



WEB COPY



HCP No. 2281 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2281 of 2025

Valli

W/o.Raji,

No.360, 7th Street, B.V.Colony,

Vyasarpadi, Chennai-39.

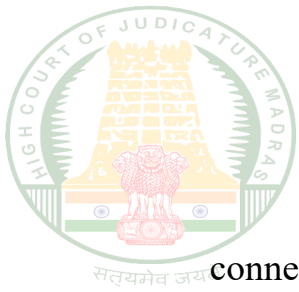
..Petitioner /
Mother of the detenu

Vs

1. The Additional Chief Secretary To
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,
Chennai-66.
4. The Inspector Of Police, Law & Order,
P-6, Kodungaiyur Police Station,
Chennai.

..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



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connection with the order of Detention passed by the second respondent dated 10.10.2025 in Memo No.791/BBCDEFGISSSV/2025 against the petitioner's Son namely Nirmalkumar @ Nimal, Male aged 31 years, S/o.Raji, 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.

For Petitioner(s): Mr.S.Senthilvel

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 mother of the detenu – Nirmalkumar @ Nirmal, S/o.Raji, aged 31 years has filed this petition challenging the detention order dated 10.10.2025, 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.



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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.M.P.No.6216 of 2025 before the Principal Special Court for Essential Commodities and Narcotic Drugs and Psychotropic Substances Act Cases, Chennai, and the same was pending; and that in a similar case, bail was granted by the learned Special Judge for Essential Commodities and Narcotic Drugs and Psychotropic Substances Act cases, Chennai in CrI.M.P.No.5272 of 2023 on 27.07.2023.

5. 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.



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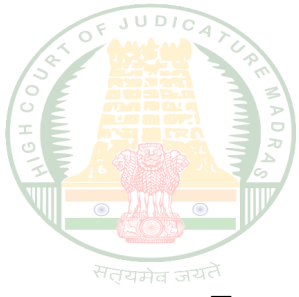
6. The reliance placed by the detaining authority on the order of the learned Special Judge to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail, is misconceived. Therefore, the inference that the detenu would indulge in further criminal activities after his release also is without any basis. Hence, the detention order is liable to be quashed.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Memo.No.791/BBCDEFGISSSV/2025 dated 10.10.2025 is set aside.

8. The detenu, viz., Nirmalkumar @ Nirmal, S/o.Raji, aged 31 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.)
29-06-2026

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

1. The Additional Chief Secretary To 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,
Chennai-66.
4. The Inspector Of Police, Law & Order,
P-6, Kodungaiyur 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.**

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