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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. 2042 of 2025

A.Preetha
W/o Arunkumar,
No.2/3, Gurusamy Nagar,
1st Street,
Pulianthope,
Chennai-600 012.

..Petitioner(s)

Vs

1. State of Tamil Nadu
Rep. By the Additional Chief Secretary to
Government,
Home, Prohibition and Excise Department,
Fort.St.George,
Chennai – 600009.
2. The Commissioner of Police
Greater Chennai,
Office of the The Commissioner of Police
(Goondas Section),
Greater Chennai, Chennai.
3. The Superintendent of Prison
Central Prison,
Puzhal,
Chennai District.
4. The Inspector Of Police
P-4, Basin Bridge Police Station,



Chennai.

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..Respondent(s)

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Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ, order or direction in the nature of a Habeas Corpus to call for the records relating to the Detention order vide Memo No.543/BBCDEFGISSSV/2025 dated 07.08.2025 passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's husband namely Arunkumar son of Narayanasamy, aged above 28 years, (Who is presently under going detention in the Central Prison, Puzhal, Chennai) before this Honourable Court may at liberty.

For Petitioner(s): Mr.R.Rajadurai

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.)

We have heard Mr.R.Rajadurai, learned counsel for the petitioner and Mr.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Sylvester John, learned counsel for the respondents.

2. The challenge is to an order of detention dated 07.08.2025, whereunder the detenu Arunkumar, male aged 28 years, S/o.Narayanasamy, has been branded as a Drug Offender in terms of Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) (in short 'Act').



3. Though the learned counsel for the petitioner points out several lacunae and infirmities in the impugned order of detention, what appeals to us is the fact that the comparative case cited by the detaining authority in the grounds of detention in support of the impugned order of detention is really not comparable at all.

4. The authority has relied on the bail granted in CrI.M.P.No.5272 of 2023 in Cr.No.123 of 2023. However, on a perusal of that order placed in the booklet, we find that bail in that case was granted on account of the accused having been in custody for 63 days as on the date of order. Since the investigation had not yet been completed and no charge sheet had been filed, the accused in that case had been released on bail, which is not the fact in the present case.

5. Hence, we do not find that the two cases are comparable and the subjective satisfaction recorded by the authority, based on which the impugned order has been passed stands vitiated and suffers from non-application of mind.

6. This Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.543/BBCDEFGISSSV/2025 dated 07.08.2025 is set aside.

7. The detenu, viz., Arunkumar, S/o.Narayanasamy, male aged 28 years, who is 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.

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

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

To

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort.St.George,
Chennai – 600009.
2. The Commissioner of Police
Greater Chennai,
Office of the The Commissioner of Police (Goondas Section),
Greater Chennai, Chennai.
3. The Superintendent of Prison
Central Prison,
Puzhal,
Chennai District.
4. The Inspector Of Police
P-4, Basin Bridge Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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