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HCP No. 1849 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1849 of 2025

Ashwini

..Petitioner

Vs

1. State of Tamilnadu, Rep by
The Secretary to Government Home,
Prohibition and Excise Department,
Secretariat, Chennai – 600009.
2. The Commissioner of Police
Greater Chennai Police,
Vepery, Chennai.
3. The Superintendent of Police,
Central Prison, Puzhal, Chennai.
4. The Inspector of Police,
Law and Order,
D1 Triplicane Police Station,
Chennai.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue to writ of habeas corpus to call for records in connection with the order of detention passed by the 2nd respondent dated 21.08.2025 in detention order No.574/BBCDEFGISSSV/2025 against the



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petitioner's husband Manoj, male aged about 27 years, S/o.Krishnan who is confined at Central prison, Puzhal, Chennai -66 and set aside the same and consequently direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner:	M.Soundar Vijay Arul Ram
For Respondents:	Mr.R.Muniyapparaj, Additional Public Prosecutor, Assisted by Mr.M.Sylvester John

ORDER

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

The wife of the detenu - Manoj, has challenged the detention order dated 21.08.2025, by which the detenu was branded as Drug Offender under Section 2(e) passed under the provision of the Tamil Nadu Preventive Detention Act, 1982.

2. The detenu was found in possession of 50 Kgs of ganja along with other accused, though the prosecution had not attributed possession of any specific quantity to the detenu.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.



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4. Though several grounds have been raised by the learned counsel for the detenu, we are of the view that the detention order is liable to be quashed on the sole ground that the detaining authority's satisfaction that the detenu is likely to be released on bail is without any valid material. The detaining authority had recorded the fact that the detenu's bail application was dismissed on 19.08.2025 and that the relatives are taking steps to move a bail application. However, there is no material placed before the detaining authority to arrive at a conclusion that the relatives of the detenu are taking steps to file a bail application. Since the statement that the detenu is likely to be released on bail is only the *ipse dixit* of the detaining authority, we are inclined to quash the impugned detention order and direct release of the detenu.

6. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Memo No.574/BBCDEFGISSSV/2025, dated 21.08.2025, is hereby set aside.



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7. The detenu, viz., Manoj, S/o.Krishnan, male, aged 27 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.)
23-03-2026

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

Note to office:
Issue order copy today
ars

1. The Secretary to Government Home,
Prohibition and Excise Department,
Secretariat, Chennai – 600009.
2. The Commissioner of Police
Greater Chennai Police, Vepery, Chennai.
3. The Superintendent of Police,
Central Prison, Puzhal, Chennai.
4. The Inspector of Police,
Law and Order,
D1 Triplicane Police Station, Chennai.
5. The Public Prosecutor,
High Court, Madras.



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

ars

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