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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

Case QR

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

H.C.P.No.1355 of 2026

CNR: {HCMA011705962026}

Nagakanni

..Petitioner(s)

Vs

1. The State Rep. by,
   The Secretary to Government,
   Home, Prohibition and Excise Department,
   Fort St.George, Chennai-9.

2. The District Magistrate and District Collector,
   Salem District.

3. The Superintendent of Police,
   Salem District.

4. The Superintendent of Police,
   Central Prison, Salem.

5. The Inspector of Police,
   Thevoor Police Station,
   Salem District.

..Respondent(s)

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a writ or order or direction particularly writ in a nature of Writ of Habeas Corpus to call for the records in C.M.P.No.24/Durg Offender/C2/2026 dated 06.07.2026 on the file of the District Magistrate and District Collector, Salem District the second respondent herein and quash the same as illegal and direct the Respondent to produce the detenu Boopathi,

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s/o.Seeni, aged about 25 years, now confined at the Central Prison, Salem, before this Court and set him at liberty.

For Petitioner(s): Ms. S.Sengkodi
For Respondent(s): Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(Made by A.D.JAGADISH CHANDIRA J.)

The petitioner, who is the wife of the detenu Boopathi, aged 25 years, s/o. Seeni, has come forward with this petition challenging the detention order passed by the second respondent in C.M.P.No.24/Drug Offender/C2/2026, dated 06.07.2026 branding the detenu as a "Drug Offender" under Section 2(e) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Learned counsel for the petitioner submitted that the detaining authority, while relying on another case stating it to be a similar case, inferred that there is a real possibility of the detenu coming out on bail. He further submitted that the similar case order relied upon by the detaining authority is the order passed by the learned Special Judge, Special Court for EC Act cases, Salem, in Crl.M.P.No.5 of 2020, dated 04.01.2020, in which the quantity of

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contraband involved was two kilograms and the petitioner therein was enlarged on statutory/mandatory bail. However, in the ground case against the detenu, the quantity of contraband involved is twelve kilograms and the investigation in the ground case was at the nascent stage on the date of passing of the detention order. Therefore, the order relied on by the detaining authority cannot be treated as one passed in a similar case. Hence, the impugned detention order is liable to be set aside.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. On a perusal of the materials available on record, it is seen that the case relied upon by the detaining authority is not similar to the case of the detenu herein. Therefore, the subjective satisfaction arrived at by the detaining authority is a mere *ipse dixit.* Further, the present case is squarely covered by the judgment of the Hon'ble Supreme Court in *Alagu vs The State of Tamil Nadu,* reported in *2026 SCC OnLine SC 976.* Therefore, we are inclined to interfere with the impugned order.

5. In the result, this Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.24/Drug Offender/C2/2026, dated 06.07.2026, passed

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by the second respondent, is set aside. The detenu, viz., Boopathi, son of Seeni, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(A.D.J.C., J.) (B.K., J.)
17-11-2026

Neutral Citation: Yes/No

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To

1. The Secretary to Government,
   Home, Prohibition and Excise Department,
   Fort St.Gorge, Chennai – 9.

2. The District Magistrate and District Collector,
   Salem District, Salem.

3. The Superintendent of Police,
   Salem District, Salem.

4. The Superintendent of Prison,
   Central Prison, Salem.

5. The Inspector of Police,
   Thevoor Police Station,
   Salem District.

6. The Public Prosecutor,
   High Court of Madras.

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A.D.JAGADISH CHANDIRA, J.
AND
B.KARTHIKEYAN, J.

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