



WEB COPY

HCP No. 2211 of 2



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. 2211 of 2025

Jamrul Sheik

..Petitioner(s)

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Inspector of Police,
D-1, Triplicane Police Station,
Chennai City.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent 23.09.2025 in No.720/BBCDEFGISSSV/2025 against petitioner's son Oli Sheik, Male aged 22 years S/o.Jamrul Sheik who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.



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For Petitioner(s):

Mr.P.Raman

For Respondent(s):

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

ORDER

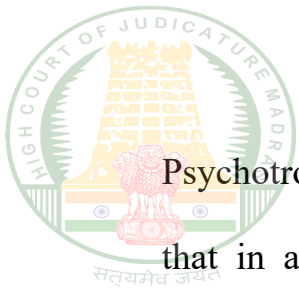
(Order of the Court was made by Sunder Mohan J.)

The father of detenu - Oli Sheik, S/o.Jamrul Sheik, aged 22 years, has filed this petition challenging the detention order dated 23.09.2025, 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.

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.

4. In the grounds of detention, the detaining authority has stated that the detenu had filed a bail application in CrI.MP.No.5895 of 2025 before the Principal Special Judge for Essential Commodities & Narcotic Drugs and



Psychotropic Substances Act Cases, Chennai – 104 and the same is pending and that in a similar case, bail was granted by the Principal Special Judge for Essential Commodities & Narcotic Drugs and Psychotropic Substances Act Cases, Chennai – 104 in CrI.MP.No.5272 of 2023 on 27.07.2023.

5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. 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. 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.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.720/BBCDEFGISSSV/2025 dated 23.09.2025, is set aside.

7. The detenu, viz., Oli Sheik, S/o.Jamrul Sheik, aged 22 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.

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(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

TSG

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Inspector of Police,
D-1, Triplicane Police Station,
Chennai City.
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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