



WEB COPY



H.C.P.No.1756 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No. 1756 of 2025

Dhatchnamoorthi, M/60,
S/o. Deepanjam,
No.1/205, Melandai Street,
Siruvakkam, Kanchipuram District.

.. Petitioner

vs

- 1.The Addl. Chief Secretary to the Government,
Home Prohibition & Excise (XVI) Department,
Secretariat, Chennai 600 009.
- 2.The District Collector and District Magistrate
Kanchipuar District, Kanchipuar.
- 3.The Superintendent of Police,
O/o. Superintendent of Police, Kanchipuram District.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore, Cuddalore District.
- 5.The Inspector of Police,
Ponnerikarai Police Station, Kanchipuram District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue to writ of habeas corpus to call for the entire records connected with the detention order in Rc.No.691/2025/M6, D.No.30/2025 on 14.08.2025 on the file of the 2nd respondent and quash the same and



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direct the respondents to produce the petitioner's son Manikandan, S/o. Dhatchanamoorthi, aged 28 years, now confined at Central Prison, Puzhal, before this Court and set him at liberty.

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

ORDER
(Made by SUNDER MOHAN, J.)

The father of the detenu one Manikandan has filed this writ petition challenging the detention order dated 14.08.2025 passed against his son and branding him as Drug Offender under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act).

2.The learned counsel for the petitioner would submit that the detenu had not filed any bail application and that the detaining authority had relied upon an order passed in CrI.M.P.No.3109 of 2021 to conclude that the detenu is likely to be released on bail; that the said facts in that case are not similar; and that consequently, the conclusion of the detaining authority that the detenu is likely to file a bail application and be released on bail, suffers from non-application of mind.

3.Heard the learned Additional Public Prosecutor.

4.It is seen from the grounds of detention that the detaining authority had relied upon an order passed in CrI.M.P.No.3109 of 2021



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dated 29.10.2025 to conclude that the detenu is likely to be released on bail, when he moves a bail application. However, the facts of that case are not similar to the facts in the instant case. The detenu has two previous cases under the NDPS Act whereas the accused in CrI.M.P.No.3109 of 2021 had no previous cases. Therefore, this Court is of the view that the satisfaction of the detaining authority that the detenu likely to be released on bail by placing reliance on the said order is misconceived. Since the order suffers from non-application of mind, we are inclined to set aside the impugned order.

5. In light of the aforesaid, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Rc.No.691/2025/M6, D.No.30/2025 dated 14.08.2025 is set aside.

6.The detenu, viz., Manikandan, S/o. Dhatchanamoorthi, aged 28 years, now confined in Central Prison, Puzhal, Chennai – 600 066, is 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.]
17.03.2026

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No
vs
Note to Registry : Issue Today.



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To

- 1.The Addl. Chief Secretary to the Government,
Home Prohibition & Excise (XVI) Department,
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- 2.The District Collector and District Magistrate
Kanchipuarm District, Kanchipuarm.
- 3.The Superintendent of Police,
O/o. Superintendent of Police, Kanchipuram District.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore, Cuddalore District.
- 5.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 6.The Inspector of Police,
Ponnerikarai Police Station, Kanchipuram District.
- 7.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
- 8.The Public Prosecutor,
High Court, Madras.



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DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

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