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HCP No.45 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 45 of 2026

Govindammal,
W/o.Chandrasekar,
No.06, Sivarajapuram, 5th Street,
Puliyanthope, Chennai District - 12.

...Petitioner/Mother of
the Detenue

Vs

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI)
Department, Secretariat, Chennai – 600009.
2. Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal -II, Chennai District.
4. The Inspector of Police,
Law and Order,
P-4, Basin Bridge Police Station, Chennai
District.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the detention order in Memo



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No.790/BBCDEFGISSV/2025 dated 10.10.2025 on the file of the Respondent No.2 and quash the same and direct the Respondents to produce the person of my husband one named THIRU.AJITHKUMAR S/O.CHANDRASEKAR aged about 27 years now confined at Central Prison, Puzhal before this Court and set him at liberty forthwith.

For Petitioner :

Mr.P.Muthamizhselvakumar

For Respondents:

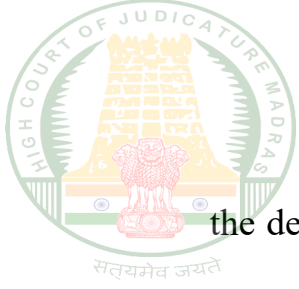
Mr.C.R.Malarvannan

Counsel for Government of Tamil Nadu
(Criminal Side)**ORDER****(Order of the Court was made by Sunder Mohan J.)**

The mother of the detenu – Ajithkumar, aged 27 years, S/o. Chandrasekar, has filed this petition challenging the detention order dated 10.10.2025, branding him as a ‘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 respondents.

3. The detention order is liable to be quashed for more than one reason. In the grounds of detention, the detaining authority has stated that



the detenu was in remand and had not filed any bail application; and that in a similar case, the accused therein was granted bail by the Principal Special Court under Essential Commodities & Narcotic Drugs and Psychotropic Substance Act, Chennai – 600 104, in CrI.MP.No.5272 of 2023 on 27.07.2023.

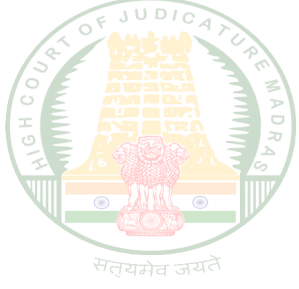
4.The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, it is seen that the Special Court had granted bail under Section 167(2) Cr.P.C., since the final report was not filed within the statutory period and not on merits.

5. That apart, the detaining authority has relied upon a statement said to have been made by the mother of the detenu/the petitioner herein, 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/petitioner herein is neither signed nor dated.



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.

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 said wrong premise. Hence, the detention order is liable to be quashed.



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8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.790/BBCDEFGISSSV/2025 dated 10.10.2025, is set aside.

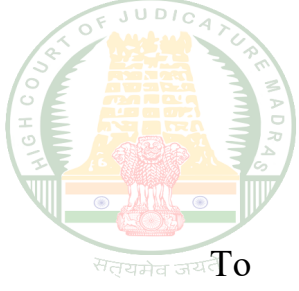
9. The detenu, viz., Ajithkumar, aged 27 years, S/o. Chandrasekar, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
24-06-2026

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

Note: Issue Order Copy today.

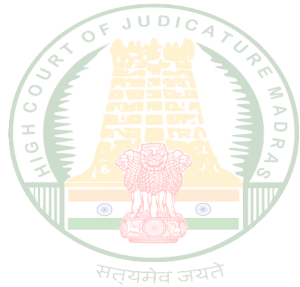
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- To
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Home, Prohibition and Excise (XVI)
Department,
Secretariat,
Chennai – 600009.
 2. The Commissioner of police
Greater Chennai.
 3. The Superintendent of Prison
Central Prison Puzhal -II,
Chennai District.
 4. The Inspector of Police,
Law and Order,
P-4, Basin Bridge Police Station,
Chennai District.
 5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
 6. The Public Prosecutor,
High Court of Madras.



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

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