



HCP No. 2285 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2285 of 2025

Jeevitha

..Petitioner(s)

Vs

1. The State of Tamilnadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Tiruvallur, Tiruvallur District.
3. The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai - 66.
4. The Superintendent of Police,
Tiruvallur, Tiruvallur District.
5. The Inspector of Police,
R.K.Pet - PEW Police Station,
Tiruvallur District.

..Respondent(s)

Prayer: This Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, calling for the entire records connected with the order of detention passed by the 2nd respondent in



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Detention order No. 38/2025 dt. 06.10.2025 and quash the same, consequently, directing the respondents to produce the detenu namely the petitioner's husband namely Arunkumar, aged about 26 years detained in Central Prison-II, Puzhal, Chennai before the Court and set him at liberty.

For Petitioner(s):	Mr. M. Mohamed Saifulla for Mr.C.Jayakumar
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 – Arunkumar S/o.Selvam, aged 26 years, has filed this petition challenging the detention order dated 06.10.2025, 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. It is seen from the grounds of detention that the detaining authority has relied upon an order passed by this Court in

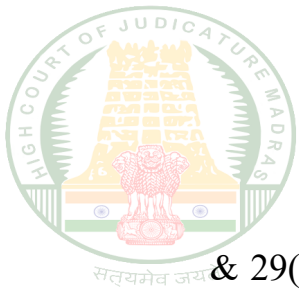


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Crl.O.P.No.30267 of 2022 to arrive at a conclusion that in similar cases bail has been granted by the Courts and therefore, the detenu is likely to be released on bail by filing the bail application.

4. It is seen from the grounds of detention that the detaining authority has referred to the order passed in Crl.O.P.No.30267 of 2022 as an order passed in anticipatory bail application, which is actually a bail order. This reflects the non-application of mind on the part of the detaining authority as regards the documents placed before the detaining authority.

5. Be that as it may, the order that is sought to be relied upon as a similar case for arriving at the subjective satisfaction that the detenue is likely to be released on bail, is not comparable. The offence alleged against the detenu is under Sections 8(c) r/w 20(b)(ii)(B), 22(b), 29(1) & 25 of NDPS Act, 1985 and 123 & 278 of BNS, 2023 r/w 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, whereas, in the order in Crl.O.P.No.30267 of 2022, the offence alleged against the accused therein is under Sections 8(c) r/w 20(b)(ii)(B), 22(b), 22(c), 25



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& 29(1) of NDPS Act. The detenu herein has been charged with graver offences. 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 Detention Order No.38/2025 dated 06.10.2025 is set aside.

7. The detenu, viz., Arunkumar S/o.Selvam, aged 26 years, who is now confined in Central Prison-II, Puzhal, Chennai – 600 066, 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.)
23-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
TSG
Note: Issue order copy today.



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To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
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4. The Superintendent of Police,
Tiruvallur, Tiruvallur District.
5. The Inspector of Police,
R.K.Pet - PEW Police Station,
Tiruvallur District.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai
7. The Public Prosecutor,
High Court, Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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