



H.C.P.No.153 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

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M.Datchayani, F/A 25 years,
D/o. Moorthy,
Francois asisi street,
Kurusukuppam,
Pondicherry – 605 001.

.. Petitioner

VS

1.The State of Tamil Nadu,
Rep. by its Secretary,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.

4.The Inspector of Police,
Prohibition Enforcement Wing,
Adayar, Chennai.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records of the detention 04.06.2025 in detention order No.316/BCDFGISSSV/2025 on the file of the 2nd respondent herein, and quash the same and direct the



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respondents herein to produce petitioner's brother the detenu Adhithyan, S/o. Moorthy, aged about 23 years, who is now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

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For Petitioner : Mr.M.Manoharan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

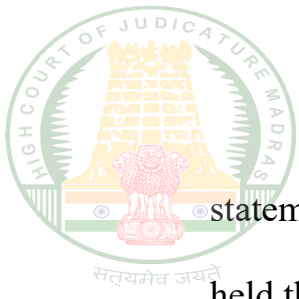
ORDER

(Made by SUNDER MOHAN, J.)

The sister of detenu - Adhithiyan, S/o. Moorthy, labelled as 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982), has filed this petition challenging detention order dated 04.06.2025.

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

3. In the grounds of detention, the detaining authority had referred to the compelling necessity to detain the detenu to prevent him from indulging in such activities as he was likely to be released on bail. He had observed in paragraph 3 of the grounds of detention that the detenu had not filed any bail application and the relatives were taking steps to file bail application. However, we find that the inference of the detaining authority that the relatives were taking steps is based on the statement made by the mother of the detenu to the sponsoring authority. The



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statement is neither dated nor signed. In HCP.No.1684 of 2025, we have

held that such a statement cannot be the basis to infer that the relatives are taking steps to file the bail application. There is no other material to arrive at such a conclusion. Since the satisfaction arrived at by the detaining authority is without any basis, we are of the view, that the inference that the detenu is likely to be released on bail and indulge in further criminal activities is vitiated. Hence, the detention order is liable to be set aside.

4. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.316/BCDFGISSSV/2025, dated 04.06.2025 is set aside.

5. The detenu, viz., Adhithiyan, S/o. Moorthy, aged 23 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

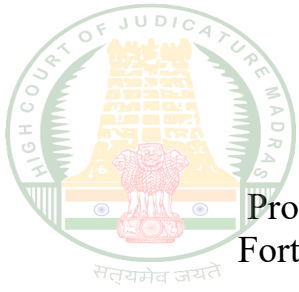
[A.S.M, J.] [S.M, J.]
17.04.2026

Index : Yes/No
Neutral Citation: Yes/No
ssm
Note : Issue Today

To

1.The Secretary,

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Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

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- 2.The Commissioner of Police,
Greater Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
- 4.The Inspector of Police,
Prohibition Enforcement Wing,
Adayar, Chennai.
- 5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 6.The Public Prosecutor,
High Court, Madras.



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DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

ssm

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