



WEB COPY



HCP No. 2095 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. 2095 of 2025

Devi

..Petitioner(s)

Vs

1. The State of Tamil Nadu Rep By
The Additional Chief Secretary To The
Government,
(Home) Prohibition and Excise(XVI)
Department, Fort St. George, Secretariat,
Chennai-600 009.
2. The Commissioner Of Police,
Office of the Commissioner of Police,
Greater Chennai.
3. The Superintendent Of Prison
Central Prison at Puzhal, Chennai.
4. The Inspector Of Police
P-1, Pulianthope 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 or any other appropriate Writ, or order, or direction, in the nature of the writ, to call for the records relating to the detention order dated 11.09.2025 passed by the second respondent in NO.693/BBCDEFGISSV/2025 dated 15.09.2025 on the file of the 2nd respondent and set aside the same



HCP No. 2095 of 2025

and direct the respondents herein to produce the husband of the petitioner/detenu Mr. Silambarasan, S/o. Venkatesan, aged 38 years now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner(s): Ms.R.Subadra Devi

For Respondent(s): Mr. R. Muniyapparaj,
Additional Public Prosecutor
Assisted By Mr. M. Sylvester John

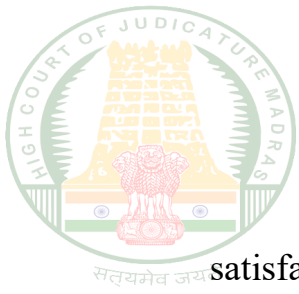
ORDER

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

The wife of detenu - Silambarasan, S/o. Venkatesan, aged 38 years, has filed this petition challenging the detention order dated 15.09.2025, branding him as a 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents.

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



HCP No. 2095 of 2025

WEB COPY

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 filed the bail application in CrI.MP.No.5875 of 2025 before the Principal Special Court for EC & NDPS Cases, Chennai and the same is pending; that his relatives are taking steps to take him out on bail; and that in a similar case, bail was granted by the Principal Special Court for EC & NDPS Cases, Chennai in CrI.MP.No.1414 of 2021 on 04.06.2021.

5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, the accused therein was granted bail because he had no previous cases, whereas, in this case, the detenu has two adverse cases. Therefore, the reliance placed by the detaining authority on the said order, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. Hence, the detention order is liable to be quashed.



HCP No. 2095 of 2025

WEB COPY

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in NO.693/BBCDEFGISSSV/2025 dated 15.09.2025, is set aside.

7. The detenu, viz., Silambarasan, S/o. Venkatesan, aged 38 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby 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

Note to Registry: Issue today.

ars



HCP No. 2095 of 2025

WEB COPY

To

1. The Additional Chief Secretary To The Government,
(Home) Prohibition and Excise(XVI) Department,
Fort St.George, Secretariat, Chennai-600 009.
2. The Commissioner Of Police,
Office of the Commissioner of Police,
Greater Chennai.
3. The Superintendent Of Prison
Central Prison at Puzhal, Chennai.
4. The Inspector Of Police
P-1, Pulianthope 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.



WEB COPY



HCP No. 2095 of 2025

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

ars

HCP No. 2095 of 2025

29-04-2026

Page6 of 6