



HCP./MD}.No.833/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MRS. JUSTICE N.MALA

H.C.P.(MD)No.833 of 2025

Jamuna Devi

... Petitioner / Wife of the
Detenue

-VS-

- 1.State of Tamil Nadu rep.by its
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate
Tiruchirappalli District, Trichy.
- 3.The Superintendent,
Central Prison, Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records, relating to the detention order passed by the 2nd respondent in his proceedings Cr.MP.No.24/2025 detention order dated 29.04.2025 and quash the same



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and direct the respondents to produce the person or body of the detenu namely Alert Arumugam @ Arumugam, son of Velu, aged 44 years [now detained at Central Prison, Trichy] before this Court and set him at liberty.

For Petitioner : Mr.N.Ananda Kumar
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 wife of the detenu viz., Alert Arumugam @ Arumugam, son of Velu, aged about 44 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.24/2025, dated 29.04.2025 holding him to be a "Drug Offender", as contemplated under Section 2(f) 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.



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3.The learned counsel appearing for the petitioner would submit that the detenu was arrested on 27.03.2025 in pursuant to the registration of FIR in Crime No.57/2025 for the offences punishable under Sections 8[c] read with 20[b][ii][B] of NDPS Act, 1985, on the file of the Sponsoring Authority. After a period of 33 days, the Sponsoring Authority sponsored the name of the detenu to detain him under Act 14/1982, branding him as a "Drug Offender", on 29.04.2025. This shows an inordinate delay in passing the detention order, which is also unexplained. The live and proximate link between the arrest of the detenu and the need for passing the order of detention has snapped. Thus, on this sole ground, the impugned order of detention is liable to be set aside.

4.In the case of ***Sushanta Kumar Banik vs. State of Tripura***, reported in ***2022 SCC Online (SC) 1333***, when there was an inordinate delay from the date of proposal till passing of the detention order and likewise, between the date of actual arrest and the date of detention order, the Honourable Supreme Court has held that the live and proximate link, between the grounds and the purpose of detention, stands snapped throwing



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a considerable doubt on the genuineness of the requisite satisfaction of the detaining authority in passing the detention order unless such delay is satisfactorily explained and consequently making it invalid. The relevant portion is extracted hereunder:-

"20. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the "live and proximate link" between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case."

5. In view of the above, as pointed out by the learned counsel for the petitioner, the delay has not been satisfactorily explained, thereby vitiating and invalidating the detention order.



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6.In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.MP.No.24/2025, dated 29.04.2025 passed by the second respondent is set aside. The detenu, viz.,Alert Arumugam @ Arumugam, son of Velu, aged about 44 years, is directed to be released forthwith unless his detention is required in connection with any other case.

7.It is also made clear that if any bail application is filed by the detenu, the trial Court is directed to dispose the bail application on its own merits and in accordance with law, without influencing any of the observations made by this Court.

[G.K.I., J.]

[N.M., J.]

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AP
NCC :Yes/No
Index: Yes/No
Internet: Yes/No

To



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State of Tamil Nadu
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate
Tiruchirappalli District, Trichy.
- 3.The Superintendent,
Central Prison, Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

N.MALA,J.

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