



WEB COPY

HCP No. 1582 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1582 of 2025

Shifana Rosemeen
W/o.Mohammed Siddique,
No.4/20, 4th Floor, Owliya Sahib Street,
Kavitha Medicals, Ellis Road,
Triplicane, Anna Salai, Chennai-02

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central prison, Puzhal,
Chennai-66.
4. The Inspector of Police,
Law and Order,
C5, Kothavalchavadi Police Station,
Chennai.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of 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 of detention passed by the second respondent dated 20.06.2025 in Memo No.388/BCDFGISSSV/2025 against the petitioner husband namely Mohammed Siddique, male aged 35 years, S/o.Sulaiman, who is confined at Central Prison, Puzhal and set aside the same and direct the respondent to produce the detenue before the Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.S.Senthilvel

For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr. M.Sylvester John
Advocate

ORDER

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

The wife of the detenu has challenged the detention order passed against the detenu branded as a Drug Offender under Tamil Nadu Act 14 of 1982. The detaining authority has found two adverse cases against the detenu. In the ground case, the detenu was found in possession of 77.88 grams of methamphetamine and 450 grams of ganja.

2. Learned counsel for the petitioner would submit that the subjective satisfaction of the detaining authority that the detenu is likely to come out on bail is vitiated for two reasons:

Firstly, the subjective satisfaction was arrived at on the basis of an undated statement said to have been made by the relative of the detenu and secondly, the detaining authority had relied upon an order passed in



Crl.M.P.No.13461 of 2024 by the Principal Special Judge for Essential Commodities & NDPS Act cases, Chennai, and the facts in that case are not similar.

3. We had heard Mr.S.Senthilvel, learned counsel for the petitioner and Mr.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Sylvester John, learned counsel for the respondents.

4. We have perused the order passed in Crl.M.P.No.13461 of 2024 by the Principal Special Judge for Essential Commodities & NDPS Act cases, where bail was granted to an accused under the NDPS Act. In that case, bail was granted because the accused therein did not have any previous case. However, in this case, the detenu has two previous cases. Therefore, the detaining authority ought not to have relied upon the order passed in the said petition.

5. Secondly, we find that the statement of the relative is undated. We have repeatedly held that the undated statement cannot be relied upon to hold that the detenu is likely to file bail application.

6. Therefore, for both the reasons, the subjective satisfaction arrived at by the detaining authority that the detenu is likely to come out on bail and indulge in criminal activities is vitiated. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Memo No.388/BCDFGISSSV/2025 dated 20.06.2025 is hereby set aside.



7. The detenu, viz., Mohammed Siddique, S/o.Sulaiman, aged 35 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.)
11-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to issue a copy of this order today.

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To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central prison, Puzhal,
Chennai-66.
4. The Inspector of Police,
Law and Order,
C5, Kothavalchavadi Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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