



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.06.2026

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THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MRS JUSTICE S.SRIMATHY

H.C.P.(MD) No.337 of 2026

Selvam

.. Petitioner / Father of the detenu

Vs.

1.The State of Tamilnadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Chennai.

2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Madurai District - 625 020.

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

4.State of Tamilnadu,
Represented by the Inspector of Police,
Uthapanaickanur Police Station,
Madurai 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 entire records pertaining to the Detention order passed by the second respondent in B.B.C.D.E.F.G.I.S.S.S.V.No.90/2025, dated 05.12.2025 and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son namely Bharath, S/o.Selvam, aged about 32 years, who is detained in Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr.P.Thinesh

For Respondents : Mr.G.Karuppasamy Pandiyan
Counsel for State of TN (Crl.Side)

ORDER

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

The petitioner is the father of the detenu, by name, Bharath, S/o.Selvam, aged about 32 years. The detenu has been detained by the second respondent by his order in B.B.C.D.E.F.G.I.S.S.S.V.No.90/2025, dated 05.12.2025 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.



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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.

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 detainee. The ground case involved 6 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No.158 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 commercial quantity, warranting passing of a detention order and the detenu



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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 06.11.2025, whereas, the detention order was passed only on 05.12.2025. Hence, there is a delay of 30 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.



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10. In the result, the Habeas Corpus Petition is allowed and the order of detention in B.B.C.D.E.F.G.I.S.S.S.V.No.90/2025, dated 05.12.2025 passed by the second respondent is set aside. The detenu, viz., Bharath, S/o.Selvam, aged about 32 years, is directed to be released forthwith unless her detention is required in connection with any other case.

(N.A.V.,J..) (S.S.Y.,J.)
08.06.2026

Index : Yes / No
Internet : Yes / No

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- 1.The Additional Chief Secretary to Government,
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Fort St.George, Chennai.
- 2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Madurai District - 625 020.
- 3.The Superintendent of Prison,
Central Prison, Madurai.
- 4.The Inspector of Police,
Uthapanaickanur Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N.ANAND VENKATESH,J.
AND
S.SRIMATHY,J.**

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