



HCP No. 2189 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2189 of 2025

Manju
W/o.Kamalesh,
No.33A, Annai Indra Nagar,
Anna Nagar, Chennai District

..Petitioner(s)

Vs

1. The Principal Secretary to the Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The Commissioner of Police
Tambaram City
3. The Superintendent of Police
Central Prison, Puzhal, Chennai District
4. The Inspector of Police
Prohibition Enforcing Wing,
Pallikaranai, Chennai District

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the detention order No.120/BBCDEFGISSV/2025 on 23.09.2025 on the file of the respondent No.2 and quash the same and direct the respondent to produce petitioner husband one named Mr.G.Kamalesh S/o.Ganesan aged about 26 years now confined at



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Central Prison, Puzhal before this Honble Court and set him at liberty forthwith.

For Petitioner(s): Mr.P.Muthamizh Selvakumar

For Respondent(s): 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-G.Kamalesh, S/o.Ganesan, aged 26 years, has challenged his detention order dated 23.09.2025 branding him as 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14 of 1982).

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

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. In paragraph No.4 of the grounds of detention, the detaining authority had observed that the detenu had not filed any bail application;



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that the sponsoring authority has stated that the relatives of the detenu are taking steps to bring him out on bail; and that in a similar case in CMP No.2394 of 2023 by the order dated 18.06.2023, the Principal Special Court under EC & NDPS Act, Chennai had granted bail to the accused therein.

5. However, on perusal of the said order in CMP No.2394 of 2023, which is furnished in the booklet, we find that the bail was granted under Section 167(2) of the Cr.P.C. as the police in that case had not filed the final report within the time stipulated and not on merits. Therefore, the reliance placed on the said order by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. The inference that the detenu would indulge in further criminal activities after his release also is without any basis. Hence, the detention order is liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No. 120/2025 dated 23.09.2025 is set aside.

7. The detenu, viz., G.Kamalesh, S/o.Ganesan, aged 26 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to



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be set at liberty forthwith unless his presence is required in connection with any other case.

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(A.S.M.,J.) (S.M.,J.)
22-04-2026

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

Note to office:
Issue order today.

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To

1. The Principal Secretary to the Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The Commissioner of Police
Tambaram City
3. The Superintendent of Police
Central Prison, Puzhal, Chennai District
4. The Inspector of Police
Prohibition Enforcing Wing,
Pallikaranai, Chennai District.
5. The Public Prosecutor,
High Court, Madras.



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

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