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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.1408 of 2025

A.Meena

.. Petitioner / mother of the detenu
Vs.

1.The State of Tamilnadu,
Rep By,
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 9.

2.The Commissioner of Police,
Madurai City.

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

4.The Inspector of Police,
Mathichiyam Police Station,
Madurai District.
Cr.No.291 of 2025.

.. Respondents



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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 impugned detention order issued by the second respondent in his proceedings in Detention order No.45/BBCDEFGISSSV/2025 dated 23.09.2025 in detaining the detenu under section 2(e) of the Tamil Nadu Act 14 of 1982 as a 'Drug Offender' at the Central Prison, Madurai and thereby, to quash the same and direct the respondents to produce the detenu namely Sathishkumar @ Kiladu Sathish, S/o. Alagarsamy, aged about 31 years, who is now detained at the Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr.K.Vignesh

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, Sathishkumar @ Kiladu Sathish, S/o. Alagarsamy, aged about 31 years. The detenu has been detained by the second respondent by his order in Detention order No.45/BBCDEFGISSSV/2025 dated 23.09.2025 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.



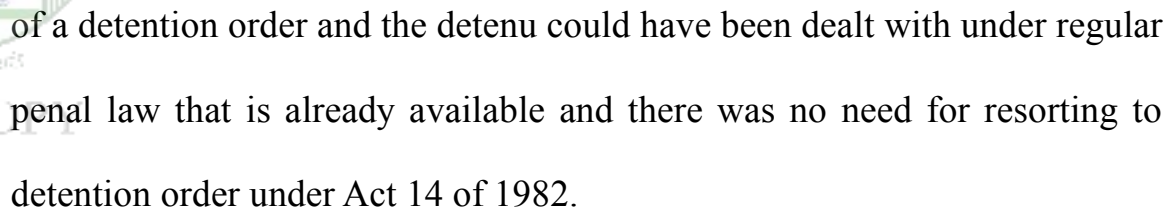
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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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 2.5 kgs, for which, FIR was registered in Crime No.99 of 2025. The ground case involved 2 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No.291 of 2025. The detenu was arrested on 31.08.2025, whereas, the detention order was passed only on 23.09.2025.

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



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.45/BBCDEFGISSSV/2025, dated 23.09.2025 passed by the second respondent is set aside. The detenu, viz., Sathishkumar @ Kiladu Sathish, S/o. Alagarsamy, aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Index : Yes / No
Internet : Yes / No
TSG



To

The Principal Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat,
Chennai - 9.

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Madurai City.

3. The Superintendent of Prison,
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Madurai.

4. The Inspector of Police,
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5. 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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