



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 482 of 2026

Desingu
S/o.Raji,
No.299, Kasipuram A Block,
2nd Street,
Royapuram,
Chennai district.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police,
Chennai City,
Chennai district.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. State rep.by
The Inspector of Police,
N-2 Kasimedu Police Station,
Chennai District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to
issue a WRIT OF HABEAS CORPUS or any other Writ or Order in the nature
of Writ call for the records in connection with the order or detention passed by
the 2nd respondent dated 14.11.2025 in BBCDEFGISSSV No.947/2025 against



the petitioner son Lokesh @ Desappan, M/26 years, Son of Desingu, who is confined at Central Prison, Puzhal, Chennai and set aside the same and consequently direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.A.Saranraj For M/s.D.Swathi

For Respondent(s): Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

(Order of the Court was made by Dr.Anita Sumanth J.)

Lokesh @ Desappan, S/o. Desingu, has been branded as a 'Drug Offender' and detained, under order dated 14.11.2025 lodged in Central Prison, Puzhal, Chennai. His father is aggrieved by the order of detention and seeks quash of the same.

2. We have heard both learned counsel for the petitioner and learned Counsel For Government Of Tamil Nadu (Criminal Side) for respondents.

3. We are inclined to set aside the order of detention on the ground that the subjective satisfaction of the detaining authority is not based on any credible materials. The authority notes in the order of detention that there is every chance that the detenu will be enlarged on bail. However, he does not cite any materials on the basis of which he has arrived at such a subjective satisfaction.



In fact, the order of detention is silent in this regard.

4. Normally, in order to support the subjective satisfaction, some materials, such as, statements of relatives must be available on record. This is a case where the absence of such materials is conspicuous. Hence we are of the considered view that the subjective satisfaction is vitiated for non-application of mind and the order of detention is liable to be set aside and we do so.

5. That apart, as per the remand report, the detenu has long list of adverse cases, 19 in number as per instructions of Mr.Malarvannan. Hence the gravity of this case is far more than the case of the accused in CrI.M.P.No.1414 of 2021 dated 04.06.2021, where the detenu had no previous case.

6. We find hence, that the subjective satisfaction of the authority that the detenu may be enlarged on bail is misplaced, as the gravity of the offences in the present case would, no doubt, weigh with the authorities as and when the bail application filed by the detenu would be considered.

7. Hence, we find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is nothing but mere ipse dixit.

8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.947/BBCDEFGISSSV/2025 dated 14.11.2025 is set aside.



9. The detenu, viz., Lokesh @ Desappan, S/o. Desingu, male aged 26 years, confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

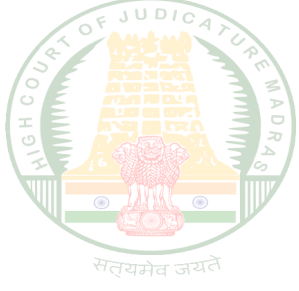
(A.S.M.,J.) (S.M.,J.)
14-07-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
SSM

Note to Registry : Issue Today

To

1. The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police,
Chennai City,
Chennai district.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
N-2 Kasimedu Police Station,
Chennai District.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George, Chennai – 9.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

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