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H.C.P.No.2660 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2660 of 2025

Parvathi F/A 65 years,
W/o. Jayapalan
No.2-6-73, College Nagar,
Uthamapalayam, Theni District.

.. Petitioner

VS

- 1.The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Government,
(Home), Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Magistrate and District Collector,
Namakkal, Namakkal District.
- 3.The Superintendent of Police,
Namakkal District, Namakkal.
- 4.The Superintendent of Prison,
Central Prison, Salem District.
- 5.The Inspector of Police,
Molasi Police Station,
Namakkal District.

.. Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records pertaining to the order of detention passed in proceedings in C.M.P.No.57/Drug



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Offender/ 2025/M1 dated 29.05.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner's son by name Srikumar, son of Jayapalan, aged 34 years, before this Court, now confined in Central Prison, Salem and set him at liberty.

For Petitioner : Mr.P.Hasnah
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER

(Made by SUNDER MOHAN, J.)

The mother of the detenu has challenged the detention order dated 29.05.2025 passed against her son, who has been branded as 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 has filed this present petition.

2.The learned counsel for the petitioner would submit that the impugned order is liable to be quashed on the sole ground that the inference of the detaining authority that the detenu is likely to be released on bail without any basis and it is his *ipse dixit*.

3.Heard learned Additional Public Prosecutor for the respondents.

4.We have perused the grounds of detention wherein, the detaining authority has observed that the detenu has not filed bail application and there are fair chances that his relatives are moving the bail application.

We find that no material was placed before the detaining authority to



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arrive at such a conclusion. The said statement, therefore, is his *ipse dixit*.

Therefore, the impugned order cannot be sustained.

5. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.57/Drug Offender/2025 (M1), dated 29.05.2025 is set aside.

6. The detenu, viz., Srikumar, S/o. Jayapalan, aged 34 years, who is now confined in Central Prison, Salem, 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.]
07.04.2026

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

vs

Note : Issue Today.

To

1.The Additional Chief Secretary to Government,
(Home), Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The District Magistrate and District Collector,
Namakkal, Namakkal District.

3.The Superintendent of Police,
Namakkal District, Namakkal.

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



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5. The Inspector of Police,
Molasi Police Station,
Namakkal District.

6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

7. The Public Prosecutor,
High Court, Madras.

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and
SUNDER MOHAN,J.

VS

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