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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1353 of 2025

Jayalakshmi

.. Petitioner / mother of the detenu
Vs.

1.The State of Tamil,
represented by
the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

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

3.The Superintendent of Prison,
District Prison, Virudhunagar.

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

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to call
for the entire records connected with the detention order of the second



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respondent in Detention Order in Cr.M.P.No.19 of 2025 dated 29.09.2025 and quash the same and to direct the respondents to produce the body or person of the detenu by name, Jeganraj, son of Ravindran, aged about 33 years, now confining as “Drug Offender” at District Prison, Virudhunagar before this Court and set him at liberty.

For Petitioner : Mr.S.Kasirajan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, by name, Jeganraj, son of Ravindran, aged about 33 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.19 of 2025 dated 29.09.2025 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.

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 were three adverse cases involving small quantity of 15 gms, 650 gms and 250 gms of ganja, for which, FIRs were registered in Crime Nos.93 of 2023, 23 of 2025 and 79 of 2025, respectively. The ground case involved 1.250 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No. 160 of 2025. The detenu was arrested on 01.09.2025, whereas, the detention order was passed only on 29.09.2025.

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.

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.19 of 2025 dated 29.09.2025 passed by the second respondent is set aside. The detenu, viz., Jeganraj, son of Ravindran, aged about 33 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.)
23.03.2026

Index : Yes / No
Internet : Yes / No
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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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