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H.C.P. No.2374 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.01.2026

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P. No.2374 of 2025

Lokha

W/o. Late Selvan

.. Petitioner

Vs.

1. The Principal Secretary to Government
Home, Prohibition & Excise Department,
Secretariat, Chennai – 600 009
2. The District Magistrate and District Collector
Erode District, Erode – 638 011
3. District Superintendent of Police
District Superintendent of Police Office
W.O.C. Park Road, Erode District – 638 001
4. Superintendent of Prison
Coimbatore
5. The Inspector of Police
Gobichettipalayam Prohibition Enforcement Wing Police Station
Erode District

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to call for the records relating to the order of detention passed by the 2nd respondent in Cr.M.P.No.22/Drug Offender/2025 C1 dated 19.05.2025 against Mathesh, aged about 29



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years, S/o.Selvan who is confined at Central Prison, Coimbatore and quash the same and direct the respondents to produce the detenu before this Court and set him at liberty.

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For Petitioner : Mr.S.Rajesh
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(The Order of the Court was made by P.Velmurugan, J)

This Habeas Corpus Petition has been filed to call for the records relating to the order of detention passed by the 2nd respondent in Cr.M.P.No.22/Drug Offender/2025 C1 dated 19.05.2025 against Mathesh, aged about 29 years, S/o.Selvan who is confined at Central Prison, Coimbatore and quash the same and direct the respondents to produce the detenu before this Court and set him at liberty.

2. Though the learned counsel for the petitioner took several grounds to quash the impugned order of detention, he focused mainly on the ground of non application of mind on the part of the detaining authority in passing the order of detention. In the detention order dated 19.05.2025, the detaining authority has cited a similar case in CrI.M.P.No.2060 of 2024 wherein the accused therein was granted bail on 05.08.2024, whereas in the impugned detention order, the arrest of the detenu was on 22.04.2025 and the detention order was passed on 19.05.2025, which clearly shows the non application



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of mind on the part of the detaining authority while arriving at the subjective satisfaction.

4. A reading of the materials and the order passed by the detaining authority shows that the similar bail application cited by the detaining authority is dated only 05.08.2024, whereas the detenu in the ground case was arrested on 22.04.2025 and thereafter the detention order came to be passed on 19.05.2025. Therefore, the detention order suffers from non application of mind. Hence, this Court is inclined to quash the detention order.

5. Accordingly, the order of detention passed by the 2nd respondent in Cr.M.P.No.22/Drug Offender/2025 C1 dated 19.05.2025 against the detenu Mathesh, aged about 29 years, S/o.Selvan, is hereby quashed.

6. The detenu Mathesh, S/o.Selvan, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

7. With the above direction, this Habeas Corpus Petition is allowed.

(P.V., J) (M.J.R., J)
19.01.2026

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Neutral Citation: Yes/No



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To

1. The Principal Secretary to Government
Home, Prohibition & Excise Department,
Secretariat, Chennai – 600 009
2. The District Magistrate and District Collector
Erode District, Erode – 638 011
3. District Superintendent of Police
District Superintendent of Police Office
W.O.C. Park Road, Erode District – 638 001
4. Superintendent of Prison
Coimbatore
5. The Inspector of Police
Gobichettipalayam Prohibition Enforcement Wing Police Station
Erode District
6. The Public Prosecutor,
High Court, Madras.



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and

M.JOTHIRAMAN, J

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