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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.158 of 2026

R.Mallika

.. Petitioner / Mother of the detenu
Vs.

1.State of Tamil Nadu,
represented by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police,
Trichy City, Trichy.

3.The Inspector of Police,
Srirangam Police Station, Trichy City.

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

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India. to issue
a writ of Habeas Corpus, to call for the records of the second respondent in



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C.No.02/Detention/C.P.O/TC/2026 dated 07.01.2026 and set aside the same and direct the respondents to produce the detenu, Venkatesh, s/o Rajkumar, aged about 25 years, now confined at the Central Prison, Trichy, before this Court and set him at liberty.

For Petitioner : Mr.T.Lenin Kumar
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 mother of the detenu, by name, Venkatesh, s/o Rajkumar, aged about 25 years. The detenu has been detained by the second respondent by his order in C.No.02/Detention/C.P.O/TC/2026, dated 07.01.2026 holding him to be a "Drug Offender", as contemplated under Section 2(e) of the 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 counsel for the State of Tamil Nadu (Criminal Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3. Apart from the other grounds raised by the learned counsel for the petitioner, one of the main grounds that was raised is that the Detaining Authority was aware of the fact that the bail petition filed by the detenu was pending and in spite of the same, he relied upon the order passed in Cr.O.P.No.12010 of 2025, dated 17.07.2025 and came to the conclusion that bail has been granted in a similar case. Therefore, there is a likelihood of the detenu coming out on bail. The learned counsel submitted that the order that was relied upon does not arise out of a similar case and therefore, the detention order suffers from non-application of mind.

4. We have carefully gone through the order passed in Cr.O.P.No. 12010 of 2025, dated 17.07.2025. This Court had taken into consideration the fact that the investigation had almost been completed and the Court also considered the incarceration suffered by the accused therein. Hence, the order that was relied upon does not arise out of a similar case since in the case in hand, the investigation was pending.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.02/Detention/C.P.O/TC/2026, dated 07.01.2026 passed by the second respondent is set aside. The detenu, viz., Venkatesh, s/o Rajkumar, aged about 25 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 Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police,
Trichy City, Trichy.

3.The Inspector of Police,
Srirangam Police Station, Trichy City.

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

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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