



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 381 of 2026

Rasiyabee

..Petitioner(s)

Vs

1. The State Rep. By its,
Government of Tamilnadu, rep. by its
The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The District Collector and District Magistrate,
Kanchipuram District.
3. The Superintendent of Police
District Superintendent Office,
Kanchipuram District.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
5. The Inspector of Police,
Walajabad Police Station,
Kanchipuram District.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India, seeking for issuance of a Writ of Habeas Corpus, calling for the records in Detention order passed in RC.No.867/2025/M6/D.No.37/2025 dated 26.10.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents herein



to produce the person or body of the detenu Thiru.Mohammed Rasul S/o Nawsath Sherif, M/A 23 years, now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

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For Petitioner(s): Mr.D.Padmanabhan

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

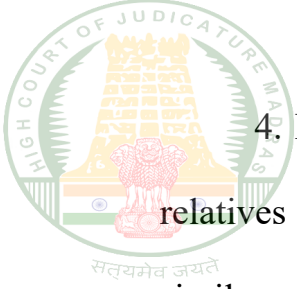
ORDER

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

The mother of detenu - Mohammed Rasul, S/o.Nawsath Sherif, aged 23 years, has filed this petition challenging the detention order dated 26.10.2025, branding him as a 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents.

3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

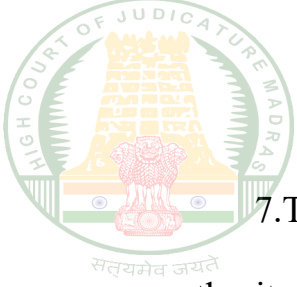


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4. In the grounds of detention, the detaining authority has stated that the relatives of the detenu are taking steps to take him out on bail and that in a similar case, the accused therein was granted bail by the Principal Special Judge, Essential Commodities & Narcotic Drugs and Psychotropic Substance Act Court, Chennai, in CrI.MP.No.4002 of 2024 on 25.04.2024.

5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, it is seen that the Special Court had granted bail under Section 167(2) Cr.P.C., since the final report was not filed within the statutory period and not on merits. Therefore, the reliance placed on the said order by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived.

6. That apart, the detaining authority has relied upon a statement said to have been made by the mother of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application in the ground case. However, we find that the statement of the mother of the detenu is unsigned. We have in HCP No. 1684 of 2025 vide order dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.



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7. Therefore, the reliance placed on the said statement by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. Thus, the inference that the detention is warranted since the detenu is likely to indulge in further criminal activities after his release on bail is based on the said wrong premise. For both the reasons, the detention order is liable to be quashed.

8. In light of the aforesaid discussions, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Rc.No.867/2025/M6/D.No.37/2025 dated 26.10.2025, is set aside.

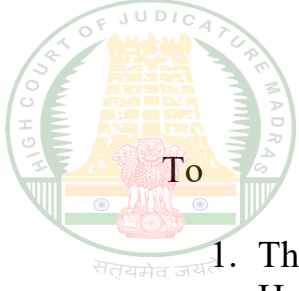
9. The detenu, viz., Mohammed Rasul, S/o.Nawsath Sherif, aged 23 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
11-06-2026

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

Note : Issue Order Copy today

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1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The District Collector and District Magistrate,
Kanchipuram District.
3. The Superintendent of Police
District Superintendent Office,
Kanchipuram District.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
5. The Inspector of Police,
Walajabad Police Station,
Kanchipuram District.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
7. The Public Prosecutor,
High Court, Madras.



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

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