

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2454 of 2025

Thanisha
W/o. Alaudin, (detenue),
No.125 A, Bharathi Nagar,
East Street, Vysarpadi,
Chennai-600039.

..Petitioner(s)

Vs

1. State of Tamil Nadu Represented by Secretary to Government, Home, Prohibition and Excise Department, Fort St.George, Chennai-600 009.
2. The Commissioner Of Police Greater, Chennai.
3. The Superintendent Of Prison, Central Prison Puzhal, Chennai.
4. State Rep By The Inspector Of Police, PEW Washermenpet Police Station, Chennai District.

..Respondent(s)

Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a writ of Habeas Corpus or any other appropriate order or direction, calling for the records of the 2nd respondent pertaining to the order made in Memo No.795/BBCDEFGISSSV/2025 dated 16.10.2025 in detaining the detenue under the Tamilnadu Act 14/1982 as a brand of BOOTLEGGER



and quash the same and direct the respondents to produce the detenue, the petitioner's husband Alaudin, son of Ali Jinna, aged 43 years who is detained at the Central Prison Puzhal before this Hon'ble Court and set him at liberty and pass such further or other orders as this Hon'ble Court.

For Petitioner(s): Mr.S. Karthick

For Respondent(s): Mr.C.R. Malarvannan

Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

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

The wife of one Alaudin (detenu) S/o Ali Jinna, who was detained as a Bootlegger under Section 2(b) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 16.10.2025.

2. Learned counsel for the petitioner assails the impugned order of detention pointing out to various lacunae in the order, emphasizing that the subjective satisfaction of the detaining authority that the detenu will be enlarged on bail is wholly misconceived.

3. We have heard Mr.S.Karthick, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.



4. The subjective satisfaction of the detaining authority is vitiated for the reason that reliance upon an order passed in Crl.O.P.No.13248 of 2025 dated 28.04.2025 is misplaced. The inference that the detenu is likely to come out on bail is based on a comparison of the detenu with the accused in Crl.O.P.No.13248 of 2025. However, that accused had no bad antecedents, whereas the detenu has two previous cases.

5. Since the circumstances in the present matter are far graver, we find that the subjective satisfaction of the authority that the detenu may be enlarged on bail is misplaced, as the gravity of the offences in the present case would, no doubt, weigh with the authorities as and when the bail application filed by the detenu would be considered. Incidentally a copy of that order is unavailable in the copy of the booklet furnished to one of us.

6. In light of the fact that the circumstances in the present matter are far graver, we find that the subjective satisfaction of the authority that the detenu may be enlarged on bail is not correct.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No. 795/BBCDEFGISSV/2025 dated 16.10.2025 is set aside.



8. The detenu, viz., Alaudin, S/o.Ali Jinna, male aged 43 years, who is now confined in Central Prison, Puzhal, Chennai, is directed to 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.)

25-06-2026

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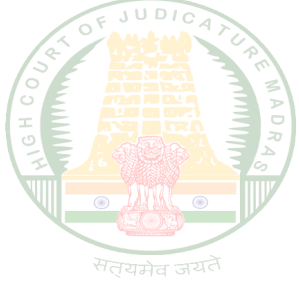
Index: Yes/No

Speaking order

Neutral Citation: Yes

To

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



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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