



WEB COPY

HCP No. 107 of 2



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. 107 of 2026

Gowri

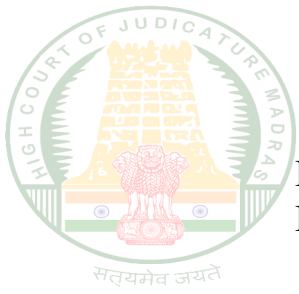
..Petitioner(s)

Vs

1. Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Secretariat, Fort.St.George,
Chennai – 600009.
2. The Commissioner of Police
O/o Avadi City Commissionerate,
Avadi Chennai – 600054.
3. The Superintendent
Central Prison, Puzhal - II,
Chennai.
4. The Inspector of Police
T-3 Korattur Police Station,
Chennai.

..Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent in No.190/TNPD/APC/2025 dated 20.12.2025 against the petitioner's Nephew branding him as DRUG OFFENDER and quash the same and direct the respondent to produce petitioner's nephew Selvaraj S/o Gunasekaran aged about 26 years now confined at Central Prison, Puzhal - II, Chennai before this Court and set him at liberty.



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

Mr.A.NIRMAL KUMAR SHARMA
Mr.Mohamed Riyaz
Government Advocate (Crl.side)

WEB COPY

ORDER

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

The order of detention passed by the second respondent in No.190/TNPD/APC/2025 dated 20.12.2025 is sought to be quashed in the present Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

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.

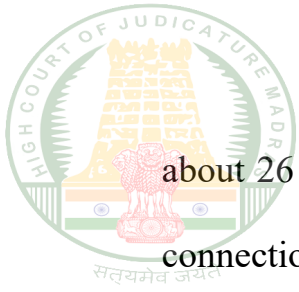
4.The learned counsel for the petitioner submitted that the detenu was arrested and remanded to judicial custody in connection with the ground case and three adverse cases, but the detenu has not moved any bail application in respect of the ground case, therefore, there is no real possibility of the detenu



coming out on bail in the near future, however, the detaining authority while passing the impugned detention order arrived at the subjective satisfaction regarding imminent possibility of coming out on bail by relying on a bail order in CrI.M.P.No.1414 of 2021 dated 04.06.2021 and the statement made by the petitioner that she has moved a bail application.

5. In this regard, the learned counsel drew the attention this Court to the statement made by the petitioner and the bail order in CrI.M.P.No.1414 of 2021 dated 04.06.2021, which are enclosed at Page Nos.42 & 37 respectively of Volume I of the booklet. A careful perusal of the said order brings to light that in the said case, the accused had no previous case but in the case on hand, the detenu is having three previous cases. Moreover, the petitioner herein, who is the aunt of the detenu, had moved a bail application, only in respect of her son and not in respect of the detenu herein. Therefore, taking the said bail order and the statement of the petitioner having moved a bail application as the basis, the subjective satisfaction arrived at by the detaining authority 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, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent in No.190/TNPD/APC/2025 dated 20.12.2025 is hereby set aside. The detenu viz., Selvaraj S/o Gunasekaran aged



about 26 years is directed to be set at liberty forthwith unless he is required in connection with any other case.

WEB COPY

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

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

SLI

To

1.Additional Chief Secretary to the Government
Home Prohibition and Excise Department,
Secretariat, Fort.St.George,
Chennai – 600009.

2.The Commissioner of Police
O/o Avadi City Commissionerate,
Avadi Chennai – 600054.

3.The Superintendent
Central Prison, Puzhal - II,
Chennai.

4.The Inspector of Police
T-3 Korattur Police Station,
Chennai.

5.The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9

6.The Public Prosecutor
High Court, Madras.



WEB COPY

HCP No. 107 of 2



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

SLI

HCP No. 107 of 2026

12-08-2026