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H.C.P.No.2139 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM :

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

H.C.P.No.2139 of 2025

Aswini, F/24,
D/o. Ayyappan,
No.25, Ganapathi Nagar,
Poothur, Mappedu Post,
Thiruvanchery Kanchipuram District.

.. Petitioner

VS

1.The Principal Secretary to the Government,
Home, Prohibition & Excise (XVI) Department,
Secretariat, Chennai-600 009.

2.Commissioner of Police
Tambaram City.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.

4.The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai District.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus calling for the entire records connected with the detention order in No.108/BBCDEFGISSSV/2025 on 29.08.2025 on the file of the Respondent No.2 and Quash the same and direct the Respondents to produce petitioner husband one named



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Mr.J.Natarajan S/o. Jeeva aged about 28 years now confined at Central Prison, Puzhal before this Hon'ble Court and set him at liberty forthwith.

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For Petitioner : Mr.M.Mohamed Saifulla
for Mr.P.Muthamizh Selvakumar

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

ORDER

(Made by SUNDER MOHAN, J.)

The wife of the detenu has challenged the detention order dated 29.08.2025 branding him as a 'drug offender'.

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

3.We find that the impugned order is liable to be set aside on the sole ground that the special report of the sponsoring authority is undated. We have held repeatedly that an undated special report cannot be the basis for passing the order of detention.

4.We also find that the detenu had not moved any bail application and the detaining authority had relied upon an order passed in CrI.M.P.No.9007 of 2023 dated 28.11.2023 passed by the learned Principal Special Court for NDPS Cases to infer that the detenu is likely to be released on bail.



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5. We have perused the said order, we find that in that case bail was granted because the police had not filed the final report within the time prescribed under Section 167(2) of the Cr.P.C. That apart, according to the respondent, the detenu has 37 previous cases. Hence, the subjective satisfaction of the detaining authority that the detenu is likely to be released on bail suffers from non-application of mind and hence, the detention order is liable to set aside.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.BBCDEFGISSSV No.108/2025 dated 29.08.2025, is set aside.

7. The detenu, viz., J.Natarajan, S/o. Jeeva, aged 28 years, who is now confined in Central Prison, Puzhal, Chennai, 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.]
16.04.2026

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

Note to Registry: Issue Today.



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To

1.The Principal Secretary to the Government,
Home, Prohibition & Excise (XVI) Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police
Tambaram City.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.

4.The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai District.

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

6.The Public Prosecutor,
High Court, Madras.



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

vs

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