



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE P.DHANABAL**

H.C.P.(MD)No.31 of 2026

M.Veeramari

.. Petitioner / wife of
the detenu

Vs.

1. The State of Tamil Nadu,
Rep By, the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 9.

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

3. The Superintendent of Prison,
Central Prison,
Madurai.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records connected with the detention order passed in Detention order No.37/2025 dated 27-08-2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely, the



petitioner's husband i.e., Mageshkumar, aged about 29 years, S/o.Velu, now detained at the Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr. N.Pragalathan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu, by name Mageshkumar son of Velu, aged about 29 years. The detenu has been detained by the second respondent by his order in Detention Order No.37 of 2025, dated 27.08.2025 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 would mainly focus his argument on the ground that there were two adverse cases involving intermediate quantities of 130 grams and 2.5 kgs of ganja, for which First Information Reports were registered in Crime No.25 of 2025 and Crime No.6 of 2025. The ground case involved 4.300 kgs of ganja, which is also an intermediate quantity, for which an FIR was registered in Crime No.220 of 2025. The detenu was arrested on 04.08.2025, whereas, the detention order was passed only on 27.08.2025.

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 cases 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 Detention Order No.37 of 2025, dated 27.08.2025 passed by the second respondent is set aside. The detenu, viz., Mageshkumar son of Velu, aged about 29 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (P.D.B.,J.)
04.03.2026

Index : Yes / No
Internet : Yes / No
PKN



To

1. The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 9.
2. The District Collector and District Magistrate,
Theni District.
3. The Superintendent of Prison,
Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
P.DHANABAL,J.**

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