



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2644 of 2025

Muniyammal
W/o. Dhanakotti,
No.202, Thideer Nagar 2nd Street,
Tondairpet,
Chennai - 600 081.

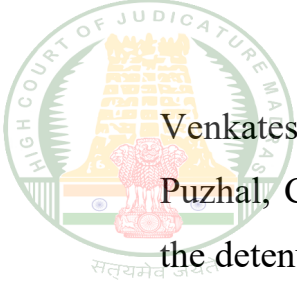
...Petitioner/Mother of
the Detenue

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police, Greater Chennai,
Office of the Commissioner of Police,
Veppery, Chennai - 600 054.
3. The Inspector of Police,
N4, Fishing Harbour Police Station,
Chennai District.
4. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in Connection with the order of detention passed by the second respondent dated 29.10.2025 in BBCDEFGISSV NO.871 of 2025 against the petitioner's son



Venkatesan @ Gopi aged about 32 years, who is confined at Central Prison Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

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For Petitioner:

Mr.S.Chandrasekar

For Respondents:

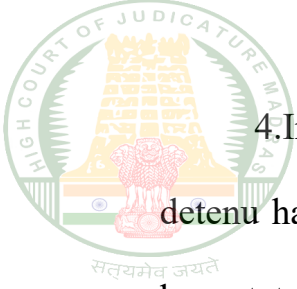
Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

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

The mother of the detenu – Venkatesan @ Gopi, S/o.Dhanakotti, aged 32 years, has filed this petition challenging the detention order dated 29.10.2025, branding him as ‘Drug Offender’ under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. Heard the learned counsel for the petitioner and the learned counsel for the 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 satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

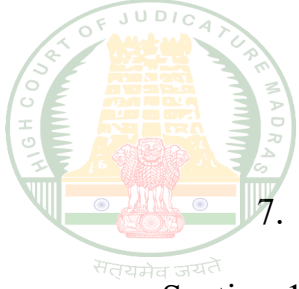


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4. In the grounds of detention, the detaining authority has stated that the detenu had not moved any bail application. However, the sponsoring authority has stated that the relatives of the detenu are taking steps to file bail application. Further, the detaining authority has stated that in a similar case, bail was granted by the Special Judge for Narcotic Drugs and Psychotropic Substances Court, Chennai, to some other accused, in CrI.M.P.No.1414 of 2021 on 04.06.2021.

5. It is also seen that 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.

6. On 03.03.2026, in HCP Nos. 2129, 2179 and 2340 of 2025, we had held that the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application. We had reiterated and clarified this view in a subsequent case, i.e., HCP No.2356 of 2025 dated 22.06.2026, after we were informed that our view was held to be *per incuriam* by a Co-ordinate Bench of this Court in HCP (MD) N0.369 of 2026 dated 19.06.2026. We have held that only a signed statement of a relative can be relied upon by the detaining authority to satisfy himself as regards the possibility of the detenu filing a bail application and that a Section 180(3) of BNSS statement cannot be the basis for such a satisfaction.

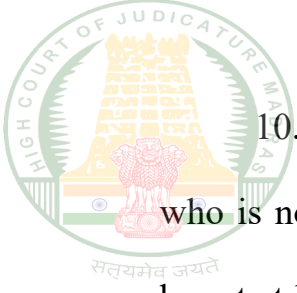


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7. Therefore, the reliance placed on the said statement recorded under Section 180(3) of BNSS, by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. Thus, the inference 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.

8. That apart, 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, the accused therein was granted bail because he had no previous case, whereas, in this case, the detenu has two adverse cases. 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. For both the reasons, the detention order is liable to be quashed.

9. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.871/BBCDEFGISSSV/2025 dated 29.10.2025, is set aside.



10. The detenu, viz., Venkatesan @ Gopi, S/o.Dhanakotti, aged 32 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.)
29-06-2026

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

Note: Issue Order Copy today.

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To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009
2. The Commissioner of Police, Greater Chennai,
Office of the Commissioner of Police,
Veppery, Chennai-600 054
3. The Inspector of Police,
N4, Fishing Harbour Police Station,
Chennai District.
4. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.



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

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5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.

6. The Public Prosecutor,
High Court of Madras.

HCP No. 2644 of 2025

29-06-2026