



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.06.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.455 of 2026

Ramar

.. Petitioner / detenu

Vs.

1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -9.

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

3.The Inspector of Police,
Prohibition Enforcement Wing Theni,
Theni District.

4.The Superintendent of Prison,
Central Prison,
Madurai.

.. Respondents

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 No.88/2025 dated



WEB COPY

23.12.2025 and to quash the same and direct the respondents to produce the body or person of the detenu viz.,Ramar, aged 66 years, S/o.Ponnagathevar, before this Court and set him at liberty, now detained at Central Prison, Madurai.

For Petitioner : Mr.Kavitha.K

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 detenu, by name Ramar, aged 66 years, S/o.Ponnagathevar. The detenu has been detained by the second respondent by his order in Detention Order No.88/2025 dated 23.12.2025 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.



WEB COPY

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 16 kgs, for which, FIR was registered in Crime No.464 of 2024. The ground case involved 10.665 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No. 166 of 2025. The detenu was arrested on 25.11.2025, whereas, the detention order was passed only on 23.12.2025.

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.

WEB COPY

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.88/2025 dated 23.12.2025 passed by the second respondent is set aside. The detenu, viz., Ramar, aged 66 years, S/o.Ponnagathevar, 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.,)
15.06.2026

Index : Yes / No

Internet : Yes / No

Indu



WEB COPY To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -9.
2. The District Magistrate and District Collector,
Theni District.
3. The Inspector of Police,
Prohibition Enforcement Wing Theni,
Theni District.
4. The Superintendent of Prison,
Central Prison,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

Indu

H.C.P.(MD)No.455 of 2026

15.06.2026