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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.46 of 2026

M.Jothi

.. Petitioner/Mother of the Detenue

Vs.

1.The State of Tamil Nadu,
Represented by the Additional Secretary to
the Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Tamilnadu Secretariat,
Chennai - 9.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Superintendent,
Central Prison, Madurai.

4.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

.....Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the entire records pertaining to the detention order in S.R.No.45/D.O/2025, dated 28.10.2025 on the file of the 2nd respondent herein and set aside the same as illegal and consequently direct the respondents to produce the body or person of the petitioner's son namely A.Arunkumar, S/o.Angusamy, aged about 27 years, who is detained in Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the mother of the detenu, by name A.Arunkumar, S/o.Angusamy, aged about 27 years. The detenu has been detained by the second respondent by his order in S.R.No.45/D.O/2025, dated 28.10.2025 holding him to be a "Drug Offender", as contemplated under Section 2(e) of the Tamil Nadu Prevention Detention Act, 1982 (Tamil Nadu Act 14 of 1982). The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We



have also perused the records produced by the Detaining Authority.

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3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner mainly focused his argument on the ground that there were two adverse cases, out of which one involves IPC offences and another involves an intermediate quantity of 2.5 kgs, for which, an FIR was registered in Crime No.233 of 2024 on the file of the Uchipuli Police Station. The ground case involves 5 kgs of ganja, which is also an intermediate quantity, for which an FIR was registered in Crime No.376 of 2025. The detenu was arrested on 18.09.2025, whereas the detention order was passed only on 28.10.2025.

4. It was contended that in both cases, intermediate quantity was involved, whereas the Detaining Authority in a casual manner has passed the detention order in a case where such an order is not warranted.

5. We are of the view that both in the adverse case as well as in the ground case, the quantity that is alleged to have been seized is only an intermediate quantity. Hence, it is not a serious offence under the NDPS



Act, since it does not involve any commercial quantity, warranting passing of a detention order and the detenu could have been dealt with under regular penal law that is already available and there was no need for resorting to detention order under Act 14 of 1982.

6. For this purpose, we rely on the judgment in ***Rekha vs. State of Tamil Nadu (2011 (5) SCC 244)***.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in S.R.No.45/D.O/2025, dated 28.10.2025 passed by the second respondent is set aside. The detenu, viz., A.Arunkumar, S/o.Angusamy, aged about 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.,)
06.04.2026

Index : Yes / No
Internet : Yes / No

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Ramanathapuram District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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