



HCP(MD). No.344 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/03/2026

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

HCP(MD). No.344 of 2026

Madumitha

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2. The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City.

3. The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

... Respondents

PRAYER :-

To detention order of the R2 in C.No.38/Detention/C.P.O/TC/2025
dated 30.03.2025 and Quash the same and direct the Respondents to
produce the body or person of the detenu by name Sabari, S/o.

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Ashokkumar aged 34 years, now detained as DRUG OFFENDER at in Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani,
Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, by name, Sabari, aged 34 years, S/o. Ashokkumar. The detenu has been detained by the second respondent by his order in C.No.38/Detention/C.P.O/TC/2025 dated 30.0.2025 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.

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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 is no adverse case against the detenu. The ground case involved 2.140 kgs of ganja, which is also an intermediate quantity, for which, FIR was registered in Crime No.45 of 2025. The detenu was arrested on 28.02.2025, whereas, the detention order was passed only on 30.03.2025.

4. It was contended that only the 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 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.



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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 C.No.38/Detention/C.P.O/TC/2025 dated 30.03.2025 passed by the second respondent is set aside. The detenu, viz., Sabari, S/o. Ashokkumar aged 34 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[N.A.V.,J] and [K.K.R.K.,J.]
23.03.2026

NCC : yes / no
Index : yes / no

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