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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-11-2026

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

AND

THE HON'BLE MR.JUSTICE N.GUNASEKARAN

HCP(MD) No. 1078 of 2026

CNR:{HCMD011121972026}

Case QR

A. Reshma
D/o.Abdullasha,
D.No.3A, Melakrishnan Kovil Street,
Kajapettai,
Trichy District.

..Petitioner(s)

Vs

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

2. The Commissioner of Police
   Tiruchirappalli City.

3. The Superintendent
   Special Prison for Women,
   Tiruchirappalli. ..Respondent(s)

PRAYER: H2-DO.To call for the records pertaining to the proceedings of the 2nd respondent made in his proceedings in C.No.35/Detention/C.P.O/TC/2026 dated 17.07.2026 and quash the same and set the petitioner's mother by name Barakath Nisha, W/o.Abdullasha, aged about 42 years and set her at liberty from the Special Prison for Women, Tiruchirapalli/third respondent.

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For Petitioner(s) :M/s C.Prithviraj

For Respondent(s) :M/s.G.Karuppasamy Pandian
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. GUNASEKARAN J.)

The petitioner is the daughter of the detenue viz., Barakath Nisha, W/o.Abdullasha, aged about 42 years . The detenu has been detained by the second respondent pursuant to the detention order passed in C.No.35/Detention/C.P.O/TC/2026 dated 17.07.2026 , branding her as a "Drug offender" as contemplated under Section 2(e) of the Tamil Nadu Act 14 of 1982. The said order of detention is under challenge in the present Habeas Corpus Petition.

2. Though several grounds have been raised by the petitioner assailing the impugned order of detention, during the course of hearing, the learned counsel for the petitioner confined his submissions to the ground that the subjective satisfaction arrived at by the detaining authority, without disclosing the facts relating to the similar case relied upon and without furnishing the supporting materials, is merely a *ipse dixit*. It is further contended that the detenu had not filed any application for bail and the particulars of the similar case furnished by the detaining

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authority are not similar in nature to the case on hand. Therefore, there was no proper application of mind on the part of the detaining authority while passing the impugned order of detention. Hence, the learned counsel for the petitioner prayed for setting aside the impugned detention order.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. The issue raised in the present Habeas Corpus Petition is squarely covered by the judgment of the Hon'ble Supreme Court in ***Alagu v. State of Tamil Nadu,*** reported in ***2026 SCC OnLine SC 976 : (2026) SCC 976,*** wherein it has been held that there must be cogent material on record on the basis of which a reasonable satisfaction could be arrived at by the detaining authority that the detenu is likely to be released on bail. In the absence of such cogent material, the subjective satisfaction arrived at by the detaining authority that the detenu is likely to be released on bail cannot be sustained. In the present case, having regard to the principles laid down by the Hon'ble Supreme Court, we are of the view that there was no cogent material before the detaining

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authority on the basis of which such satisfaction could have been arrived at. Therefore, the subjective satisfaction recorded by the detaining authority suffers from non-application of mind and cannot be sustained.

5. In view of the law laid down by the Hon'ble Supreme Court in the aforesaid decision, we are inclined to interfere with the impugned order of detention. Accordingly, the Habeas Corpus Petition is allowed and the order of detention passed by the second respondent in Detention order in C.No.35/Detention/C.P.O/TC/2026 dated 17.07.2026 is hereby set aside. Consequently, the detenu, namely, Barakath Nisha, W/o.Abdullasha, aged about 42 years , who is presently detained at the Special Prison for Women, Trichy , is directed to be released forthwith, unless her detention is required in connection with any other case.

(M.N.K.,J.) (N.G.N.,J.)
03-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

AAV

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To

1. The Additional Secretary to Government
   Home, Prohibition and Excise Dept
   Chennai - 9

2. The Commissioner of Police
   Tiruchirappalli City

3. The Superintendent
   Special Prison for Women
   Tiruchirappalli

4. The Additional Public Prosecutor
   Madurai Bench of Madras High Court
   Madurai

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M.NIRMAL KUMAR, J.
AND
N.GUNASEKARAN, J.
AAV

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