



WEB COPY

HCP No.2455 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No.2455 of 2025

Salethmary

W/o.Suresh @ Chittoor Suresh,
No.19, 5th Street,
Gopalakrishnan Nagar,
Odaipillaiyar Koil back side katpadi,
Vellore District.

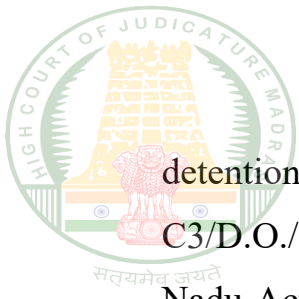
...Petitioner/Wife of the
Detenue

Vs

1. The Additional Chief Secretary to
Government
Home, Prohibition and Excise Department,
Fort St George, Chennai - 600 009.
2. The District Collector and District Magistrate of
Vellore District,
Vellore – 9.
3. The Superintendent of Police,
Vellore.
4. The Superintendent,
Central Prison, Salem.
5. The Inspector of Police,
Latheri Police Station, Vellore District.

..Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for
issuance of Writ of Habeas Corpus, calling for the records relating to the



detention order passed by the second respondent pertaining to the order made in C3/D.O./39/2025 dated 25.10.2025 in detain the detenue under 2 (e) of Tamil Nadu Act 14 of 1982 as a DRUG OFFENDER and quash the same and direct the respondent to produce the detenue SURESH @ CHITTOOR SURESH son of DEVA aged about 30 years, who is detained at Central Prison, Salem before this Court and set him at liberty.

For Petitioner: Mr.G.Nirmal Krishnan

For Respondent: Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

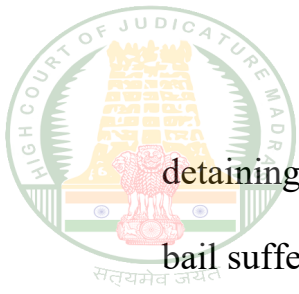
ORDER

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

The wife of the detenu – Suresh @ Chittoor Suresh, S/o. Deva, aged 30 years, has filed this petition challenging the detention order dated 25.10.2025, branding him as ‘Drug Offender’ under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard learned counsel for the petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for the respondents.

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



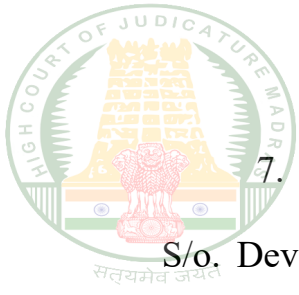
detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

WEB COPY

4. In the grounds of detention, the detaining authority has stated that the detenu has not filed any bail application in the ground case; and that in a similar case, bail was granted by the Court of Additional District Judge and Special Judge for Essential Commodities Act cases, Salem, in Crl.M.P.No.565 of 2023 dated 06.06.2023.

5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, the accused therein was granted bail because he had no previous cases. Whereas, in this case, the detenu has two adverse cases. Therefore, the reliance placed by the detaining authority on the said order, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. 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 C3/D.O. No.39/2025 dated 25.10.2025, is set aside.



7. The detenu, viz., Suresh @ Chittoor Suresh, S/o. Deva, aged 30 years, who is now confined in Central Prison, Salem, 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.)
25-06-2026

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

dk



To

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



WEB COPY

HCP No.2455 of 2



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

dk

HCP No. 2455 of 2025

25-06-2026