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HCP No. 2544 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No.2544 of 2025

Abanti Naik
W/o Krishna Chandra Naik
Dudukabahal, Tikiri Post,
Rayagada District, Odisha State
Now residing at No.1/19, North Street
PVRSM Broiler, Marichilambu Village
Dindigul District

Petitioner

Vs

1. The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai – 600 009
2. The Commissioner of Police/Detaining Authority
Tiruppur City, Tiruppur District
3. The Superintendent
Central Prison, Coimbatore
4. State rep.by the Inspector of Police
PEW - Tiruppur City, Tiruppur District

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the 2nd respondent dated 13.06.2025 in C.No.38/D.O/IS/TIRUPPUR CITY/2025 against the petitioner's husband Krishna Chandra Naik, M/41 years, son of Gurunath Naik, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the



respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner: Mr.A.Saranraj
For Respondents: Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER
(Order of the Court was made by P.Velmurugan J.)

The petitioner, who is the wife of the detenu, viz., Krishna Chandra Naik, S/o Gurunath Naik, aged 41 years, now confined at Central Prison, Coimbatore, has come forward with this petition challenging the detention order passed by the second respondent in proceedings C.No.38/D.O/IS/Tiruppur City/2025 dated 13.06.2025.

2. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

3. We have perused the detention order passed by the second respondent. In paragraph-5 of the grounds of detention, the detaining authority has clearly stated that the detenu is in remand in Tiruppur City Prohibition Enforcement Wing Crime No.166/2025 and he has not moved any bail application in the ground case till the date of passing of the detention order. However, the detaining authority has inferred that the relatives of the detenu are taking efforts



to obtain bail in the ground case before the appropriate Court and therefore there is a real possibility of the detenu coming out on bail in the ground case.

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4. It is seen that the detenu has been arrested in the ground case pertaining to Crime No.166/2025 for the offence under Section 8(c) read with 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 on 19.05.2025 and he has been lodged in the prison as a remand prisoner. When the detenu did not move any bail application in the ground case, the subjective satisfaction arrived at by the detaining authority that there is a possibility of the detenu coming out on bail in the ground case, suffers from total non-application of mind on the part of the detaining authority. Further, this Court also finds that the detenu is a native of Orissa State and the translated version of the documents contained in volumes 1 & 2 were not supplied to the detenu, which has prevented the detenu from making an effective representation to the authorities against the order of detention. On these grounds, the impugned detention order is liable to be interfered with by this Court.

5. In view of the above, this habeas corpus petition is allowed and the impugned detention order made in proceedings C.No.38/D.O/IS/Tiruppur City/2025 dated 13.06.2025 on the file of the second respondent, is set aside. The detenu, namely, Thiru.Krishna Chandra Naik, S/o Gurunath Naik, aged about 41 years, is directed to be set at liberty forthwith, unless his custody is



required in connection with any other case.

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(P.VELMURUGAN J.) (M.JOTHIRAMAN J.)
16-02-2026

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

SS



To

1. The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai – 600 009
2. The Commissioner of Police/Detaining Authority
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3. The Superintendent
Central Prison, Coimbatore
4. The Inspector of Police
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5. The Public Prosecutor
High Court, Madras



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