



HCP No. 2496 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2496 of 2025

Manjula

..Petitioner(s)

Vs

1. The State rep by its,
Government of Tamilnadu,
rep. by its The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai District.
4. The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai District.

..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 Detention Order passed in BBCDEFGISSSV No.733/2025 dated 25.09.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents herein to produce the person or body of



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petitioner's son Thiru.Surya @ Gajini Suriya, aged 23 years, S/o.Rajkumar confined in Central Prison, Puzhal, Chennai District before this Court and set him at liberty.

For Petitioner(s):	Mr.D.Padmanabhan
For Respondent(s):	Mr.C.R.Malarvannan, Counsel for Government of Tamil Nadu (Criminal Side)

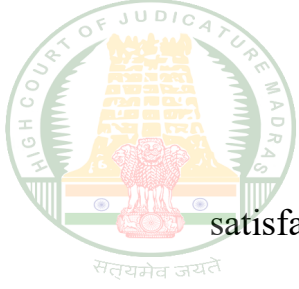
ORDER

(Order of the Court was made by Sunder Mohan J.)

The mother of detenu – Surya @ Gajini Surya, S/o. Rajkumar aged 23 years, has filed this petition challenging the detention order dated 25.09.2025, branding him as '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 the 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

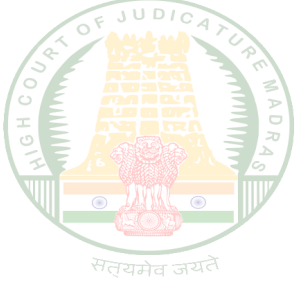


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satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. The detaining authority has relied upon a statement said to have been made by the mother of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application in the ground case. However, we find that the statement of the mother of the detenu is unsigned. We have in HCP No. 1684 of 2025 vide order dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

5. Therefore, the reliance placed on the said statement by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. Thus, the inference that the detention is warranted since the detenu is likely to indulge in further criminal activities after his release on bail is based on the said wrong premise. 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 No.733/BBCDEFGISSSV/2025 dated 25.09.2025 is set aside.

7. The detenu, viz., Surya @ Gajini Surya, S/o.Rajkumar, aged about 23 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

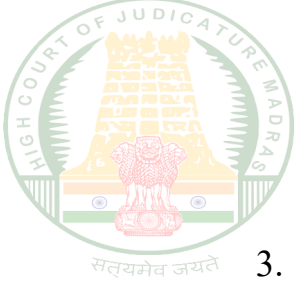
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue order copy today.

TSG

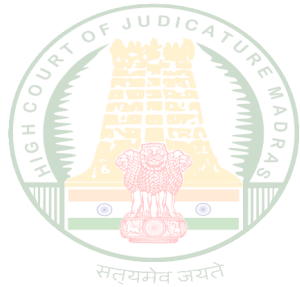
To

1. The Additional Chief Secretary ,
Home, Prohibition and Excise Department,
Secretariat, Chennai
2. The Commissioner of Police,
Greater Chennai.



WEB COPY

3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai District.
4. The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai District.
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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