



WEB COPY



HCP No. 2008 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-03-2026**

CORAM

**THE HON'BLE DR.JUSTICE ANITA SUMANTH**

**AND**

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**HCP No. 2008 of 2025**

Sharmila

..Petitioner(s)

Vs

1.The Additional Chief Secretary to Government  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai-600 009.

2.The Commissioner of Police  
Greater Chennai.

3.The Superintendent of Prison  
Central Prison, Puzhal,  
Chennai-66.

4.The Inspector of Police Law and Order  
G-7, Chetpet Police Station, Chennai.

..Respondent(s)

**Prayer:** Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 22.08.2025 in No.587/BBCDEFGISSSV/2025 against the petitioner husband namely Stalin, Male aged 38 years, S/o. Irudayaraj,



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who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detainee before this Court and set him at liberty.

|                    |                                                                                             |
|--------------------|---------------------------------------------------------------------------------------------|
| For Petitioner(s): | Mr.M.Mohamed Saifulla,<br>for Ms.R.Subadra Devi                                             |
| For Respondent(s): | Mr. R. Muniyapparaj<br>Additional Public Prosecutor<br>assisted By<br>Mr. M. Sylvester John |

### **ORDER**

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

The wife of the detenu-Stalin, branded as 'Drug Offender' under Section 2(e) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 22.08.2025.

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

3. It is seen from the grounds of detention that the detaining authority has relied upon an order passed in CrI.MP.No.5272 of 2023 by the learned Principal Special Judge for EC and NDPS Act Cases,



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Chennai-104 to arrive at a conclusion that the detenu is likely to be released on bail by filing the bail application.

4. In the ground case, the offence alleged against the detenue is under Section 8(c) r/w 20(b)(ii)(B) of the NDPS Act r/w 123 BNS. In the order relied upon by the detaining authority, it is seen that the Special Court had granted bail under Section 167(2) Cr.P.C., since the final report was not filed within the statutory period and not on merits. Therefore, the reliance placed on the said order by the detaining authority for arriving at a conclusion that there is a real possibility of the detenu coming out on bail suffers from non-application of mind. Therefore, the impugned order is liable to be set aside on that sole ground.

5. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in **No.587/BBCDEFGISSSV/2025**, dated **22.08.2025** is set aside.

6. The detenu, viz., Stalin, S/o. Irudayaraj, aged 38 years, now confined in **Central Prison, Puzhal, Chennai**, is directed to be set at



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liberty forthwith, unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)  
24-03-2026

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

ars

To

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Secretariat,  
Chennai-600 009.

2. The Commissioner of Police  
Greater Chennai.

3. The Superintendent of Prison  
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4. The Inspector of Police Law and Order  
G-7, Chetpet Police Station, Chennai.

5. The Public Prosecutor,  
High Court, Madras.



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SUNDER MOHAN, J.**

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