



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1906 of 2025

M.Seetha, Female, Aged 50 years,
C/o. Shanmugasundaram,
No.133, Veerappampalayam,
Nanthagoundenpalayam,
Myllamparapu, Modakurichi Taluk,
Erode District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu, Rep. By its Additional
Chief Secretary to the Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009
2. The District Collector and District Magistrate
Erode District, Erode.
3. The Superintendent of Police,
Erode District, Erode.
4. The Inspector of Police,
Prohibition Enforcement Wing Police Station,
Gobichettipalayam, Erode District.
5. The Superintendent,
Central Prison, Coimbatore.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India for
issuance of writ of Habeas Corpus calling upon the production of the records



relating to the detention order dated 26.08.2025 made in detention order in Cr.M.P.No.49/Drug Offender/2025 C1 passed by the 2nd respondent herein quash the same and direct the respondents to produce the person of the detenu Raghuram Gandhi, Son of Shanmugasundaram, aged 21 years, who has been detained in Central Prison, Coimbatore, before this Court and set at liberty.

For Petitioner(s): Mr.C.Venkatesan
for Mr.R.Muruga Bharathi

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

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

One Raghuram Gandhi has been branded as a drug offender under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 and has suffered a detention order dated 26.08.2025. Prior thereto he was arrested on 29.07.2025. His wife has approached this Court by way of the present petition.

2. Learned counsel for the petitioner would submit that the impugned order suffers from various legal anomalous and infirmities. He would draw our attention to the fact that the Special Report of the Police authorities on the basis of which the detaining authority has recorded subjective satisfaction that he may be enlarged on bail, is not even dated.

3.Mr.R.Muniyapparaj, learned Additional Public Prosecutor really has no defence in regard to this argument, as the document placed at page 47 of the booklet is indeed undated.



4. We have perused the impugned order of detention and find that at para 6 thereof (internal page 4) the authority proceeds on the basis that there is ‘a real possibility’ of the detenu being granted bail, if he files a bail petition. The fact of the matter is that he has not moved the bail petition thus far.

5. The statement of the Inspector in the Special Report is thus bereft of any material to indicate that a bail petition would be moved. Further, there is no other material brought on record by the detaining authority to substantiate the statement, and hence the subjective satisfaction recorded stands vitiated.

6. This Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Cr.M.P.No. 49/Drug Offender/2025 C1, dated 26.08.2025 is set aside.

7. The detenu, viz., Raghuram Gandhi, S/o. Shanmugasundharam, aged 21 years, now confined in Central Prison, Coimbatore, 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.)
23-03-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
vs



To

1. The Additional Chief Secretary to the Government
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
2. The District Collector and District Magistrate Erode District, Erode.
3. The Superintendent of Police,
Erode District, Erode.
4. The Inspector of Police, Prohibition Enforcement Wing Police Station,
Gobichettipalayam, Erode District.
5. The Superintendent,
Central Prison, Coimbatore.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
7. The Public Prosecutor,
High Court, Madras.



WEB COPY

HCP No. 1906 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

VS

HCP No. 1906 of 2025

23-03-2026