



H.C.P.No.2143 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2143 of 2025

Santhiya, F/28 years,
W/o Subashrajan
No.5, Perumal Kovil Street,
Varichikudi Village, Kotticgerry Post,
Karaikkal District,
Pondicherry State

.. Petitioner

VS

- 1.The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Mailaduthurai District, Mailaduthurai.
- 3.The Superintendent of Police,
Mailaduthurai District, Mailaduthurai.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore.
- 5.The Inspector of Police,
Sirkazhi Police Station,
Mailaduthurai District.

.. Respondents



H.C.P.No.2143 of 2025

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records relating to the detention order dated 25.08.2025 passed by the 2nd respondent in his proceedings No. C.O.C.No.37/2025 and quash the same and direct the respondents herein to produce the petitioner's husband namely Subash (Rajan) son of Easwaran aged about 28 years, who is presently under going detention in the Central Prison, Cuddalore as Bootlegger before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Vinoth
for M/s. R.Sridharan
S.Yogarajasekar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER

(Made by SUNDER MOHAN, J.)

The wife of detenu - Subash (Rajan), S/o. Eshwaran, aged 28 years, has filed this petition challenging detention order dated 25.08.2025, branding him as 'Bootlegger' under Section 2(b) 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.



H.C.P.No.2143 of 2025

4. The detaining authority has observed in the grounds of detention that the bail application filed by the detenu was dismissed on 14.08.2025 by the learned District and Sessions Judge, Mayiladuthurai in CrI.M.P.Nos.1089 and 1090 of 2025 and that the detenu had filed the bail application before this Court in CrI.OP.No.23260 of 2025 and the same was pending.

5. The detaining authority has referred to two orders viz., in CrI.MP.No.997 of 2022 dated 25.04.2022 passed by the learned Principal District and Sessions Judge, Nagapattinam and in CrI.MP.No.2349 of 2024 dated 07.12.2023 passed by the learned District and Sessions Judge, Mayiladuthurai, to arrive at the satisfaction that the detenu is likely to be released on bail.

6. The detaining authority therefore has relied upon two orders passed by the District Courts at Nagapattinam and Mayiladuthurai, to infer that the detenu is likely to be released on bail. The reliance placed on those two orders passed by the District Courts would be inappropriate since admittedly in this case, the District Court had dismissed the bail application of the detenu on facts. Therefore, the inference that the detenu is likely to be released on bail and consequently, would indulge in further criminal activities, is vitiated. Hence, the detention order is liable to set aside.



H.C.P.No.2143 of 2025

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.O.C.No.37/2025 dated 25.08.2025 is set aside.

8. The detenu, viz., Subash (Rajan), S/o. Eshwaran, aged 28 years, who is now confined in Central Prison, Cuddalore, 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.]
20.04.2026

Index:Yes/No
Neutral Citation:Yes/No
ssm/ars

Note : Issue Today

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Mailaduthurai District, Mailaduthurai.
- 3.The Superintendent of Police,
Mailaduthurai District, Mailaduthurai.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore.
- 5.The Inspector of Police,
Sirkazhi Police Station,
Mailaduthurai District.



WEB COPY



H.C.P.No.2143 of 2025

DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

ssm/ars

6.The Joint Secretary,
Law and Order Department, Secretariat, Chennai

7.The Public Prosecutor,
High Court, Madras.

H.C.P.No. 2143 of 2025

20.04.2026