



WEB COPY

HCP No. 483 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 483 of 2026

Priya, W/o Murugesan,
No.12C, Kazhuvamulli Street,
Thiruthuraipoondi,
Tiruvarur District.

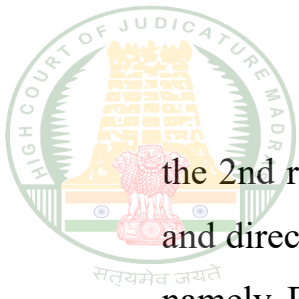
..Petitioner(s)

Vs

1. The Principal Secretary to Government
Home Prohibition and Excise Department,
Secretariat, Chennai – 600009.
2. The District Collector and District Magistrate
Tiruvarur District.
3. The Superintendent of Police
Tiruvarur District.
4. The Superintendent of Prison
Central Prison,
Tiruchirappalli.
5. The Inspector Of Police
Thiruthuraipoondi Police Station,
Tiruvarur District.

..Respondent(s)

Prayer: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus or any other Writ or Direction, calling for the entire records connected with the detention order of



the 2nd respondent in C.O.C.No.34/2025 dated 20.12.2025 and quash the same and direct the respondents to produce the body and person of the petitioners son namely Rubanraj son of Murugesan aged about 25 years detained in Central Prison, Tiruchirappalli, before this Honourable Court and set him at liberty.

For Petitioner(s): Mr. S.Mohamed Ansar

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

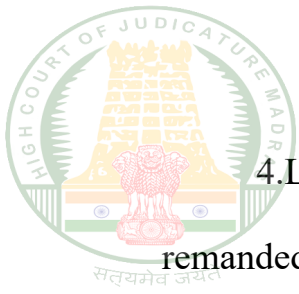
ORDER

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

The order of detention passed by the 2nd respondent in C.O.C.No.34 of 2025, dated 20.12.2025 is sought to be quashed in this 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 passing the impugned order of detention.



4.Learned counsel for the petitioner submitted that the detenu has been remanded to judicial custody in connection with ground case and he has not moved any bail application in those cases and therefore, there is no real possibility of the detenu coming out on bail in the near future. However, the detaining authority after quoting that the detenu has not filed any bail application, but by relying on the order passed in Cr.M.P.No.307 of 2021, dated 21.05.2021, by the Additional District and Sessions Judge, Special Court under E..C. Act Cases, Thanjavur, wherein, bail has been to the accused concerned, has come to the conclusion that there is a real possibility of the detenu coming out on bail.

5.Per contra, learned Additional Public Prosecutor while reiterating the averments in the counter affidavit submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

6.Considering the submissions made by both sides, this court is of the considered view that there is non application of mind on the part of the detaining authority while passing the impugned order. Admittedly, in the ground case no bail application has been filed by the detenu or by his relatives so far. If that be so, the subjective satisfaction arrived at by the detaining authority that there is real possibility of his coming out on bail would be mere



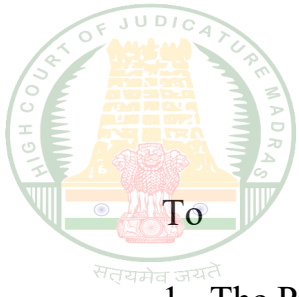
ipse dixit and that would vitiate the order of detention. It is a trite law that when no bail application is pending, it is only a logical conclusion that there is no likelihood of the person in custody would be released on bail. There are no materials available to show that a bail application is being moved, on behalf of the detenu, either by his relatives or by any other person, to take him out on bail. Thus, there is no real possibility of the detenu coming out on bail. Therefore, the conclusion of the detaining authority that there is a possibility of the detenu coming out on bail shows his non application of mind while passing the detention order. In such view of the matter, the impugned detention order is liable to be quashed.

7.In the result, the Habeas Corpus Petition is allowed and the order of detention dated 20.12.2025 in C.O.C.No.34 of 2025 is set aside. The detenu, namely, Rubanraj, male, aged about 25 years, S/o Murugesan, is directed to be released forthwith unless her detention is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)
13-08-2026

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

MST



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Home Prohibition and Excise Department,
Secretariat, Chennai – 600009..
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Tiruvarur District.
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