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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2086 of 2025

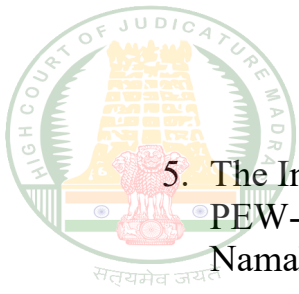
and CrI.M.P.No.3487 of 2025

Vikneshwaran
S/o.Duraisamy,
No.2/147, Nadu Street,
Muttanchetti Post,
Sendamangalam Taluk,
Namakkal District.
Now at Near TWAD Board,
Erumapatti Post, Sendamangalam Taluk,
Namakkal District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu, Reptd. by its Secretary to Government, (Home), Prohibition and Excise Department, Secretariat, Fort St.George, Chennai - 600 009.
2. The District Magistrate and the District Collector Namakkal, Namakkal District.
3. The Superintendent of Police, Namakkal District, Namakkal.
4. The Superintendent of Prison, Central Prison, Salem District.



5. The Inspector of Police,
PEW-Namakkal Police Station,
Namakkal District.

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..Respondent(s)

Prayer: Habeas Corpus petition filed under article 226 of Constitution of India for issuance of a Writ of Habeas Corpus to call for the records pertaining to the order of detention passed in his proceedings in C.M.P.No.70/Drug Offender/2025/M1 dated on 05.08.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner by name in Vikneshwaran Son of Duraisamy aged about 20 years before this Hon'ble Court now confined in Central Prison, Salem and set him at liberty.

For Petitioner(s): Mr.Prathap.P.K
for Mr.C.Deepakkumar

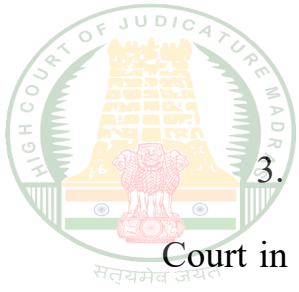
For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

We have heard Mr.Prathap.P.K, learned counsel for Mr.C.Deepakkumar, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel for the respondents.

2. The challenge is to order of detention dated 05.08.2025 under which Vikneshwaran, S/o.Duraisamy has been branded as Drug Offender under Section 2(e) of the Tamil Nadu Act 14 of 1982 (in short 'Act'). The petitioner/detenu has approached this Court seeking quash of the order.



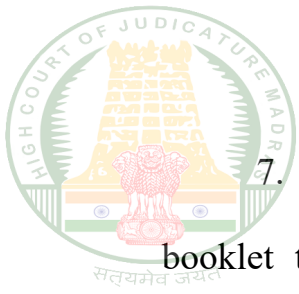
3. Learned counsel for the petitioner relies on an order passed by this Court in HCP No.1860 of 2025 dated 26.03.2026 in respect of the co-accused.

We find that that order is inapplicable to the present case. In that matter, after referring to the decision in *Powanammal V. State of Tamil Nadu* ((1999) 2 SCC 413), the detention order was quashed on the ground that the arrest card had not been given to that detenu in a language known to him.

4. However, in the present case, the arrest card is in Tamil, which is the language known to the detenu. Hence, that ground is unavailable to the petitioner. However, there are other grounds that are placed before us.

5. Firstly, the bail order passed in Crl.M.P.No.436 of 2025 dated 05.06.2025 by the Special Judicial court, Salem, supplied to the detenu, is only in Tamil. However, the original order passed in English has not been supplied to the detenu, as a result that the detenu has not been in a position to compare the two versions, and ensure that what has been given to him is a proper translation of the original order.

6. The second ground is that though the detaining authority notes that no bail application has been filed by the petitioner, he goes on to state that there are fair chances that either the detenu or his relatives would move a bail application and the detenu would be enlarged on bail.



7. We are unable to find any material either in the grounds or in the booklet that have been furnished to the Court to support such subjective satisfaction including any statement from any relative. The grounds set out in the order of detention must be supported with credible material in order to validate such subjective satisfaction, in the absence of which, as in the present case, the same stands vitiated.

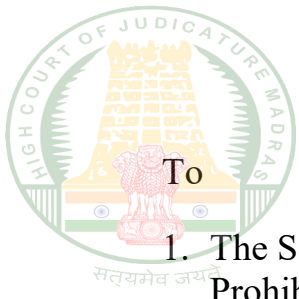
8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No.70/Drug Offender/2025 (M1) dated 05.08.2025 is set aside.

9. The detenu, viz., Vikneshwaran, S/o.Duraisamy, male aged 20 years, who is now confined in Central Prison, Salem, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

10. Since the HCP itself is taken up for final hearing and disposed, there is no necessity for the Miscellaneous Petition seeking to fix an early date of hearing. Hence, Crl.M.P.No.3487 of 2025 stands closed.

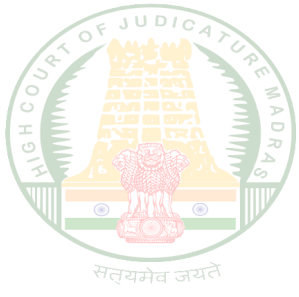
(A.S.M.,J.) (S.M.,J.)
15-04-2026

sl
Index: Yes/No
Speaking order
Neutral Citation: Yes
Note to Registry: Issue Today.



To

1. The Secretary to Government, (Home),
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Magistrate and the District Collector
Namakkal,
Namakkal District.
3. The Superintendent of Police,
Namakkal District,
Namakkal.
4. The Superintendent of Prison,
Central Prison,
Salem District.
5. The Inspector of Police,
PEW-Namakkal Police Station,
Namakkal District.
6. The Public Prosecutor, High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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HCP No. 2086 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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**HCP No. 2086 of 2025
and Crl.M.P.No.3487 of 2025**

15-04-2026

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