



HCP No. 1865 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1865 of 2025

Rishika

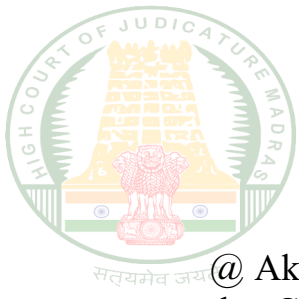
..Petitioner(s)

Vs

1. The State Of Tamilnadu Rep By Its, The
Principal Secretary,
Home Prohibition and Excise Department,
Secretariat Complex,
Chennai-600 009.
2. The Commissioner Of Police,
Office of the Commissioner of Police,
Greater Chennai-600 007.
3. The Superintendent Of Prison,
Central Prison, Puzhal,
Chennai-600 066.
4. The Inspector Of Police,
K-6, T.P.Chatram Police Station,
Chennai District.

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order in No.603/BBCDEFGISSSV/2025 Dated 26.08.2025 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and quash the same and direct the respondents to produce the Detenu Akash



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@ Akash Ebinezar, aged 32 years, S/o.Velu, who is presently confined in the Central Prison Puzhal, Chennai before this Court and set him at liberty.

For Petitioner(s): Mr.P.Raj Kumar Pandian,
for Mr.S.Santhosh

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 wife of detenu - Akash @ Akash Ebinezar, S/o.Velu, aged 27 years, has filed this petition challenging the detention order dated 26.08.2025, branding him as 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 22.07.2025 and he was detained on 26.08.2025. Neither in the grounds of detention nor in the counter affidavit filed by the 2nd respondent, any satisfactory explanation has been

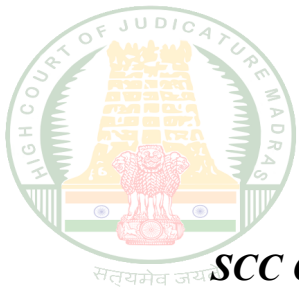


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given for the delay in passing the order of detention. We are of the view that in view of the delay, the live and proximate link between grounds of detention and the purpose of detention, stood snapped. In this regard, we may rely upon the judgment of the Hon'ble Supreme Court in '**Sushanta Kumar Banik Vs. State of Tripura**', reported in '**2022 SCC OnLine SC 1333**' and the relevant paragraph reads as follows:

“21. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case.”

4. Drawing inspiration from the judgment in **Sushanta Kumar Banik's case**, a co-ordinate Bench of this Court in the case of '**Gomathi Vs. Principal Secretary to Government and Others**', reported in '**2023**



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SCC OnLine Mad 6332', had held that when there is an inordinate delay from the date of arrest/date of proposal till the order of detention, the live and proximate link between them would also stand snapped and thereby, had quashed the detention order on this ground.

5. In yet another case i.e., in '**Nagaraj Vs. State of Tamil Nadu**', reported in '**(2018) 3 MWN (Cri) 428**', this Court had held that the delay of 36 days in passing the detention order after the arrest of the detenu would snap the live and proximate link between the grounds and purpose of detention. Hence, in view of the unexplained and inordinate delay in passing the order of detention, after the arrest of the detenu, the detention order in the present case, is liable to be quashed.

6. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order No.603/BBCDEFGISSSV/2025, dated 26.08.2025 is set aside.



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7.The detenu, viz., Akash @ Akash Ebinezar, S/o.Velu, aged 27 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.)
21-04-2026

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

Note to office:
Issue order today

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

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To

1. The Principal Secretary,
The State of Tamilnadu,
Home Prohibition and Excise Department,
Secretariat Complex, Chennai-600 009.
2. The Commissioner Of Police,
Office of the Commissioner of Police,
Greater Chennai-600 007.
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Chennai District.
5. The Public Prosecutor,
High Court Madras.

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