



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.243 of 2026

Iyappajothy

.. Petitioner
/ Father of the detenu

Vs.

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

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

3.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No.642 of 2025

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

.. 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 entire records connected with the detention order of the second respondent in Detention Order in M.H.S.Confdl.No.87 of 2025 dated 05.11.2025 and quash the same and consequently direct the respondents to produce the body or person of the detenu, namely Suresh, son of Arunachalam, aged about 26 years, now detained as “Drug Offender” at Central Prison, Palayamkottai and set him at liberty.

For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu, by name, Suresh, son of Arunachalam, aged about 26 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.87 of 2025 dated 05.11.2025 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.



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 were two adverse cases, for which, FIRs were registered in Crime No.118 of 2024 for offences under IPC and Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002 and in Crime No.634 of 2025 for offences under Section BNS and SC/ST Act respectively. The ground case involved 1.430 kgs of ganja, which is an intermediate quantity for which, FIR was registered in Crime No.642 of 2025. The detenu was arrested on 19.10.2025, whereas, the detention order was passed only on 05.11.2025.

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.



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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 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 M.H.S.Confdl.No.87 of 2025 dated 05.11.2025 passed by the second respondent is set aside. The detenu, viz., Suresh, son of Arunachalam, aged about 26 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.)
16.04.2026

Index : Yes / No
Internet : Yes / No
TSG



To

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

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

3. The Inspector of Police,
Tenkasi Police Station,
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4. The Superintendent of Prison,
Central Prison,
Palayamkottai.

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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