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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2026

CORAM

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

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

HCP.No.1459 of 2026

CNR: {HCMA011883742026}

Shakila

..Petitioner(s)

Vs.

1. State of Tamil Nadu rep. by,
   The Additional Chief Secretary,
   Home, Prohibition & Excise Department,
   Chennai – 600 009.

2. The Commissioner of Police,
   Office of Commissioner of Police,
   Avadi City – 600 054.

3. The Superintendent,
   Central Prisons,
   Puzhal, Chennai – 600 066.

4. The Inspector of Police,
   T-7 Tank Factory Police Station,
   Tiruvallur District – 600 062.

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, calling for the records relating to the detention order in No.213/TNPD/APC/2026 dated 20.07.2026 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982, quash the same and to consequently, direct the respondents to produce the detenu, Vishnukumar, aged 25 years, S/o. Muthukochadai, who is presently confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

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For Petitioner(s) : Mr.P.Santhosh

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

ORDER

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

The petitioner is the wife of the detenu, viz., Vishnukumar, son of Muthukochadai, aged about 25 years. The detenu has been detained by the second respondent by his order in No.213/TNPD/APC/2026, dated 20.07.2026, holding him to be a "Drug Offender" as contemplated under Section 2(e) of the Tamil Nadu Preventive Detention Act,1982 (Tamil Nadu Act 14 of 1982). The said order is under challenge in this habeas corpus petition.

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 order relied upon by the detaining authority is the order dated 04.06.2021 passed in Crl.M.P.No.1414 of 2021 in respect of Crime No.134 of 2021, by the learned Principal Special Judge, Principal Special Court under Essential Commodities & Narcotic Drugs and Psychotropic Substances Act, Chennai. In that case, the accused therein was granted bail since he has got no previous case, whereas, as far as the case of the detenu herein is concerned, he

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has two previous cases. Therefore, it cannot be taken as a similar case. He further submitted that the petitioner has three children, the youngest of whom is only three months old and that the petitioner was in the advanced stage of pregnancy at the time of her husband's arrest, and gave birth to their third child only after the detenu was taken into custody and that there is no one else to support or care for the petitioner and her children. On these humanitarian grounds, alongside the legal merits, he prayed for the impugned detention order 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 to infer that there is a real possibility of the detenu coming out on bail, 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.

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5. In the result, this Habeas Corpus Petition stands **allowed** and the order of detention in No.213/TNPD/APC/2026, dated 20.07.2026, passed by the second respondent, is set aside. The detenu, viz., Vishnukumar, son of Muthukochadai, 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.)
30.10.2026

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Neutral Citation: Yes/No

To:

1. The Additional Chief Secretary,
Home, Prohibition & Excise Department,
Chennai – 600 009.

2. The Commissioner of Police,
Office of Commissioner of Police,
Avadi City – 600 054.

3. The Superintendent,
Central Prisons,
Puzhal, Chennai – 600 066.

4. The Inspector of Police,
T-7 Tank Factory Police Station,
Tiruvallur District – 600 062.

5. The Public Prosecutor,
Madras High Court.

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

skt

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