, now detained as “Drug Offender” at Trichy Central Prison before this Court and set him at liberty forthwith.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for



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the respondents. We have also perused the records produced by the Detaining Authority.

3. The petitioner has been detained under Act 14 of 1982 by an order dated 17.04.2025. Originally the petitioner was arrested on 25.03.2025 in Crime No.28 of 2025 on the file of the Inspector of Police, Palakarai Police Station, Trichy District for the offences under Section 123 of BNS and Section 18(c) of Drugs and Cosmetics Act.

4. The learned counsel appearing for the petitioner would submit that the petitioner is the detenu. Though he was arrested on 25.03.2025 after a period of 23 days the petitioner had been detained under Act.14 of 1982 on 17.04.2025. There is no reason for delay in passing the order of detention and there is no explanation. In the ground case though there are two accused but the detaining authority picked the petitioner alone and detained him for which there is absolutely no reason. Further the arrest information was informed to the relative of the detenu in which half of the portion is filled in tamil and half of the portion is filled in english, thereby he is unable to find the reason for



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the ground of his arrest. Therefore the petitioner could not able to submit his representation effectively. In support of his contention he also relied on the order passed by this Court in HCP(MD) No.132 of 2025 dated 07.07.2025, wherein this Court referring the judgment of the Honourable Supreme Court in the case of *Powanammal vs. State of Tamil Nadu*, reported in (1999) 2 SCC 413, has held that non-furnishing of the remand order relied on by the Detaining Authority to the detenu, has impaired his constitutional right to make an effective representation against the impugned preventive detention order. To be noted, this constitutional right is ingrained in the form of a safeguard in Clause (5) of Article 22 of the Constitution of India. He also submitted that the detenu submitted the representation on 19.06.2025 and there was a delay in disposing the representation.

5. A perusal of the counter filed by the second respondent and the submissions made by the learned Additional Public Prosecutor reveals that after receipt of order the detenu submitted his representation on 18.06.2025 and the same was received by the first respondent on 23.06.2025 immediately it was disposed on 25.06.2025 and the same was



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served to the detenu, therefore there was no delay in considering the representation of the petitioner.

6. In so far as the document with half portion in tamil and half portion in english is concerned it is nothing but arrest information served on the relative of the detenu. On perusal of the same it reveals that the name of the detenu/ arrest person and nature of case and provisions of law and place of custody and the person who was informed was filled in english. The reason for arrest was recorded in tamil. The arrest information informing to the family members or relatives of the accused has been recorded in tamil, therefore no prejudice to be caused if the arrest information is filled in english, hence the above judgment cited by the learned counsel appearing for the petitioner is not applicable to the present case on hand.

7. The learned Additional Public Prosecutor also relied on the representation submitted by the petitioner dated 18.06.2025 which revealed that the contraband was seized from the petitioner was sold from Amazon, therefore when the petitioner knows about those details,



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he can very well understand the crime number, police station and other details which were filled in english.

8. The learned counsel appearing for the petitioner vehemently contended that the contraband seized from the petitioner has been sent for chemical analysis. Even before the receipt of report from the lab the order of detention has been passed against the detenu. The chemical analysis report will be useful only for trial and that cannot be used for passing the order of detention. Infact after sending the contraband for chemical analysis the preliminary report received by the investigating officer dated 01.04.2025, wherein it is stated that the contraband which was seized from the petitioner are scheduled drugs and it will cause tremendous effect to the persons who consume, therefore the investigating officer has made out a prima facie case to register the case as against the petitioner for the offence under Drugs and Cosmetics Act.

9. This Court is satisfied with the prima facie materials produced by the investigating officer to detain the petitioner under Act.14 of 1982.



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10. In view of the same, this Court finds no infirmity or illegality in the order passed by the second respondent

11. In the result, the habeus Corpus Petition stands dismissed.

[G.K.I., J.] [R.P., J.]
01.12.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

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Home, Prohibition and Excise Department,
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2. The Commissioner of Police
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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