



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.06.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MRS JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.358 of 2026

Shanthi

.. Petitioner / Mother of the detenu

Vs.

- 1.The State of Tamilnadu,
The Additional Chief Secretary to Government,
Home, Prohibition and Exercise Department,
Secretariat, Fort St. George, Chennai.
- 2.The District Magistrate and District Collector,
Sivagangai District, Sivagangai.
- 3.The Superintendent,
Central Prison, Madurai.
- 4.State of Tamilnadu,
Represented by the Inspector of Police,
Poovanthi Police Station,
Poovanthi, Sivagangai.

.. 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 records relating to the detention order passed by the 2nd respondent in Detention order on 23.12.2025 in Cr.M.P.No.122/D.O/2025 and to quash the same and direct the respondents to produce the body of the detenu namely Balamurugan @ Kavatta Bala, S/o.Thesigan, aged about 32 years, before this Court and set him at liberty, now confined at Central Prison, Madurai.

For Petitioner : Mr.D.Rameshkumar

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, Balamurugan @ Kavatta Bala, S/o.Thesigan, aged about 32 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.122/D.O/2025 dated 23.12.2025 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.



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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 no adverse case against the detainee. The ground case involved 4 kgs of ganja, which is also an intermediate quantity for which, FIR was registered in Crime No.179 of 2025. The detainee was arrested on 30.11.2025, whereas, the detention order was passed only on 23.12.2025.

4. It was contended that 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 there was no adverse case against the detainee and 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



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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.

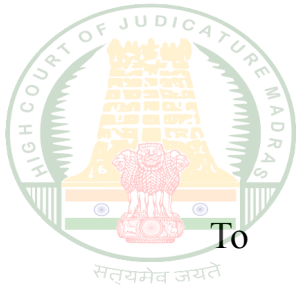
6. For this purpose, we rely on the judgment in ***Rekha vs. State of Tamil Nadu (2011 (5) SCC 244)***.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.122/D.O/2025 dated 23.12.2025 passed by the second respondent is set aside. The detenu, viz., Balamurugan @ Kavatta Bala, S/o.Thesigan, aged about 32 years, is directed to be released forthwith unless her detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.,)
15.06.2026

Index : Yes / No
Internet : Yes / No

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4. The Inspector of Police,
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Poovanthi, Sivagangai.
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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