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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.1287 of 2025

Subbulakshmi

.. Petitioner/Wife of the detenu

Vs.

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

2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Theni District.

3.The Superintendent,
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 entire records pertaining to the detention order passed by the 2nd respondent in Detention Order No. 52/2025, dated 10.10.2025 and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's husband



namely Sivaraja, S/o.Ponnaiya, male, aged about 37 years, who is detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.S.Maya Perumal

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, viz., Sivaraja, S/o.Ponnaiya, male, aged about 37 years. The detenu has been detained by the second respondent by his order in No.52/2025, dated 10.10.2025 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.

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.



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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 detenu. The ground case involved 3 kgs of ganja, which is also an intermediate quantity for which, FIR was registered in Crime No.293 of 2025. The detenu was arrested on 15.09.2025, whereas, the detention order was passed only on 10.10.2025.

4. It was contended that there is no adverse case and in the ground case, 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 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.



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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 No.52/2025, dated 10.10.2025, passed by the second respondent is set aside. The detenu, viz., Sivaraja, S/o.Ponnaiya, male, aged about 37 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.,)
02.04.2026

Index : Yes / No

Internet : Yes / No

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Madurai Bench of Madras High Court,
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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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