



HCP No. 333 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 333 of 2026

Mr.Ranjith Naik

..Petitioner(s)

Vs

1. The State of Tamilnadu Rep. by its
Secretary to the Government,
Home, Prohibition and Excise Department,
secretariat, Fort St.George, Chennai - 600 009.
2. The District Magistrate and District Collector
Office of the District Collector and District
Magistrate, Namakkal,
Namakkal - 637 001.
3. The Superintendent of Police,
Namakkal Police,
Namakkal.
4. The Superintendent,
Central Prison,
Salem District - 636 007.
(custodial authority)
5. The Inspector of Police,
Veppadai Police Station,
Namakkal.

..Respondent(s)



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records relating to the order of detention passed by the second respondent vide detention order dated 27.06.2025 in C.M.P.No.62/Drug Offender/2025/M1, duly served against the petitioner's son Jayaram Naik, S/o.Ranjith Naik, male aged about 30 years and quash the same as illegal and consequently direct the respondents herein to produce the detenu Jayaram Naik now confined in Central Prison, Salem District, before this Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.Dhruva
for Mr.M.Jaurudeen

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

ORDER

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

The father of the detenu - Jayaram Naik, S/o.Ranjith Naik, aged about 30 years, has filed this petition challenging the detention order dated 27.06.2025, branding him as a 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. It is stated in the grounds of detention that the detenu was involved in an offence under the NDPS Act and a case was registered in Cr.No.96 of 2025 for the offences under Section 8(c) and 20(b)(ii)(B) of the NDPS Act for possession of 4.850 Kgs of ganja.

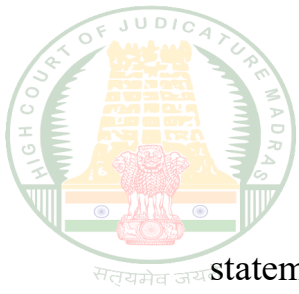


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3. The learned counsel for the petitioner would submit that the impugned order of detention was passed only to defeat the bail order dated 15.07.2025 granted to the detenu; that the passing of the detention order was not informed to the Court, which passed the bail order; that since the detenu is from Odisha and was not conversant with Tamil, he had signed in certain documents; and that in any case, the detention order and the grounds of detention was not served on 27.06.2025 as claimed by the respondents. He would further submit that many of the documents supplied to the detenu are in Tamil and have not been translated in Hindi.

4. Heard the learned Additional Public Prosecutor who was unable to justify the non-supply of certain vital documents in the language known to the detenu viz., Hindi.

5. We are of the view that the impugned detention order is liable to be quashed for more than one reason. We find from the booklet furnished to the detenu that many of the documents which are in Tamil and English, have not been translated in the language known to the detenu, which is Hindi. They are the FIR, confession statement, seizure mahazar,

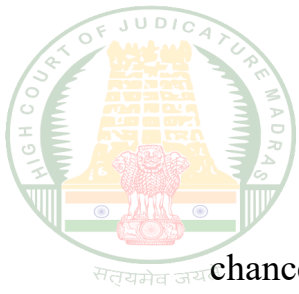


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statement of witnesses, FSL Report and the remand report in the ground case. Some of the documents supplied to the detenu have been translated in Hindi and the translated copy of the detention order has also been furnished to the detenu. We are unable to understand why the detaining authority was selective in furnishing the translated copy of the documents. In any case, we are of the view that the non-furnishing of the translated documents has deprived the detenu of his right to make effective representation.

6. In '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', the Hon'ble Supreme Court, after discussing the safeguards embodied in Article 22[5] of the Constitution, observed that the detenu should be afforded an opportunity of making representation effectively against the Detention Order and hence, the supply of every material relied upon by the detaining authority in the language which can be understood by the detenu, is imperative.

7. Secondly, the detaining authority in the grounds of detention has observed that the detenu has not filed a bail application and there are fair



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chances of either himself or his relatives to move a bail application. The above observation of the detaining authority is not supported by any material. Neither the detenu nor any of his relatives have expressed their inclination to file bail application. Therefore, the subjective satisfaction of the detaining authority that the detenu would file a bail application and indulge in further criminal activities, if he comes out on bail, is his mere *ipsi dixit*. The detention order is liable to be quashed on this ground also.

8. In this case, we are constrained to record our displeasure against the authorities concerned for passing the detention order. The detenu had no adverse cases against him. The detenu was found in possession of an intermediate quantity of ganja in the solitary ground case and could have been dealt with under ordinary criminal law. The detention order has been passed in a mechanical fashion. We have repeatedly reminded the authorities that the detention order is not meant to be punitive. There was absolutely no basis for the detaining authority to hold that the detenu herein had the propensity to commit similar crimes, warranting the invocation of the detention law.



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9. For all the above reasons, the impugned detention order cannot be sustained. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.62/Drug Offender/2025(M1) dated 27.06.2025 is set aside.

10. The detenu, viz., Jayaram Naik, S/o.Ranjith Naik, aged about 30 years, who is now confined in Central Prison, Salem, 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.)
29-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue order today.

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To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The District Magistrate and District Collector
Office of the District Collector and District Magistrate,
Namakkal, Namakkal - 637 001.
3. The Superintendent of Police,
Namakkal Police, Namakkal.
4. The Superintendent ,
Central Prison, Salem District - 636 007.
5. The Inspector of Police,
Veppadai Police Station, Namakkal.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
7. The Public Prosecutor,
High Court, Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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