



HCP No. 2397 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. 2397 of 2025

Pavin

..Petitioner(s)

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.
4. The Inspector of Police,
R-4 Soundarapandiyanar Angadi Police Station,
T.Nagar.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, calling for the records in connection with the order of Detention passed by the second respondent dated 22.10.2025 in BBCDEFGISSSV No.832/2025 against Petitioner PAVIN, Male aged 22 years S/o. Ramesh, Who is confined at Central Prison, Puzhal and set aside the same and direct the respondent to produce the detenu before this Court and set him at liberty.



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For Petitioner(s): Ms. J.K. Madhumathi
for Mr.A.Tamilselvan
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 detenu - Pavin, aged 22 years S/o.Ramesh, has filed this petition challenging the detention order dated 22.10.2025, 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. 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.



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4. In the grounds of detention, the detaining authority has stated that the detenu had filed a bail application in CrI.M.P.No.6445 of 2025 before the Principal Special Judge for Essential Commodities and Narcotic Drugs and Psychotropic Substances Act Cases, Chennai – 104, and the same was pending; and that in a similar case, bail was granted by the Court of the Principal Special Judge for Essential Commodities and Narcotic Drugs and Psychotropic Substances Act Cases, Chennai in CrI.M.P.No.1842 of 2020 on 15.12.2020.

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, there is no reference to the previous cases pending as against the accused therein, whereas, in this case, the detenu has three adverse cases. Further, in the case relied upon by the Detaining Authority, the contraband seized by the authority was not produced before the Court. Therefore, the reliance placed by the detaining authority on the said order, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. Hence, the detention order is liable to be quashed.



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6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.832/2025 dated 22.10.2025, is set aside.

7. The detenu, viz., Pavin, aged 22 years S/o.Ramesh, 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.)
23-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy today.

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,



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Greater Chennai.

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3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Inspector of Police,
R-4 Soundarapandiyanar Angadi Police Station,
T.Nagar.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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

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