



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 Nos. 2503, 2522 & 2524 of 2025

HCP No. 2503 of 2025

Seenath

W/o.Sowgath Ali,

No.6/12, Palladam Road Extension,

Mahalingapuram, Pollachi, Coimbatore-642 002

..Petitioner(s)

Vs

1. State rep by the Secretary to Government
Home, Prohibition and Excise Department,
Government of Tamilnadu ,
Fort St.George, Chennai-600 009

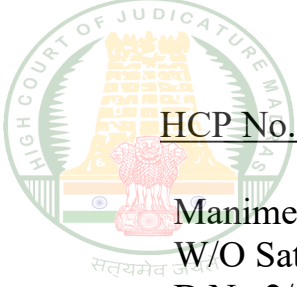
2. The District Magistrate and
District Collector,
Salem District

3. The Superintendent of Police
Salem District

4. The Superintendent of Prisons
Central Prison, Salem

5. The Inspector of police
Prohibition Enforcement Wing,
Steel Plant Police Station,
Salem District

..Respondent(s)



HCP No. 2522 of 2025

Manimekalai
W/O Sathishkumar,
D.No.2/146, Poolankinar Post,
Poolankinar,
Tiruppur.

..Petitioner(s)

Vs

1. The Secretary to the Government
Home Prohibition and Excise Department,
Secretariat,
Fort.St.George,
Chennai - 600009.
2. The District Magistrate and District Collector
Salem District.
3. The Superintendent of Police
Salem District.
4. The Superintendent of Prison
Central Prison,
Salem.
5. The Inspector Of Police
Prohibition Enforcement Wing,
Steel Plant Police Station,
Salem District.

..Respondent(s)

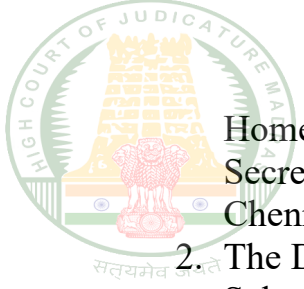
HCP No. 2524 of 2025

Savitha
W/o Ebinaser,
No.5/203, Saradhamani Layout,
Kanakampalayam,
Udumalaipettai,
Tiruppur.

..Petitioner(s)

Vs

1. The Secretary to The Government



Home Prohibition and Excise Department,
Secretariat,
Chennai - 600009.

2. The District Collector and District Magistrate
Salem District.

3. The Superintendent of Police
Salem District.

4. The Superintendent of Prison
Central Prison,
Salem District.

5. The Inspector Of Police
Prohibition Enforcement Wing,
Steel Plant Police Station,
Salem District.

..Respondent(s)

Prayer in HCP No. 2503 of 2025 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus or any other appropriate writ or order in the nature of writ to call for the records in connection with the detention order passed by the second respondent dated 16.09.2025 in C.M.P.No.22/BOOTLEGGGER/C2/2025 against the petitioner's husband Sowgath Ali, aged 45 years S/o.Mohamed Bawa who is confined in Central Prison, Salem and set aside the detention order and direct the respondents to produce him before this Hon'ble Court and set him at liberty.

Prayer in HCP No. 2522 of 2025 : Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF HABEAS CORPUS or any other appropriate Writ or order in the nature of Writ to call for the records in connection with the detention No.20/BOOTLEGGGER/C2/2025 against the petitioner's husband Sathishkumar, age 40 years, S/o. Samidhass, who is confined in Central Prison, Salem and set-aside the detention order and direct the respondents to produce him before this Honourable Court and set him at liberty.

Prayer in HCP No. 2524 of 2025 : Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF HABEAS CORPUS or any other writ or order in the nature of writ call for the records in connection with the order of Detention passed by the second respondent dated 16.09.2025 in C.M.P.No.21/BOOTLEGGGER/2025 against petitioner's Husband Ebinesar, age



47 years, s/o Victor Manoharan, who is confined in Central Prison, Salem and set-aside the detention order and direct the respondents to produce him before this Honourable Court and set him liberty.

