



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 99 of 2026

H.Hukam Singh

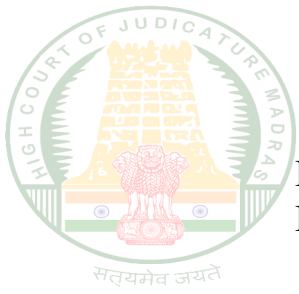
..Petitioner(s)

Vs

1. The State of Tamil Nadu Rep.by, The Secretary
to the Government
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
M1, Madhavaram Police Station,
Chennai - 600 110.

..Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records pertaining to the in Memo No.1081/BBCDEFGISSSV/2025 dated 28.12.2025 on the file of the 2nd Respondent herein and set aside the same and direct the Respondents herein to produce the petitioners me Hukkam Singh son of Hanuman Singh, aged 30 years, now confined in the Central Prison, Puzhal II, Chennai before the Honble Court and set him at Liberty.



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For Petitioner(s):
For Respondent(s):

MR.CHARLES KAMALESH M.APPAJI
MR.M.MOHAMED RIYAZ
GOVERNMENT ADVOCATE
(CRIMINAL SIDE)

ORDER

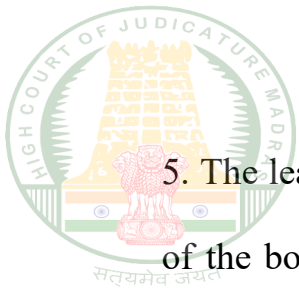
(Order of the Court was made by N.Sathish Kumar J.)

The order of detention passed by the second respondent in Memo No.1081/BBCDEFGISSSV/2025 dated 28.12.2025 is sought to be quashed in the present Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and learned Government Advocate appearing for respondents. We have also perused the records submitted by the detaining authority.

3.Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner confined his argument only with regard to non- application of mind on the part of the detaining authority in arriving at the subjective satisfaction regarding imminent possibility of detenu being enlarged on bail while passing the impugned order of detention.

4.Learned counsel for the petitioner submitted that the detaining authority arrived at the subjective satisfaction of detenu being released on bail based on the bail granted in the case of one Ambala Athithan in CrI.O.P.No.13031 of 2025 dated 29.04.2025, but the facts of the said case is totally different.

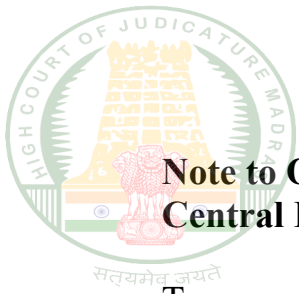


5. The learned counsel drew the attention this Court to Page No.15 of Volume I of the booklet wherein vide order 29.04.2025 bail was granted to one Ambala Athithan in CrI.O.P.No.13031 of 2025. A careful perusal of the said order, brings to light that the facts of the said case is totally different as that of the instant case. The said case was registered for the offences under Sections 274, 275 and 123 of BNS and Section 24 (1) of Cigaratte and other Tobacco Products Act, 2003 read with Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2016, whereas the instant case is registered for the offences under Sections 274, 275 and 123 of BNS and Section 24 (1) of Cigaratte and other Tobacco Products Act, 2003. Therefore, taking the said bail order as the basis for arriving at subjective satisfaction regarding the imminent possibility of detenu being enlarged on bail is clearly vitiated. Therefore, the impugned preventive detention order deserves to be dislodged.

6. In the result, the detention order passed by the second respondent in Memo No.1081/BBCDEFGISSSV/2025 dated 28.12.2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Hukkam Singh son of Hanuman Singh, aged 30 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
12-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SLI



Note to Office : Registry to communicate this order to Jail authorities in Central Prison, Puzhal II, Chennai, forthwith.

To

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- 1.The Secretary to the Government
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Chennai - 600 007.
- 3.The Superintendent of Prison,
Central Prison Puzhal,
Chennai - 600 066.
- 4The Inspector of Police,
M1, Madhavaram Police Station,
Chennai - 600 110.
- 5.The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9.
- 6.The Public Prosecutor
High Court, Madras.



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**N.SATHISH KUMAR, J.
AND
K.RAJASEKAR, J.**

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