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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.1 of 2026

Arulthamayanthi

.. Petitioner / mother of the detenu
Vs.

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

2.The District Collector,
Tirunelveli District, Tirunelveli.

3.The Superintendent of Prison,
Central Prison, Palayamkottai
Tirunelveli District.

.. 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 respondent made in his proceedings in Detention Order M.H.S.Confdl No. 135 of 2025, dated 14.10.2025 in detaining the detenu under Section 2(e)



of the Tamil Nadu Act 14 of 1982 as a Drug Offender and quash the same and direct the respondents to produce the detenu, namely, Marimuthu S/o Chelladurai, male, aged 30 years, who is detained in Central Prison, Palayamkottai, Tirunelveli District before this Court and set him at liberty.

For Petitioner : Mr.Dr.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 mother of the detenu, by name, Marimuthu S/o Chelladurai, male, aged 30 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.135 of 2025, dated 14.10.2025 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 is no adverse case against the detenu. The ground case involved 5 kgs of ganja, which is also an intermediate quantity, for which, FIR was registered in Crime No.641 of 2025. The detenu was arrested on 19.09.2025, whereas, the detention order was passed only on 14.10.2025.

4. It was contended that only the 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 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 M.H.S.Confdl No.135 of 2025, dated 14.10.2025 passed by the second respondent is set aside. The detenu, viz., Marimuthu S/o Chelladurai, male, aged 30 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
TSG

To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The District Collector,
Tirunelveli District, Tirunelveli.

3.The Superintendent of Prison,
Central Prison, Palayamkottai
Tirunelveli District.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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