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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.100 of 2026

Rasu

.. Petitioner / Father of the detenu
Vs.

- 1.The State of Tamil Nadu,
represented by its
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Theni District, Theni.
- 3.The Inspector of Police,
Theni Police Station,
Theni District.
Crime No.716 of 2025
- 4.The Superintendent of Prison,
Central Prison, Madurai.

.. 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 records pertaining to the order of detention passed by the second respondent in Detention Order No.3 of 2026 dated 06.01.2026 and quash the same and direct the respondents to produce the detenu, Prasath, son of Rasu, male, aged 33 years, who is detained at Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.G.Karuppasamy Pandian,
learned counsel for the State
of Tamil Nadu (Criminal
Side)

ORDER

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

The petitioner is the father of the detenu, by name, Prasath, son of Rasu, male, aged 33 years. The detenu has been detained by the second respondent by his order in Detention Order No.3 of 2026 dated 06.01.2026 holding him to be a "Drug Offender" contemplated under Section 2(e) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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2. We have heard the learned counsel appearing for the petitioner and the learned counsel for the State of Tamil Nadu (Criminal Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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 is no adverse case against the detenu. The ground case involved 15 gms of methamphetamine, which is a small quantity and 120 gms of ganja, which is also an intermediate quantity for which, FIR was registered in Crime No.716 of 2025.

4. It was contended that in the ground case, 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 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



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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. The another ground that was raised by the learned counsel for the petitioner is that the detenu was arrested on 04.12.2025, whereas, the detention order was passed only on 06.01.2026. Hence, there is a delay of 33 days in passing the detention order and this delay is totally unexplained.

8. In our considered view, the issue is squarely covered by the judgment of the Hon'ble Apex Court in the case of ***Sushanta Kumar Banik Vs. State of Tripura and Others reported in 2022 SCC Online SC 1333***.

9. The detention order is vitiated due to the fact that there was a solitary case and the live and proximate link between the grounds of detention and the purpose of the detention is completely absent.



WEB COPY 10. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.3 of 2026 dated 06.01.2026 passed by the second respondent is set aside. The detenu, viz., Prasath, son of Rasu, male, aged 33 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.)
19.06.2026

Index : Yes / No

Internet : Yes / No

TSG

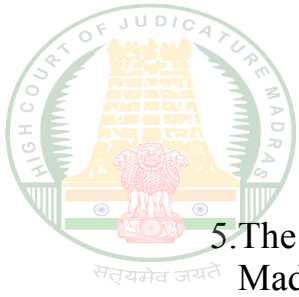
To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

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

3.The Inspector of Police,
Theni Police Station,
Theni District.

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



5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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