



WEB COPY

HCP No. 1818 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1818 of 2025

Mohammed Aashiq
S/o. Mydeen, No.101, Arulvelan Nagar,
Choolai, Erode-638004.

..Petitioner(s)

Vs

1. The State of Tamil Nadu rep by the Additional
Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police
Greater Chennai, Chennai-600007.
3. The Superintendent of Prisons,
Central Prison,
Puzhal-II, Chennai-600066.
4. The Inspector of Police,
Prohibition Enforcement Wing,
Anna Nagar,
Chennai-600039.

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of Constitution of India for issuance of a Writ of habeas Corpus to call for the entire records from the 2nd respondent in connection with order No.569/BBCDEFGISSSV/2025 dated 21.08.2025 and quash the same and produce the petitioner's brother namely, Yasar Arafat, S/o. Mydeen, aged 33 years, now confined in Central Prison, Puzhal, Chennai under the Tamil Nadu 14 of 1982 as Drug Offender before this Hon'ble Court and set him at liberty.



For Petitioner(s): Mr. C.Raghavan
for Ms.S.Nadhiya

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 brother of the detenu has filed this petition challenging order of detention dated 21.08.2025 passed against one Yasar Arafat, branding him as a 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 impugned order cannot be sustained for multiple reasons; that the document in pages 47 and 50 relied upon by the detaining authority, is illegible; that the detenu has not filed any bail application; that the detaining authority has relied upon an order passed in CrI.M.P.No.1414 of 2021 to conclude that the detenu is likely to be released on bail; that the said facts in the said case are not similar; that the detention order suffers from non-application of mind; and hence, prayed for quashing of the detention order.

3.Heard the learned Additional Public Prosecutor.

4.We find from the booklet furnished to the detenu that pages 47 and 50 are illegible. The non-furnishing of a legible copy of a document relied upon



by the detaining authority, has deprived the detenu of his valuable right to make an effective representation. Further, we find that the facts in the case relied upon by the detaining authority in CrI.M.P.No.1414 of 2021 are not similar inasmuch as the accused in that case had no previous cases. In the present case, the detenu has one previous case. That apart, there is no material to show that the detenu was likely to move a bail application. Therefore the conclusion of the detaining authority that the detenu is likely to file a bail application is without any basis and suffers from non-application of mind. For all the above reasons, the impugned order is liable to be set aside.

5. In light of the aforesaid, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.569/BBCDEFGISSSV/2025 dated 21.08.2025 is set aside.

6.The detenu, viz., Yasar Arafat, S/o. Mydeen, aged 33 years, now confined in Central Prison, Puzhal, Chennai, 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

vs

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to issue a copy of this order today. (i.e., 17.03.2026)



DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

VS

To

1. The Additional Chief Secretary to Government
State of Tamil Nadu
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police
Greater Chennai, Chennai-600007.
3. The Superintendent of Prisons,
Central Prison, Puzhal-II, Chennai-600066.
4. The Inspector of Police,
Prohibition Enforcement Wing,
Anna Nagar, Chennai-600039.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.

HCP No. 1818 of 2025

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