



HCP No. 702 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

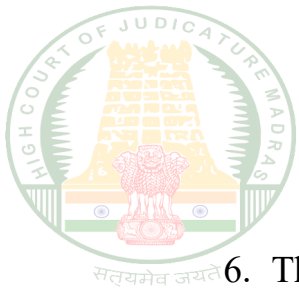
HCP No. 702 of 2026

Janaki

..Petitioner(s)

Vs

1. The Additional Secretary to Government of India
Ministry of Consumer Affairs Food and Public
Distribution
Department of Consumer Affairs,
Room No. 270,
Krishi Bhavan,
New Delhi 110 001.
2. The Principal Secretary to the Government
Food and Consumer Protection Department,
II Floor Namakkal Kavingnar Maaligai,
Secretariat,
Chennai 600 009.
3. The Commissioner of Police
Salem City, Salem District.
4. The Superintendent
Central Prison, Salem.
5. The Superintendent of Police
Salem SP Office Building,
Salem District.



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6. The Inspector of Police
CS-CID , Salem.
Cr.No. 10/2026.

..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 leading to the detention of the petitioner's son namely Vignesh S/o.Rajendran Male aged about 29 years vide detention order dt. 02.02.2026, on the file of the 3rd respondent herein made in the proceedings in C.M.P.No. 1/Black Marketer/Salem City/2026, and to quash the same and consequently direct the respondents herein to produce the detenu Vignesh S/o.Rajendran male aged about 29 years, before this Court and thereafter set him at liberty from Central Prison, Salem.

For Petitioner(s):

Ms.N.Gayathri
for Mr.R.Thamarai Selvan

For Respondent(s):

Dr. D. Simon,
Sr. Central Govt. Standing Counsel (for R1)
Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side) (for R2 to R6)

ORDER

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

The mother of detenu - Vignesh, S/o.Rajendran, aged about 29 years, has filed this petition challenging the detention order dated



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02.02.2026, branding him as a 'Black Marketeer' under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 [Central Act 7 of 1980].

2. We have heard the learned counsel for petitioner, learned Senior Central Government Standing Counsel appearing for 1st respondent and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents 2 to 6.

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.

4. In the grounds of detention, the detaining authority has stated that the detenu had filed the bail application in C.M.P.No.336 of 2026 before the learned Judicial Magistrate No.II, Salem and the same was dismissed on 28.01.2026; that his relatives are taking steps to move bail application; and that in a similar case, bail was granted to the detenu



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herein earlier, who was remanded on 21.03.2022, by the learned Judicial Magistrate No.II, Salem in C.M.P.No.219 of 2022 on 28.03.2022.

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, the detenu was granted bail because he had no previous case then and the quantity of PDS rice seized was 1500 Kgs, whereas, now, the detenu has two adverse cases and the quantity of PDS rice seized is 2500 Kgs. Therefore, the reliance placed by the detaining authority on the said order, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. Hence, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the third respondent in C.M.P.No. 1/Black Marketer/Salem City/2026 dated 02.02.2026, is set aside.



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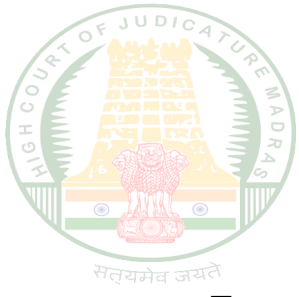
7. The detenu, viz., Vignesh, S/o. Rajendran, aged about 29 years, who is now confined in Central Prison, Salem, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
04-06-2026

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

Issue order copy today

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To

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3. The Commissioner of Police
Salem City,
Salem District.
4. The Superintendent
Central Prison,
Salem.
5. The Superintendent of Police
Salem SP Office Building,
Salem District.
6. The Inspector of Police
CS-CID ,
Salem.
7. The Joint Secretary,
Law and Order Department, Secretariat, Chennai.
8. The Public Prosecutor,
High Court, Madras.



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

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