



WEB COPY

HCP No.2092 of 2



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.2092 of 2025

Valliyamma,
W/o.Kumar,
No.187, Bharathi Nagar, 2nd Street,
Villivakkam, Chennai - 600 049.

...Petitioner/Mother of
the detenu

Vs

1. State rep by:
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison-II,
Puzhal,
Chennai
4. The Inspector of Police (L and O)
V-1, Villivakkam Police Station,
Chennai.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records pertaining to the order of detention dated on 18.09.2025 passed by the 2nd respondent in



No.701/BBCDFGISSSV/2025 and quash the same as illegal and direct the respondent to produce the detenu Thiru. Anand @ Eli Anand S/o.Kumar Male, aged about 25 years, now confined at Central Prison-II, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner: Mr.S.Senthil Kumar

For Respondents: Mr.R.Muniyapparaj
Additional Public Prosecutor

Assisted by
Mr.M.Sylvester John

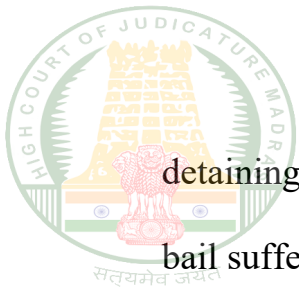
ORDER

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

The mother of the detenu – Anand @ Eli Anand, S/o.Kumar, aged 25 years, has filed this petition challenging the detention order dated 18.09.2025, branding him as ‘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 satisfaction of the



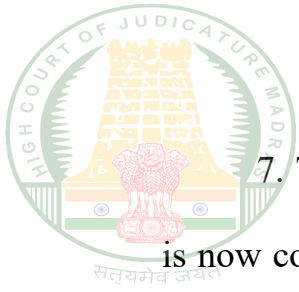
detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

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4. The detaining authority has relied upon a statement said to have been made by the mother of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application in the ground case. However, we find that the statement of the mother of the detenu is unsigned. We have in HCP No. 1684 of 2025 vide order dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

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

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.701/BBCDEFGISSSV/2025 dated 18.09.2025 is set aside.



7. The detenu, viz., Anand @ Eli Anand S/o.Kumar, aged 25 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

dk

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Government of Tami Nadu
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Prison,
Central Prison-II,
Puzhal,
Chennai.
4. The Inspector of Police (L and O)
V-1, Villivakkam Police Station,
Chennai
5. The Public Prosecutor,
Madras High Court.
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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