



HCP No. 2205 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2205 of 2025

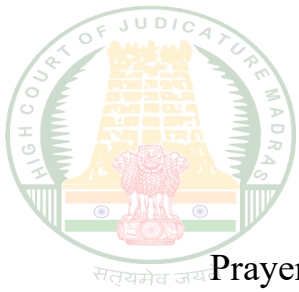
Divya Barathi

..Petitioner(s)

Vs

1. State of Tamilnadu
Rep. by The Additional Chief Secretary to
Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police,
Vepery,
Chennai.
3. The Superintendent of Prison
Central Prison,
Puzhal,
Chennai - 600 066.
4. The Inspector of Police
P-4, Basin Bridge Police Station,
Chennai.

..Respondent(s)



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Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent in No. 704/BBCDEFGISSSV/2025 dt. 18.09.2025 against the petitioner's husband David Prasanth S/o.Dinakaran male aged about 21 years the detenu herein now confined in Central Prison, Puzhal, Chennai and to set aside the detention order and direct the respondent to produce the physically bring the body of the detenu before this Court and set his at liberty.

For Petitioner(s): Mr.R.Rajadurai

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

ORDER

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

The wife of the detenu – David Prasanth S/o.Dinakaran, aged 21 years, has filed this petition challenging the detention order dated 18.09.2025, 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 counsel for Government of Tamil Nadu (Criminal Side) for respondents.



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3. It is seen from the grounds of detention that the detaining authority has relied upon an order passed in CrI.MP.No.5272 of 2023 by the learned Principal Special Judge for EC and NDPS Act Cases, Chennai-104 to arrive at a conclusion that in similar cases bail has been granted by the Courts and that therefore, the detenu is likely to be released on bail by filing the bail application.

4. In the ground case, the offence alleged against the detenu is under Section 8(c) r/w 20(b)(ii)(B) of the NDPS Act and 25(1)(a) of the Arms Act, 1959. In the order relied upon by the detaining authority, it is seen that the Special Court had granted bail under Section 167(2) Cr.P.C., since the final report was not filed within the statutory period and not on merits. Further, the offences alleged against the accused therein is only under Section 8(c) r/w 20(b)(ii)(B) of the NDPS Act. Therefore, the reliance placed on the said order by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. The inference that the detenu would indulge in further criminal activities after his release also is without any basis. Hence, the detention order is liable to be quashed.



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5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.704/BBCDEFGISSSV//2025 dated 18.09.2025 is set aside.

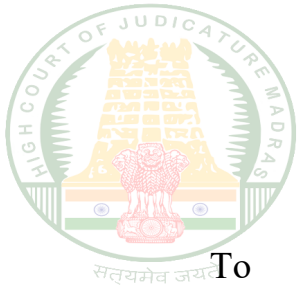
6. The detenu, viz., David Prasanth S/o.Dinakaran. aged 21 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
02-06-2026

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

Note: Issue Order Copy today

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To
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1. The Additional Chief Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
O/o. Commissioner of Police,
Vepery, Chennai.
3. The Superintendent of Prison
Central Prison, Puzhal,
Chennai-600 066.
4. The Inspector of Police,
P-4 Basin Bridge Police Station,
Chennai.
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.**

ars

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