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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-11-2026

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

AND

THE HON'BLE MR.JUSTICE N.GUNASEKARAN

HCP(MD) No. 1125 of 2026

CNR:{HCMD011215962026}

Case QR

Arthi
W/o.Muthukumar,
No. 13-1-70-AB,
New Street,
Tiruppathur,
Sivagangai District.

..Petitioner(s)

Vs

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

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

3. The Superintendent of Prison
   Central Prison,Madurai.

..Respondent(s)

PRAYER: This Petition filed under section TN Act 14 of 82 H2-DO. To call for the entire records connected with the detention order of the R-2 in No.Cr.M.P.No.44/D.O/2026 dt.16.06.2026 and quash the same as illegal and direct the respondents to produce the person or body of the detenue namely Muthukumar S/o. Govintharaj aged about 28 years (now detained at Central Prison, Madurai) before this Court and set him at liberty.

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For Petitioner(s) :M/s K.Dinesh

For Respondent(s) :Mr.G.Karuppasamy Pandiyan
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Muthukumar S/o. Govintharaj aged about 28 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.44/D.O/2026 dated 16.06.2026 holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

2. Learned counsel for the petitioner would submit that the Detaining Authority has relied alleged similar case bail order relating to some other accused in some other case, wherein bail was granted, to infer that the detenu is likely to come out on bail. However, the case relied on by the detaining authority is not a similar case to the case of the detenu herein. Therefore, the subjective satisfaction recorded by the authority without disclosing the facts of the other case and without any supporting material, is a mere *ipse dixit*. Hence, he prays for setting aside the impugned detention order.

3. Learned Additional Public Prosecutor would submit that since in a similar case, bail was granted to the accused, the

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Detaining Authority has rightly arrived at a subjective satisfaction that there is every possibility of the detenu herein coming out on bail.

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

5. The fact remains that the bail application filed by the detenu in the ground case was dismissed by the learned Additional District AND Sessions Judge Special Court for Essential Commodities and Narcotic Drugs and Psychotropic Substances Act cases, Pudukottai vide order dated 29.05.2026 in Crl.M.P.No.1338 of 2026 and another bail petition is pending before this Court in Crl.O.P(MD)No.10600 of 2026. However, without any material, the Detaining Authority arrived at a subjective satisfaction that there is every possibility of the detenu coming out on bail by filing another bail application in the ground case and it is a mere ipse dixit. Therefore, the subjective satisfaction arrived at by the detaining authority is *ipse dixit*. Further, the present case is squarely covered by the judgment of the Hon'ble Supreme Court in ***Alagu vs The State of Tamil Nadu*** reported in ***2026 SCC OnLine SC 976 : (2026) SCC 976.*** Therefore, we are inclined to interfere with the impugned order.

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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.44/D.O/2026 dated 16.06.2026, passed by the second respondent is set aside. The detenu, viz., Muthukumar aged about 28 years S/o. Govintharaj, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.N.K.,J.) (N.G.N.,J.)
02-11-2026

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

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   Chennai - 600 009

2. The District Collector and District Magistrate
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   Sivagangai

3. The Superintendent of Prison
   Central Prison
   Madurai

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

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