

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.749 of 2026

Vijayalakshmi
W/o.Vinothkumar,
No.16/33, Power House 1st Street,
Tondiarpet,
Chennai-600 081.

...Petitioner/Wife of the
detenu

Vs

1. State of Tamil Nadu
Rep. by the Additional Chief Secretary to
Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery,
Chennai - 600 007.
3. The Superintendent of Prison
Central Prison,
Puzhal,
Chennai District.



4. The Inspector of Police,
N1, Royapuram Police Station,
Chennai.

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...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the Detention Order vide No.844/BBCDEFGISSV/2025 dated 25.10.2025, passed by the Second respondent and quash the same and direct the respondents herein to produce the petitioner's husband namely Thiru.Vinothkumar, S/o.Velankanni, aged 33 years, (who is presently under going detention in the Central Prison, Puzhal, Chennai) before this Court and set him at liberty.

For Petitioner: Mr.P.Narayana Prasadh

For Respondents: Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The wife of the detenu – Vinothkumar, S/o.Velankanni, aged 33 years, has filed this petition challenging the detention order dated 25.10.2025, branding him as 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).



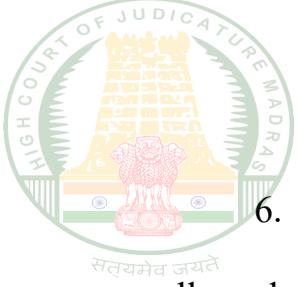
2. Heard the learned counsel for the petitioner and the learned counsel for Government of Tamil Nadu (Criminal Side) for the respondents.

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3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. The detaining authority has relied upon a statement said to have been made by the wife of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application in the ground case. However, we find that the statement of the wife of the detenu is neither signed nor dated. We have in HCP No. 1684 of 2025 vide order dated 01.04.2026, held that, the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application.

5. Therefore, the reliance placed on the said statement by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. Thus, the inference that the detention is warranted since the detenu is likely to indulge in further criminal activities after his release on bail is based on the said wrong premise. Hence, the detention order is liable to be quashed.



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6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.844/BBCDEFGISSSV/2025 dated 25.10.2025 is set aside.

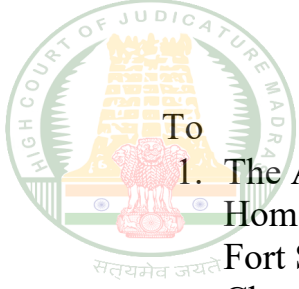
7. The detenu, viz., Vinothkumar, S/o.Velankanni, aged 33 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
11-06-2026

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

Note: Issue Order Copy today

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To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

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2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery,
Chennai-600 007.
3. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai District.
4. The Inspector of Police,
N1, Royapuram Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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