WEB COPY

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.1377 of 2026

CNR: {HCMA011736202026}

Sujitha ..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government
   Home, Prohibition and Excise Department,
   Secretariat,
   Chennai – 600 009.

2. The Commissioner of Police
   Tambaram Police Commissionerate,
   Tambaram City,
   Chennai District.

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

4. The Inspector of Police
   T-24, Thirumudivakkam Police Station,
   Kancheepuram District. ..Respondent(s)

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus or any other Writ or order in the nature of Writ call for the records in connection with the order or detention passed by the second respondent dated 07.07.2026 in B.B.C.D.E.F.G.I..S.S.S.V.No.47/2026 against the petitioner's husband Sathish Son of Eganathan aged about 37 years who is confined at Central Prison,

https://www.mhc.tn.gov.in/judis

WEB COPY

Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Mr. A.Samson

For Respondent(s): Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

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

The petitioner, who is the mother of the detenu Sathish, male, aged 37 years, son of Eganathan, has come forward with this petition challenging the detention order passed by the second respondent in No.47/BBCDEFGISSSV/2026, dated 07.07.2026 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

https://www.mhc.tn.gov.in/judis

WEB COPY

the order passed by the Principal Special Court under the EC & NDPS Act, Chennai, in Crl.M.P.No.3988 of 2021, dated 19.01.2022. In that case, the learned Judge had granted bail to the accused therein, who had no previous case. However, so far as the detenu is concerned, he has fifteen previous cases and 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 No.47/BBCDEFGISSSV/2026, dated 07.07.2026, passed by the

https://www.mhc.tn.gov.in/judis

Order QR

WEB COPY

second respondent, is set aside. The detenu, viz., Sathish, son of Eganathan, aged about 37 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

ham

To

1. The Additional Chief Secretary to Government,
   Home, Prohibition and Excise Department,
   Secretariat,
   Chennai – 600 009.

2. The Commissioner of Police,
   Tambaram Police Commissionerate,
   Tambaram City,
   Chennai District.

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

4. The Inspector of Police
   T-24, Thirumudivakkam Police Station,
   Kancheepuram District.

5. The Public Prosecutor,
   High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

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

ham

H.C.P.No.1377 of 2026

17-11-2026

https://www.mhc.tn.gov.in/judis