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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.254 of 2026

Mohammed Ammal

.. Petitioner/Mother of the Detenue

Vs.

1.The State of Tamilnadu,
Rep. by the Additional Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

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

3.The Superintendent of Central Prison,
Palayamkottai.

.....Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent in M.H.S.Confdl No.68/2025, dated 13.08.2025 and quash the same and direct the respondents to produce the detenue namely Sahul Hameed @ Left Sahul, S/o.Thatha Beer, aged about



37 years, now detained at Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, by name Sahul Hameed @ Left Sahul, S/o.Thatha Beer, aged about 37 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No. 68/2025, dated 13.08.2025 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 mainly focused his argument on the ground that there were two adverse cases, which involves IPC offences, for which, FIRs were registered in Crime Nos.562 of 2022 and 599 of 2024 on the file of the Tenkasi Police Station. The ground case involves 1.5 kgs of ganja, which is also an intermediate quantity, for which an FIR was registered in Crime No.524 of 2025. The detenu was arrested on 29.07.2025, whereas the detention order was passed only on 13.08.2025.

4. It was contended that in both cases, 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.



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.68/2025, dated 13.08.2025 passed by the second respondent is set aside. The detenu, viz., Sahul Hameed @ Left Sahul, S/o.Thatha Beer, 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.)
06.04.2026

Index : Yes / No
Internet : Yes / No

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