

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2458 of 2025

Umapathy
S/o.Sundaram
No.1/34, Thiruvalluvar Street, Mettukuppam,
Vanagaram, Chennai-600 095

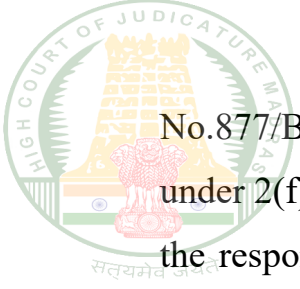
..Petitioner(s)

Vs

1. The Additional Chief Seretary to government
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009
2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai-600 007
3. The Superintendent
Central Prison, Puzhal, Chennai-600 066
4. State rep by the Inspector of Police
T-5, Vanagaram Police station,
Chennai
cr.No.228/2025

..Respondent(s)

PETITION filed under Article 226 of the Constitution of India praying for the issuance of a writ of habeas Corpus to any other appropriate writ order or direction in the nature of writ calling for the records relating to the detention order passed by the 2nd respondent pertaining to the order made in



No.877/BBCDEFGISSSV/2025 dated on 29.10.2025 in detain the detenue under 2(f) of TN Act of 1982 as a Drug Offender and quash the same and direct the respondent to produce the detenue Pradeep, son of Umapathy male Hindu aged about 33 yeasers who is detained at Central Prison, Puzhal at Chennai before this Honble Court and set him at liberty

For Petitioner(s): Mr.T.S.Sasi Kumar

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 father of one Pradeep (detenu) S/o Umapathy, who was detained as a Goonda under Section 2(e) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 29.10.2025.

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.T.S.Sasi Kumar, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.



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4. The subjective satisfaction of the detaining authority is vitiated for the reason that reliance upon an order passed in Crl.M.P.No.1414 of 2021 dated 04.06.2021 by the Principal Sessions Judge under EC & NDPS Act, Chennai 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.M.P.No.1414 of 2021. However, that accused had no previous case, whereas the detenu has one previous case.

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.

6. Hence, we find merit in the submission of the petitioner that the subjective satisfaction of the authority that bail would be granted, is nothing but mere ipse dixit.

7. Yet another lacunae is that the statement recorded under Section 180(3) of BNSS, which makes reference to the forensic report, contains an anomaly in the date, in that, the report is dated 24.10.2025, but the officer has signed the statement on 22.10.2025. The statement cannot be dated 22.10.2025 when the relied upon material is dated 24.10.2025.



8. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No. 877/BBCDEFGISSSV/2025 dated 29.10.2025 is set aside.

9. The detenu, viz., Pradeep, S/o.Umapathy, male aged 33 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.

(A.S.M.,J.) (S.M.,J.)
24-06-2026

Index: Yes/No

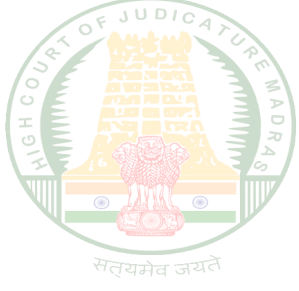
Speaking order

Neutral Citation: Yes

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To

1. The Additional Chief Seretary to government
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009
2. The Commissioner of Police
Greater Chennai, Vepery, Chennai-600 007
3. The Superintendent
Central Prison, Puzhal, Chennai-600 066
4. State rep by the Inspector of Police
T-5, Vanagaram Police station, Chennai
5. The Joint Secretary to Government,
Public (Law & Order), Secretariat,
Fort St.George, Chennai-600 009.
6. The Public Prosecutor, High Court, Madras.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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