



WEB COPY



HCP No. 2018 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. 2018 of 2025

Murugan

..Petitioner(s)

Vs

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

2.The Commissioner Of Police,
Office of the Commissioner of Police,
Chennai.

3.The Inspector Of Police,
H-8, Thirivottriyur Police Station, Chennai
District.

4.The Superintendent Of Prison,
Central Prison, Puzhal, Chennai.

..Respondent(s)

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other appropriate Writ, to call for the records in connection with the order of detention passed by the second respondent dated 05.08.2025 in No.535/BBCDEFGISSSV/2025 against the petitioner's Son Santhosh S/o.Murugan aged about 24 years, who is confined at Central Prison,



HCP No. 2018 of 2025

Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Mr.A.Saranraj
for Mr.S.Azhalguvel
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 father of the detenu-Santhosh, 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 05.08.2025.

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



HCP No. 2018 of 2025

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

4. It is seen from paragraph No.4 of the grounds of detention that the detenu's bail application was pending consideration before the learned Principal Special Judge for EC and NDPS Act cases in CrI.MP.No.5069 of 2025. The detaining authority had relied upon an order passed by this Court in CrI.OP.No.18043 of 2024 to observe that the detenu is likely to be released on bail. It is seen from that order that the bail was granted since the accused therein had only one previous case, whereas, even according to the prosecution, apart from the four adverse cases referred in the grounds of detention, there are two other cases pending against the detenu. Therefore, we are of the view that the reliance placed upon the said order passed by this Court to conclude that there is a real possibility of the detenu coming out on bail and that he would indulge in similar activities, suffers from non-application of mind and hence, we are inclined to quash the detention order.



HCP No. 2018 of 2025

5. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.535/BBCDEFGISSSV/2025, dated 05.08.2025 is set aside.

6. The detenu, viz., Santhosh, S/o. Murugan, aged 24 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.)
24-03-2026

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

ars

To

1. The Additional Chief Secretary To Government,
Home Prohibition and Excise Department,
Secretary, Chennai-600 009.
2. The Commissioner Of Police,
Office of the Commissioner of Police, Chennai.
3. The Inspector Of Police,
H-8, Thirivottriyur Police Station, Chennai District.



HCP No. 2018 of 2025

4. The Superintendent Of Prison,
Central Prison, Puzhal, Chennai.

5. The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP No. 2018 of 2025

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

ars

HCP No. 2018 of 2025

24-03-2026

Page6 of 6