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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.1411 of 2025

Masilamani

.. Petitioner / Niece of the detenu

Vs.

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

2.The Commissioner of Police,
City Police Office,
Tiruchirappalli – 620 020.

3.The Superintendent of Prison,
Special Prison for Women,
Tiruchirappalli – 620 008.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records in connection with the detention order passed by the second respondent vide her proceedings in C.No.70/Detention/C.P.O/TC/2025, dated 06.10.2025 and quash the same as



illegal and void and direct the respondents to produce the body or person of the detenu Deivam, W/o.Dharmaraj, aged 32 years, who has been termed as Drug Offender and now confined in Special Prison for Women, Trichy, before this Court and set her at liberty.

For Petitioner : Mr.C.Karthikeyan

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 Deivam, W/o.Dharmaraj, aged 32 years. The detenu has been detained by the second respondent by her proceedings in C.No.70/Detention/C.P.O/TC/2025, dated 06.10.2025 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 her argument on the ground that there were two adverse cases involving an intermediate quantity of Ganja, for which, FIRs were registered in Crime Nos.114 and 278 of 2025. The ground case involved 300 grams of ganja and 100mg of Tapentadol Hydrochloride tablets, which is small quantity, for which, FIR was registered in Crime No.335 of 2025. The detenu was arrested on 16.09.2025, whereas, the detention order was passed only on 06.10.2025.

4. It was contended that in both cases, intermediate quantity and small quantity were 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 cases as well as in the ground case, the quantity that is alleged to have been seized is only an intermediate quantity and small 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 C.No.70/Detention/C.P.O/TC/2025, dated 06.10.2025 passed by the second respondent is set aside. The detenu, viz., Deivam, W/o.Dharmaraj, aged 32 years, is directed to be released forthwith unless her detention is required in connection with any other case.

(N.A.V.,J.) (P.D.B.,J.)
17.03.2026

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
P.DHANABAL,J.**

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