



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2138 of 2025

Mohamed Goush
C/o.Mohamd Abdula,
No.16/8, Pavalar Muthusamy Nagar-1,
Eramapatti,
Namakkal District.

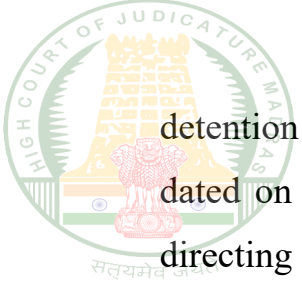
..Petitioner(s)

Vs

1. The State Of Tamilnadu, The Additional Chief Secretary To Government (home), Prohibition and Excise Department, Secretariat, Chennai-600 009.
2. The District Magistrate And District Collector, Namakkal, Namakkal District.
3. The Superintendent Of Police, Namakkal District, Namakkal.
4. The Superintendent Of Prison, Central Prison, Salem District.
5. The Inspector Of Police, PEW - Namakkal Police Station, Namakkal District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the records pertaining to the order of



detention passed in his proceedings in C.M.P.No.88/Drug Offender/2025 M1 dated on 02.1.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner son by name in Mohamed Abdul Rahumohn, S/o.Mohamed Goush aged about 25 years before this Honble Court now confined in Central Prison, Salem and set him at liberty.

For Petitioner(s): Mr.P.HASNAH
FOR Mr.C.Deepakkumar

For Respondent(s): Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

ORDER

(Made by Dr.Anita Sumanth J.)

The father of one Mohamed Abdul Rahamohn (detenu), S/o. Mohamed Goush, who was detained as a 'Drug Offender' under Section 2(e) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 02.10.2025.

2. We have heard Mr.P.Hasnah, learned counsel for petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), for the respondents.

3. Several grounds have been raised on behalf of the petitioner and we find that this HCP is to be allowed on the following grounds.

4. The subjective satisfaction of the detaining authority is really no subjective satisfaction at all for two reasons. Firstly, no bail application has been filed. Despite this, the authority goes on to state that he believes that the



detenu would be enlarged on bail for which there is no basis at all. There is no statement that has been recorded from the relatives of the detenu and hence the same is mere ipse dixit.

5. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.88/Drug Offender/2025 (M1) dated 2.10.2025 is set aside.

6. The detenu, viz., Mohamed Abdul Rahamohn, S/o.Mohamed Goush, male aged 25 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.)
30-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SSM

Note to Registry : Issue Today

To

1. The State Of Tamilnadu, The Additional Chief Secretary To Government (home), Prohibition and Excise Department, Secretariat, Chennai-600 009.
2. The District Magistrate And District Collector, Namakkal, Namakkal District.
3. The Superintendent Of Police, Namakkal District,



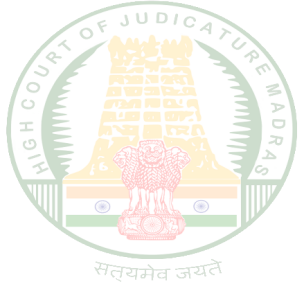
Namakkal.

4. The Superintendent Of Prison,
Central Prison,
Salem District.

5. The Inspector Of Police,
PEW - Namakkal Police Station,
Namakkal District.

6. The Joint Secretary to Government
Public (Law and Order),
Fort St.George, Chennai – 9.

7. The Public Prosecutor,
High Court, Madras.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

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