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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.315 of 2026

Aanantharani

.. 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.
- 2.The District Magistrate Cum the District Collector,
Sivagangai District, Sivagangai District.
- 3.The Superintendent,
District Prison,
Ramanathapuram.
- 4.The Superintendent of Prison,
Central Prison, Madurai District.

.. 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 relating to the detention order passed by the 2nd respondent in CrI.M.P.No.103/D.O/2025 dated 14.10.2025 and quash the same and direct the respondents to produce Santhosh Kumar, Son of Muthukumar, Male, aged about 24 years, who is now detained at District Prison, Ramanathapuram, Ramanathapuram District, before this Court and set him at liberty.

For Petitioner : Mr.R.Balamuruganantham

For Respondents : 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, Santhosh Kumar, Son of Muthukumar, aged about 24 years. The detenu has been detained by the second respondent by his order in CrI.M.P.No.103/D.O/2025, dated 14.10.2025 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.



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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 was one adverse case involving an intermediate quantity of 2 kgs, for which, FIR was registered in Crime No.8 of 2024. The ground case involved 1.05 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No.446 of 2025. The detenu was arrested on 19.09.2025, whereas, the detention order was passed only on 14.10.2025.

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.

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 Crl.M.P.No.103/D.O/2025 dated 14.10.2025, passed by the second respondent is set aside. The detenu, viz., Santhosh Kumar, Son of Muthukumar, aged about 24 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.,)
09.04.2026

Index : Yes / No
Internet : Yes / No

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To

- 1.The Additional Chief Secretary to Government,
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- 2.The District Magistrate Cum the District Collector,
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- 3.The Superintendent,
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Ramanathapuram.
- 4.The Superintendent of Prison,
Central Prison, Madurai District.
- 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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