



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.06.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MRS JUSTICE S.SRIMATHY

H.C.P.(MD)No.275 of 2026

M.Mayakkal

.. Petitioner / mother of the detenu

Vs.

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

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

3.The Superintendent of Prison,
Special Prison For Women,
Madurai.

.. 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 passed in Detention order No.78/2025, dated 10.12.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenue or body of the detenue I.e. The



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petitioner's daughter namely Nivetha, aged about 30 years, D/o.Manikandan, now detained at the Special Prison for Women, Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan
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 mother of the detenu, by name, Nivetha, aged about 30 years, D/o.Manikandan. The detenu has been detained by the second respondent by his order in Detention order No.78/2025, dated 10.12.2025 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.

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 one adverse case involving an intermediate quantity, for which, FIR was registered in Crime No.146 of 2024. The ground case involved 2 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No.300 of 2025. The detenu was arrested on 15.11.2025, whereas, the detention order was passed only on 10.12.2025.

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 both in the adverse case as well as 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.

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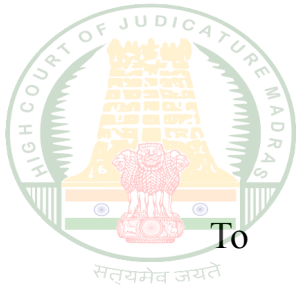
6. For this purpose, we rely on the judgment in ***Rekha vs. State of Tamil Nadu (2011 (5) SCC 244)***.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention order No.78/2025, dated 10.12.2025 passed by the second respondent is set aside. The detenu, viz., Nivetha, aged about 30 years, D/o.Manikandan, 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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Madurai Bench of Madras High Court,
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**N.ANAND VENKATESH,J.
AND
S.SRIMATHY,J.**

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