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H.C.P.No.2319 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.2319 of 2025

N.Vinotha (aged 23),
W/o. Naresh,
No.132, Door No.42,
Perumbakkam, Chennai 600 100.

.. Petitioner

VS

1.The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St.George, Chennai-600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Chennai.

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

4.The Inspector of Police,
D4 Zam Bazar Police Station,
Chennai.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.614/BBCDEFGISSSV/2024, dated 28.08.2025 and quash the same as illegal and produce the detenue, namely Naresh, S/o Annamalai, aged



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25 years Drug Offender now he is confined in Central Prison, Puzhal II, Chennai before this Court and set him at liberty.

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For Petitioner : Mr.C.Vignesh

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 28.08.2025 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 from the grounds of detention that the detenu had not moved any bail application in the ground case. The detaining authority had observed that the relatives are taking steps to take him out on bail and had relied upon an order passed in CrI.M.P.No.5272 of 2023 in which the facts are said to be similar to the facts in the instant case. However, on perusal of the of the order passed in CrI.M.P.No.5272 of 2023, we find that the order was passed under Section 167(2) of the Cr.P.C. Act and not on merits. Therefore, the reliance upon the said order by the detaining authority is misconceived and hence the detention order is liable to be set aside.



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4. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.614/BBCDEFGISSSV/2025 dated 28.08.2025, is set aside.

5. The detenu, viz., Naresh, S/o. Annamalai, aged 25 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.

To

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St. George, Chennai-600 009.

2. The Commissioner of Police,
Office of the Commissioner of Police,
Chennai.

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

4. The Inspector of Police,
D4 Zam Bazar Police Station,
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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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