



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

WEB COPY

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2542 of 2025

Pakkir Moideen
S/o.Sulthan,
No. 1/128, West Street,
Kurichikulam,
Terkupatti,
Tirunelveli,
Tamilnadu- 627 201.

..Petitioner(s)

Vs

1. State of Tamilnadu Rep. by The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai- 600 009.
2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police,
Vepery,
Chennai -600 007.
3. The Superintendent of Prison
Central Prison,
Puzhal,
Chennai- 600 066.
4. The Inspector of Police
J-1, Saidapet Police Station,



..Respondent(s)

WEB Prayer: Habeas Corpus petition filed under article 226 of Constitution of India for issuance of a Writ of Habeas corpus to call for the records relating to the detention order in Memo No. 583/BBCDEFGISSSV/2025 dt. 21.08.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the detainee, Thiru. Sheike Suber, S/o.Bakkkir Moideen aged about 22 years the detainee, now confined in Central Prison, Puzhal-II before this Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.M.Vijay

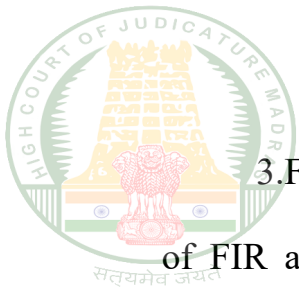
For Respondent(s): Mr. R.Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr. M.Sylvester John

ORDER

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

Sheik Suber, S/o. Bakkkir Moideen, was detained as a drug offender alleged to have been carrying an intermediate quantity of ganja and detained in the Central Prison, Puzhal, Chennai under an order dated 21.08.2025. His father has instituted this HCP seeking quash of the detention order.

2.We have heard learned counsel for the petitioner who would submit that there are several infirmities in the procedure followed for detention that would vitiate the order of detention.



3. Firstly, he would point out that there is a discrepancy between the date of FIR and the date on which the Inspector of Police has signed the F.I.R.

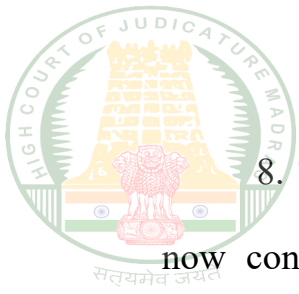
Secondly, he would submit that there are several pages in the booklet furnished to the detenu that are illegible, thus making it impossible for the detenu to mount a reasonable defence in regard to the same.

4. We have heard learned Additional Public Prosecutor.

5. It is true that while the F.I.R. is dated 21.07.2025, the date on which the Sub-Inspector has signed the FIR is 01.07.2025. This is an aberration that, undoubtedly, the trial Court will take into account.

6. That apart, the booklet does contain atleast two illegible pages i.e. page Nos. 22 and 77, the later of which is stated to be the statement of an eye witness. In such circumstances, we agree that the detenu will be prejudiced and unable to put forth an effective defence. As held by the Supreme Court in the case of *Powanammal v State of Tamil Nadu* [(1999) 2 SCC 413], the documents supplied to the detenu must be in a language known to the detenu and must be comprehensive and legible. In the circumstances, as noticed above, the order of detention stands vitiated and is liable to be set aside, and we do so.

7. This Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No. 583/2025, dated 21.08.2025, is set aside.



8. The detenu, viz., Sheike Suber, S/o. Bakkir Moideen, aged 22 years, now confined in Central Prison, Puzhal-II, is 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.)

21-04-2026

vs

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry : Issue Today.

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai- 600 009.
2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police,
Vepery,
Chennai -600 007.
3. The Superintendent of Prison
Central Prison,
Puzhal,
Chennai- 600 066.
4. The Inspector of Police
J-1, Saidapet Police Station,
Chennai.
5. The Superintendent of Prison
Central Prison,
Puzhal-II,
Chennai- 600 066.



6. The Public Prosecutor,
High Court of Madras.

7. The Joint Secretary to Government,
Public (Law and Order), Fort St.George, Chennai-9.

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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

VS

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