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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.1560 of 2026

CNR: {HCMA011974742026}

Muthulakshmi ..Petitioner(s)

Vs

1. The State of Tamil Nadu,
   Rep. by its Additional Chief Secretary to Government,
   Home, Prohibition and Excise Department,
   Fort St. George, Chennai – 600 009.

2. The Commissioner of Police,
   Greater Chennai,
   Vepery, Chennai.

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

4. The Inspector of Police,
   Prohibition Enforcement Wing,
   Anna Nagar, Chennai. ..Respondent(s)

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records of pertaining to the order of detention dated on 30.07.2026 passed by the 2nd respondent in No.364/BBCDEFGISSSV/2026 and quash the same as illegal and direct the respondent to produce the detenu Mahaan S/o. Raj, Male, aged about 54 years,

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now confined at central Prison-II, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner(s): Mr. S.Senthil Kumar

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 Mahaan, male, aged 54 years, son of Raj, has come forward with this petition challenging the detention order passed by the second respondent in No.364/BBCDEFGISSSV/2026, dated 30.07.2026 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 Principal Special Judge, Principal Special Court

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under the EC & NDPS Act, Chennai, in Cr.M.P.No.1414 of 2021, dated 04.06.2021. In that case, the learned Special Judge had granted bail to the accused therein, who had no previous case. However, so far as the detenu is concerned, he has one adverse case 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.364/BBCDEFGISSSV/2026, dated 30.07.2026, passed by the second respondent, is set aside. The detenu, viz., Mahaan, son of Raj, aged

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about 54 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 Additional Chief Secretary to Government,
   Home, Prohibition and Excise Department,
   Fort St. George, Chennai – 600 009.

2. The Commissioner of Police,
   Greater Chennai,
   Vepery, Chennai.

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

4. The Inspector of Police,
   Prohibition Enforcement Wing,
   Anna Nagar, Chennai.

5. The Public Prosecutor,
   High Court of Madras.

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

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