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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.1360 of 2025

Gokul

.. Petitioner / detenu

Vs.

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat Chennai-600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District,
Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

.. 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, connected with the detention order of the second respondent in Detention Order No.38 / BBCDEFGISSSV / 2025, dated 02.09.2025 and quash the same and to



direct the respondents to produce the body or person or the detenu by name Gokul son of Jothibashu, aged about 22 years, now confining as Drug Offender at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.T.Karthick

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu, by name Gokul son of Jothibashu, aged about 22 years. The detenu has been detained by the second respondent by his order in Detention Order No.38 / BBCDEFGISSSV / 2025, dated 02.09.2025 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 one adverse case involving an intermediate quantity of 1.5 kgs, for which, FIR was registered in Crime No.888 of 2024. The ground case involved 2 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No.174 of 2025. The detenu was arrested on 20.07.2025, whereas, the detention order was passed only on 02.09.2025.

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.



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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 Detention Order No.38 / BBCDEFGISSSV / 2025, dated 02.09.2025 passed by the second respondent is set aside. The detenu, viz., Gokul son of Jothibashu, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (P.D.B.,J.)
02.03.2026

Index : Yes / No
Internet : Yes / No
TSG

To

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3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.**

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