



WEB COPY

HCP No. 485 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 485 of 2026

Selvi
W/o.Vijayarajan,
D.No.3/99/1, Jawan Nivas,
Arasur, Coimbatore District.
Now residing at
D.No.93, Vijayalakshmi Mills Opp.,
Madurai Veeran Kovil Street,
BK Pudur, Kuniyamuthur,
Coimbatore District.

..Petitioner(s)

Vs

1. State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police/
Detaining Authority,
Office of the Commissioner of Police,
Coimbatore City, Coimbatore.
3. The Superintendent of Prison,
Central Prison,
Coimbatore, Coimbatore District.
4. The Inspector of Police,
Prohibition Enforcement Wing,
Coimbatore City.

..Respondent(s)



Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the detention order *vide* C.No.18/G/IS/2026 dated 16.02.2026 passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's son *viz.* V.Visakan, son of Vijayarajan, aged 24 years, who is presently under going detention in the Central Prison, Coimbatore, before this Court and set him at liberty.

For Petitioner(s): Mr.M.N.Balakrishnan

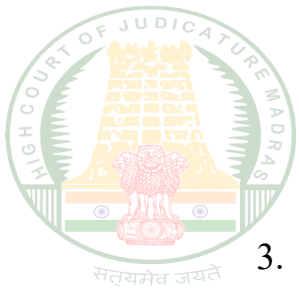
For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side)

ORDER

(made by N.Sathish Kumar J.)

The petitioner, who is the mother of the detenu V.Visakan, son of Vijayarajan, aged 24 years, has come forward with this petition challenging the detention order passed by the second respondent dated 16.02.2026 bearing reference Memo C.No.18/G/IS/2026 branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.



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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 the bail application filed by the detenu in respect of the ground case was dismissed on 10.02.2026 and thereafter, the detenu has not moved any bail application in respect of the ground case and 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 stating that the relatives of the detenu are taking steps to move bail application for the detenu.

5. A perusal of the detention order and the booklet show that there are no materials available on record to prove that the detenu or his relative is intending to file any bail application. Therefore, without any materials, the



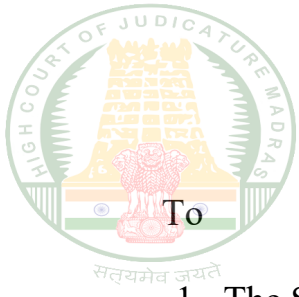
subjective satisfaction arrived at by the detaining authority regarding the imminent possibility of detenu being enlarged on bail shows clear non-application of mind. Therefore, the impugned preventive detention order deserves to be dislodged.

In the result, this habeas corpus petition is allowed and the detention order passed by the second respondent dated 16.02.2026 in Memo C.No.18/G/IS/2026 is hereby set aside and the detenu viz. V.Visakan, son of Vijayarajan, aged 24 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.)
19-08-2026

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

nsd



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The Commissioner of Police/
Detaining Authority,
Office of the Commissioner of Police,
Coimbatore City,
Coimbatore.
3. The Superintendent of Prison,
Central Prison,
Coimbatore,
Coimbatore District.
4. The Inspector of Police,
Prohibition Enforcement Wing,
Coimbatore City.
5. The Public Prosecutor,
Madras High Court, Chennai.



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

nsd

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