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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.189 of 2026

Selvi

.. Petitioner/Mother 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,
O/o.The District Collector and District Magistrate,
Thoothukudi District.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

.....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 of the Respondent No.2 in Detention order No.H.S.(M). Confdl No.112/2025, dated 16.10.2025 and quash the same and to direct the



respondents to produce the body or person of the detenu namely Manikandan, S/o.Sankaranainar, male, aged about 37 years, now confining as Drug Offender at Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, viz., Manikandan, S/o.Sankaranainar, male, aged about 37 years. The detenu has been detained by the second respondent by his order No.H.S.(M). Confdl No.112/2025, dated 16.10.2025 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 would mainly focus his argument on the ground that there was eight adverse cases, involving IPC offences. The ground case involved 1.250 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No.195 of 2025. The detenu was arrested on 17.09.2025, whereas, the detention order was passed only on 16.10.2025.

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 there are adverse cases pending against the petitioner involving IPC offences and 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 No.H.S.(M). Confdl No.112/2025, dated 16.10.2025, passed by the second respondent is set aside. The detenu, viz., Manikandan, S/o.Sankaranainar, male, aged about 37 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.)
02.04.2026

Index : Yes / No
Internet : Yes / No

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Madurai Bench of Madras High Court,
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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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