



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

H.C.P(MD)Nos.1211,1212,1213,1260 and 1261 of 2024 of 2024

- | | |
|---------------|--|
| 1.Pavina | ... Petitioner/wife of the detenu in
H.C.P(MD)No.1211 of 2024 |
| 2.N.Pavithra |Petitioner/sister of the detenu in
H.C.P(MD)No.1212 of 2024 |
| 3.J.Ramadevi |Petitioner/Mother of the detenu in
H.C.P(MD)No.1213 of 2024 |
| 4.D.Kodivalli |Petitioner/Mother of the detenu in
H.C.P(MD)No.1260 of 2024 |
| 5.S.Rajagobal |Petitioner/Father of the detenu in
H.C.P(MD)No.1261 of 2024 |

.Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Perambalur Collector Office,



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3.The Superintendent,
Central Prison,
Thiruchirappalli.

... Respondents in all H.C.Ps'

PRAYER in H.C.P(MD)No.1211 of 2024: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to call for the entire records in detention order in Cr.M.P.No.20 of 2024, dated 30.08.2024, on the file of the second respondent and to set aside the same as illegal and to direct the respondents to produce the body or person of the Petitioner's husband namely, Madhan, son of Deivam, male, aged 29 years, who is detained in Central Prison, Trichirappalli before this Court and set him at liberty.

PRAYER in H.C.P(MD)No.1212 of 2024: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to call for the entire records in detention order in Cr.M.P.No.21 of 2024, dated 30.08.2024, on the file of the second respondent and to set aside the same as illegal and to direct the respondents to produce the body or person of the Petitioner's brother namely, Bala, son of Manikandan, male, aged 28 years, who is detained in Central Prison, Trichirappalli before this Court and set him at liberty.

PRAYER in H.C.P(MD)No.1213 of 2024: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to call for the entire records in detention order in Cr.M.P.No.23 of 2024, dated 30.08.2024, on the file of the second respondent and to set aside the same as illegal and to direct the



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respondents to produce the body or person of the Petitioner's son namely, Vellaiyan @ Pradeepan, son of Jayamurugan, male, aged 27 years, who is detained in Central Prison, Trichirappalli before this Court and set him at liberty.

PRAYER in H.C.P(MD)No.1260 of 2024: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to call for the entire records in detention order in Cr.M.P.No.22 of 2024, dated 30.08.2024, on the file of the second respondent and to set aside the same as illegal and to direct the respondents to produce the body or person of the Petitioner's son namely, Ajith, son of Deivam, male, aged 27 years, who is detained in Central Prison, Trichirappalli before this Court and set him at liberty.

PRAYER in H.C.P(MD)No.1261 of 2024: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to call for the entire records in detention order in Cr.M.P.No.24 of 2024, dated 31.08.2024, on the file of the second respondent and to set aside the same as illegal and to direct the respondents to produce the body or person of the Petitioner's son namely, Manoj @ Manojkumar, son of Rajagobal, male, aged 26 years, who is detained in Central Prison, Trichirappalli before this Court and set him at liberty.

For Petitioner
in all H.C.Ps' : Mr.G.Karuppasamy Pandian
for M/s.NA.Manimaran

For Respondents
1 to 3 : Mr.S.Ravi
in all H.C.Ps' Addl.Public Prosecutor



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COMMON ORDER

DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

All these Habeas Corpus Petitions are filed on behalf of the detenus, who are accused in Crime No.346 of 2024, on the file of PEW, Perambalur for the offence under Sections 8(c) r/w Section 20(b)(ii)(C), 25 and 29(1) of NDPS Act

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the prosecution in the above said cases is that on specific information, ERTIGA car stolen two months ago, bearing Registration No. KL-48 T 3259 was crossing the Toll Plaza, Thirumanthurai, Perambalur District as per GPS records and the same was intercepted, Suspecting possession of narcotic drugs. Five occupants were informed about the rights conferred under Section 50 of the NDPS Act and they were searched. The vehicle was searched, resulted in seizure of 65 bags of Ganja each weighing 2 Kgs.Thereafter all the five occupants were arrested and remanded to judicial custody on 18.5.2024. In



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this case, investigation materials were collected and the Sponsoring Authority has placed the materials before the Detaining Authority and all the five persons who are accused in the ground case were arrested. The Detaining Authority on perusing the records, had passed the impugned orders, dated 30.8.2024 and 31.8.2024 under Act 14 of 1982. The said detention orders are challenged by each of the detenu under the above five Habeas Corpus Petitions.

4. The learned counsel for the Petitioners submitted that the accused persons were arrested in the ground case on 18.5.2024. However, the detention orders were passed only on 30.8.2024 and 31.8.2024. No adverse case mentioned in the detention orders and no explanation for inordinate delay of 3 ½ months between the date of arrest in connection with the ground case and the date of detention order. For want of life and proximity, the detention orders are liable to be quashed. Further the learned counsel would submit that the alleged seizure of narcotic drugs is a commercial quantity i.e., 130 Kgs. Therefore, the rigour of Section 37 of NDPS Act covers the accused persons. The real possibility of accused persons getting bail is not available in the case and therefore, the detention orders suffers from non application of mind by citing irrelevant cases



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5.The learned Additional Public Prosecutor appearing for the respondents/State submits that the vehicle carrying 130 Kgs of Ganja each weighing 2 Kgs was on the transit to Sri Lanka, via Nagapattinam. The confession statement of the accused persons had disclosed that they involved in illicit transport of narcotics and therefore, their presence will be prejudicial to the public peace. The learned Additional Public Prosecutor would also state that there were some information about the similar case, but he same is not reflected in the detention orders, since the sole ground is sufficient to arrive at the subjective satisfaction to detain the accused persons under Act 14 of 1982. The learned Additional Public Prosecutor would also state that these detenus' are in statutory bail granted by the Police, since final report could not be filed within the time prescribed. The counter filed by the second respondent indicates that the detaining authority had arrived at the satisfaction that the presence of these persons in public will be prejudicial to the public order, in view of the huge quantity of narcotic drugs transported by them for the purpose of illegal export to Sri Lanka. Being transport of huge quantity of Ganja collected had indicated



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that the contraband seized was meant to be for illegal export to Sri Lanka.

6. This Court finds no error in the detention orders either in respect of subjective satisfaction or on delay in passing the detention orders, since the gravity of the crime and the investigation has warranted sufficient time for the Sponsoring Authority as well as the Detaining Authority to act against the Petitioners invoking Preventive Detention Law. The life and proximity theory does not apply to the case on hand.

7. Accordingly, these Habeas Corpus Petitions are dismissed.

[G.J.,J.] [R.P.,J.]
01.04.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

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

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2.The District Collector and District Magistrate,
Perambalur Collector Office,
Perambalur District.

3.The Superintendent,
Central Prison,
Thiruchirappalli.

Copy to

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



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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

COMMON ORDER MADE IN

H.C.P(MD)Nos.1211,1212,1213,1260 and
1261 of 2024 of 2024

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