



HCP No. 2414 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

WEB COPY

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2414 of 2025

S.Manjula

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Represented by, The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The State Rep by, The Inspector of Police,
D-1, Triplicane 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 of the 2nd respondent, pertaining to the order made in No.721/BBCDEFGISSSV/2025 dated 23.09.2025 in detaining the



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detenue under the Tamilnadu Act 14/1982 as a Drug Offender and quash the same and direct the respondents to produce the detenu, petitioner's husband namely Santhosh Kumar (Detenue) aged about 24 years S/o.Murugan who is detained at the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner(s): Mr.P.Sridhar

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 detenu - Santhoshkumar, S/o.Murugan, aged 24 years, has filed this petition challenging the detention order dated 23.09.2025, 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.

4. In the grounds of detention, the detaining authority has stated that the detenu has not filed any bail application as regards Crime No.357 of 2025 so far and that he has filed a bail application in Crl.M.P.No.6036 of 2025 for Crime No.567 of 2025 before the Principal Special Judge for Essential Commodities & Narcotic Drugs and Psychotropic Substances Act Cases, Chennai – 104 and that his relatives are taking steps to take him out on bail in Crime No.357 of 2025; and that in a similar case, bail was granted by the Principal Special Judge for Essential Commodities & Narcotic Drugs and Psychotropic Substances Act Cases, Chennai – 104, in Crl.MP.No.5272 of 2023 on 27.07.2023.

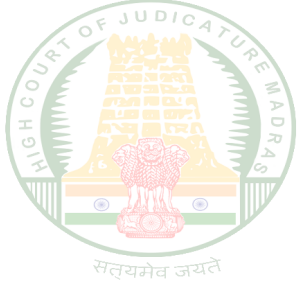
5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, it is seen



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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. 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.

6.Further, it is seen that in the grounds of detention it is stated that that the detenu's relatives are taking steps to take him out on bail in Crime No.357 of 2025. However, admittedly there was no material placed before the detaining authority that the detenu or his relatives were taking steps to file a bail application in Crime No.357 of 2025. In such circumstances, inference of the detaining authority that the detenu is likely to file a bail application and come out on bail is his mere *ipse dixit*. Since the satisfaction arrived at by the detaining authority is without basis, the conclusion that the detenu would indulge in further criminal activities, is vitiated. For both the reasons, the detention order is liable to be quashed.



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7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.721/BBCDEFGISSSV/2025 dated 23.09.2025, is set aside.

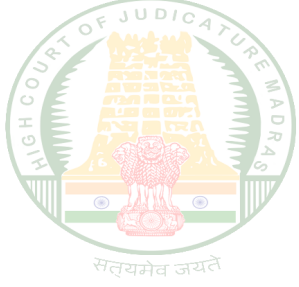
8. The detenu, viz., Santhoshkumar, S/o.Murugan, aged 24 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
05-06-2026

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

Note: Issue order copy today.

TSG



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

TSG

To

1. The State of Tamil Nadu,
Represented by, The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The State Rep by, The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department, Secretariat, Chennai.
6. The Public Prosecutor,
High Court, Madras.

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