



HCP No. 342 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 342 of 2026

Jahangir Hussain
S/o.Jalfur Mia,
No.16, North Para Town, Kulubari,
Sonamura Sub Division, Sonamura District,
West Tripura District - 799 131.

..Petitioner/
Father of the detenu

Vs

1. The State of Tamilnadu,
Rep by its Secretary to Govt,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.
2. The Commissioner of Police
Greater Chennai, Vepery, Chennai - 600 007.
3. The Superintendent of Prison
Central Prison, Puzhal, Chennai - 600 066.
4. Inspector of Police
Prohibition Enforcement Wing,
Anna Nagar, Chennai.

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records in connection with the order of detention of passed by the second



HCP No. 342 of 2026

respondent dated 25.10.2025 in Memo BBCDEFGISSSV/841/2025 against petitioner son Jakir Hussain Son of Jahangir Hussain, Male aged about 21 years the detenue herein confined at Central Prison-I, Puzhal at Chennai who has been detained under Act 14/82 as a Drug Offender and set aside the same and direct the respondents herein to Produce him before this Honble Court and thereafter set him liberty from the Central Prison, Puzhal, Chennai and pass such or further orders as this Honble Court.

For Petitioner(s): Mr.M.Rajavelu

For Respondent(s): Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The father of the detenu - Jahir Hussain, S/o.Jahangir Hussain, aged about 21 years, has filed this petition challenging the detention order dated 25.10.2025, branding him as a 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) for the respondents.



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3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 13.09.2025 and he was detained on 25.10.2025. The respondents have not satisfactorily explained the delay in passing the order of detention either in the grounds of detention or in the counter affidavit. We are of the view that in view of the delay, the live and proximate link between grounds of detention and the purpose of detention, stood snapped. In this regard, we may rely upon the judgment of the Hon'ble Supreme Court in '**Sushanta Kumar Banik Vs. State of Tripura**', reported in '**2022 SCC OnLine SC 1333**' and the relevant paragraph reads as follows:

“21. 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.”



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4. Drawing inspiration from the judgment in *Sushanta Kumar Banik's case*, a co-ordinate Bench of this Court in the case of '*Gomathi Vs. Principal Secretary to Government and Others*', reported in '*2023 SCC OnLine Mad 6332*', had held that when there is an inordinate delay from the date of arrest/date of proposal till the order of detention, the live and proximate link between the grounds and purpose of detention would stand snapped.

5. In yet another case i.e., in '*Nagaraj Vs. State of Tamil Nadu*', reported in '*(2018) 3 MWN (Cri) 428*', this Court had held that the delay of 36 days in passing the detention order after the arrest of the detenu would snap the live and proximate link between the grounds and purpose of detention. Hence, in view of the unexplained and inordinate delay in passing the order of detention, after the arrest of the detenu, the detention order in the present case, is liable to be quashed.

6. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in



HCP No. 342 of 2026

Detention Order No.841/BBCDEFGISSSV/2025, dated 25.10.2025 is set

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aside.

7.The detenu, viz., Jahir Hussain, S/o.Jahangir Hussain, aged about 21 years, now confined in Central Prison, Puzhal, Chennai, is 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.)
25-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Issue order copy today.

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HCP No. 342 of 2026

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To

1. The Secretary to Govt,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.
2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Superintendent of Prison
Central Prison, Puzhal,
Chennai - 600 066.
4. Inspector of Police
Prohibition Enforcement Wing,
Anna Nagar, Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat,
Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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HCP No. 342 of 2026

**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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HCP No. 342 of 2026

25-06-2026

Page 7 of 7