



WEB COPY



HCP No.1970 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1970 of 2025

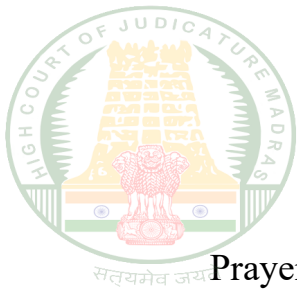
Murugan

...Petitioner/Son of the
detenue

Vs

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.
2. District Collector and District Magistrate,
Tirupathur District.
3. The Superintendent of Police
Tirupathur District.
4. The Superintendent of Prison,
Special Prison for Women,
Vellore.
5. The Inspector of Police,
Vaniyambadi Taluk Police Station,
Tirupathur District.

...Respondents



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in Connection with the order of Detention passed by the second respondent dated 12.09.2025 in C3/D.O.No.30/2025 against the petitioner's mother Rani, Female aged 57 years W/o. Sivalingam, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set her at liberty.

For Petitioner: Mr.D.Balaji

For Respondents: Mr. R.Muniyapparaj,
Additional Public Prosecutor,
Assisted By
Mr.M.Sylvester John

ORDER

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

The son of the detenu – Rani, W/o. Sivalingam, aged 57 years, has filed this petition challenging the detention order dated 12.09.2025, branding her as 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. The learned counsel for the petitioner would submit that the impugned order of detention is liable to be quashed on the sole ground



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that the detaining authority's satisfaction as regards the real possibility of the detenu coming out on bail, suffers from non-application of mind, as the facts in the order relied upon by him are not similar to the instant case.

3. The learned Additional Public Prosecutor would fairly concede that the facts are not similar.

4. It is seen from paragraph No.8 of the grounds of detention that the detenu has moved the bail application in Crl.M.P.No.710 of 2025 before the Additional District Judge and Special Court under Essential Commodities and Narcotic Drugs and Psychotropic Substances Act, 1985 Cases, Salem. The detaining authority had relied upon an order passed by the learned Special Judge for EC/NDPS Act cases, Salem in Crl.MP.No.964 of 2023 to observe that the detenu is likely to be released on bail. It is seen from that order that the accused therein had no previous case, whereas, there is one adverse case pending against the detenu. The facts are not similar. Therefore, we are of the view that the reliance placed upon the said order by the detaining authority, to conclude that



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there is a real possibility of the detenu coming out on bail and that she would indulge in similar activities, suffers from non-application of mind.

Hence, the detention order is liable to be quashed.

5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C3/D.O.No.30/2025 dated 12.09.2025 is quashed.

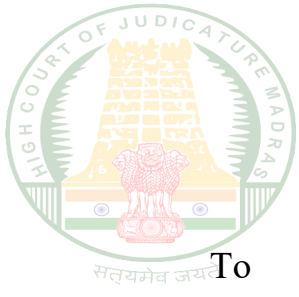
6. The detenu, viz., Rani, W/o. Sivalingam, aged 57 years, who is now confined in Special Prison for Women, Vellore, is hereby directed to be set at liberty forthwith unless her presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
27-04-2026

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

Note: Issue Order Today.

dk



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Tirupathur District.
 6. The Public Prosecutor,
High Court, Madras.



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

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