



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.1475 of 2025

Ravi

.. Petitioner / 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 Magistrate and District Collector,
O/o.The District Magistrate and District Collector,
Dindigul District, Dindigul.

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 respondent No.2 in Detention order No.62/2025, dated 13.10.2025 and quash the same and direct the respondents to produce



the body or person of the detenu by name Ravi, S/o.Murugesan, aged about 49 years, now detained as “Bootlegger” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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 Ravi, S/o.Murugesan, aged about 49 years. The detenu has been detained by the second respondent by his order in Detention Order No.62/2025, dated 13.10.2025 holding him to be a "Bootlegger", as contemplated under Section 2(b) 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.



WEB COPY

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 two adverse cases involving intermediate quantities of illicit arrack, for which, FIR was registered in Crime Nos.95 and 97 of 2025. The ground case involved is also an intermediate quantity, for which, FIR was registered in Crime No.242 of 2024.

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.



WEB COPY

6. For this purpose, we rely on the judgment in ***Rekha vs. State of Tamil Nadu (2011 (5) SCC 244)***. Apart from that the detenue was arrested on 20.09.2028 and the detention order is passed on 13.10.2025 and there is a delay of 23 days in passing the detention order and this delay is totally unexplained.

7. In our considered view, the issue is squarely covered by the judgment of the Hon'ble Apex Court in the case of ***Sushanta Kumar Banik Vs. State of Tripura and Others*** reported in ***2022 SCC Online SC 1333***.

8. The detention order is vitiated due to the fact that the live and proximate link between the grounds of detention and the purpose of the detention is completely absent. Hence, this Court is inclined to interfere with the detained order passed by the second respondent.

9. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention order No.62/2025, dated 13.10.2025 passed by the second respondent is set aside. The detenu, viz., Ravi, S/o.Murugesan, aged



about 49 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.)
18.03.2026

Index : Yes / No
Internet : Yes / No

Indu

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St,George, Chennai -9.
- 2.The District Magistrate and District Collector,
O/o.The District Magistrate and District Collector,
Dindigul District, Dindigul.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

Indu

H.C.P.(MD)No.1475 of 2025

18.03.2026