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For Petitioner(s): Mr.L.Ramanathan
(In all HCPs)

For Respondent(s): Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

(In all HCPs)

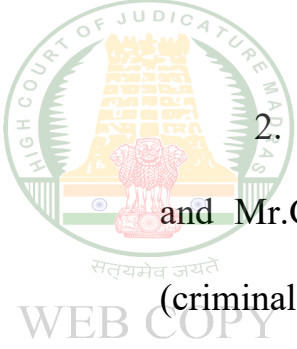
COMMON ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

In HCP No. 2503 of 2025, the wife of the detenu – Sowgath Ali, S/o.Mohamed Bawa, branded as Bootlegger and confined in Central Prison, Salem, under detention order dated 16.09.2025 has challenged the aforesaid detention order.

2. In HCP No. 2522 of 2025, the wife of the detenu – Sathishkumar, S/o.Samidhass, branded as Bootlegger and confined in Central Prison, Salem, under detention order dated 16.09.2025 has challenged the aforesaid detention order.

3. In HCP No. 2524 of 2025, the wife of the detenu – Ebinesar, S/o.Victor Manoharan, branded as Bootlegger and confined in Central Prison, Salem, under detention order dated 16.09.2025 has challenged the aforesaid detention order.



2. We have heard Mr.L.Ramanathan, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal side) for the respondents.

3.The detention orders have been assailed on various grounds, including that the detaining authority has, in the grounds of detention, expressed his apprehension that the detenus would may be enlarged on bail by filing a bail application. For this purpose, he relies on the statement of the petitioner on the basis of which he apprehends the grant of bail.

4. We have perused the statement avowedly executed by the petitioner which is placed at page 131 of volume I of booklet (in all HCPs). This is an unsigned statement referring to Section 180(3) of BNSS and hence it is uncertain as to whether at all the statement has been executed by the petitioners, and that too, in reference to the subject case.

5. We have been repeatedly expressing the opinion that, if at all a detaining authority is to rely on the statement of a relative, for his subjective satisfaction that the detenu may be enlarged on bail, it is necessary that such statement must be signed. In the absence of a signature of the person from whom the statement is recorded, we give no credence to the statement and hence, and, as a sequitur, disavow the subjective satisfaction of the authority in that regard.

6. Incidentally, the case of the co-accused is also allowed on the same basis in HCP No. 2119 of 2025 dated 29.04.2026.



7. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Order passed by the second respondent in CMP Nos.20, 21 & 22/Bootlegger/C2/2025 all dated 16.09.2025, are set aside.

8. The detenus, viz., Sowgath Ali, S/o. Mohamed Bawa, aged 45 years (HCP No.2503/25); Sathishkumar, S/o.Samidhass, aged 40 years (HCP No. 2522/2025) and Ebinesar, S/o.Victor Manoharan, aged 47 years (HCP No.2524/2025), confined in the Central Prison, Salem, are hereby directed to be set at liberty forthwith unless their presence is required in connection with any other case.

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

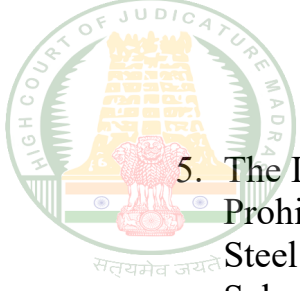
Index: Yes/No
Speaking order
Neutral Citation: Yes

ssm

Note to Registry : Issue Today

To

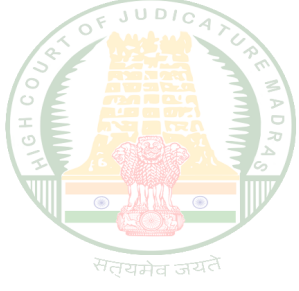
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5. The Inspector of police
Prohibition Enforcement Wing,
Steel Plant Police Station,
Salem District.

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6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George,
Chennai – 9.
7. The Public Prosecutor, High Court, Madras.



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HCP Nos. 2503, 2522 & 2524 of 2



DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

HCP Nos. 2503, 2522 & 2524 of 2025

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