



WEB COPY



HCP No. 2119 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2119 of 2025

Asan Meera

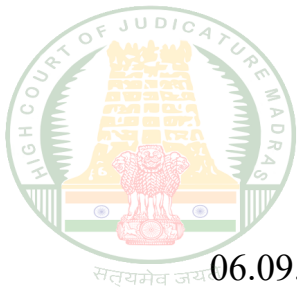
..Petitioner(s)

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The District Magistrate Cum District Collector
Salem District.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
PEW, Steel Plant Police Station,
Salem District.
5. The Superintendent of Police
Salem District.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records, relating to the Impugned detention order passed by the 2nd respondent in his proceedings in C.M.P.No.18/BOOTLEGGERS/C2/2025, dated



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06.09.2025 and quash the same as illegal and consequently direct the respondents to produce the detenu namely Fakkeer Moideen S/o. Ahamed Shah, aged about 54 years, before this Hon'ble Court and set him at liberty from the detention, now the detenu is detained at Central Prison, Salem.

For Petitioner(s): Mr.R.Prabudoss

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 wife of the detenu – Fakkeer Moideen S/o. Ahamed Shah, aged 54 years, has filed this petition challenging the detention order dated 06.09.2025, branding him as 'Bootlegger' under Section 2(b) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

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



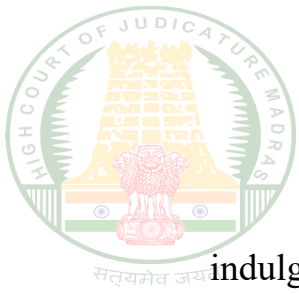
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3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. In the grounds of detention, the detaining authority has stated that the detenu had not filed any bail application and that it is learnt that his relative is taking steps to take him out on bail.

5. We find from the statement of the relative that it is not signed. Further, there is no reference to the case in which the relative intends to take steps to file the bail application. In any case, in HCP No. 1684 of 2025, vide order dated 01.04.2026, we have held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

6. Therefore, the reliance placed on the said statement by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. Thus, the inference that the detention is warranted since the detenu is likely to



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indulge in further criminal activities after his release on bail is based on the said wrong premise. Hence, the detention order is liable to be quashed.

7.In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order C.M.P.No.18/BOOTLEGGERS/C2/2025, dated 06.09.2025 is set aside.

8.The detenu, viz., Fakkeer Moideen S/o. Ahamed Shah, aged 54 years, now confined in Central Prison, Salem, 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.)
29-04-2026

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

TSG

Note: Issue order today.



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To

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Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Magistrate Cum District
Collector
Salem District.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
PEW, Steel Plant Police Station,
Salem District.
5. The Superintendent of Police
Salem District.
6. The Public Prosecutor,
Madras High Court.
7. 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.**

TSG

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