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HCP No. 1861 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. 1861 of 2025

Thamila

..Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home Prohibition and Excise Dept.,
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 the records in connection with the order of detention passed by the 2nd respondent dated 21.08.2025 in detention order No.575/BBCDEFGISSSV/2025 against the petitioner's son Vignesh @ Nithesh, male aged about 32



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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 mother of the detenu - Vignesh @ Nithesh, has challenged the detention order dated 21.08.2025, by which the detenu was branded as Drug Offender under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982.

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

3. Though several grounds have been raised by the learned counsel for the petitioner, we are of the view that the impugned detention order is liable to be quashed on the sole ground that certain relevant materials



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have not been taken into consideration by the detaining authority while passing the order of detention.

4. In paragraph No.3 of the detention order, the detaining authority has observed that the detenu has not moved any bail application in Cr.No.472 of 2025, which is the ground case thus far. However, it is seen from the booklet furnished to the detenu that the detenu had filed the bail application in CrI.MP.No.5246 of 2025 before the trial Court, which was dismissed on 20.08.2025

5. The non-consideration of this vital material vitiates the subjective satisfaction of the detaining authority that the detenu is likely to be released on bail and indulge in further activities. Therefore, 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.575/BBCDEFGISSSV/2025, dated 21.08.2025, is hereby set aside.



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7. The detenu, viz., Vignesh @ Nithesh, S/o.Krishnan, male, aged 32 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
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To

1. The Additional Chief Secretary to Government,
Home Prohibition and Excise Dept.,
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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