



H.C.P(MD)No.812 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2025

CORAM:

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

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Sanjaykumar,
S/o Abdulla,
29C, Malligaipuram 8th Street,
Palakkarai,
Tiruchirappalli City,
Now at Kelapudur 2nd Street,
Duraismipuram,
Palakkarai,,
Thiruchirappalli City.

... Petitioner/Detenu

Vs.

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

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

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3.The Superintendent of Prison,
Tiruchirappalli 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 entire records, connected with the detention order of the respondent No.2 in C.No.44/Detention/C.P.O/T.C/2025 dated 15.04.2025 and quash the same and direct the respondents to produce the detenu by name Sanjaykumar, son of Abdulla, aged about 23 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.**)

The petitioner is the detenu viz., Sanjaykumar, son of Abdulla, aged about 23 years. The detenu was detained by the second respondent by order in C.No.44/Detention/C.P.O/T.C/2025



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dated 15.04.2025, holding him to be a “Drug Offender”, as contemplated under Section 2(e) of the 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 has raised a sole ground, namely, that the order of detention was passed by the second respondent by citing only one case as the ground case, though adverse cases were stated to exist against the detainee. According to him, this amounts to complete non-application of mind on the part of the Detaining Authority.



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4.On perusal of the grounds of detention, it is seen that the second respondent has referred to Crime No.121 of 2025 as the ground case for detaining the detenu under Act 14 of 1982 and has further stated that he relied upon the materials placed before him in respect of the ground case as well past cases. However, the detenu was not served with any of the records in respect of the past cases and the second respondent has failed even to mention the past cases either in the order of detention or in the grounds of detention. This clearly shows that the order of detention was passed without due application of mind. On this sole ground, the impugned order of detention cannot be sustained and is liable to be set aside.

5.In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.44/Detention/C.P.O/T.C/2025 dated 15.04.2025, passed by the second respondent is set aside. The detenu namely, Sanjaykumar, son of Abdulla, aged about 23 years, is



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directed to be released forthwith, unless his detention is required in connection with any other case.

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

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps

To

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

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

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

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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