



HCP No.2551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

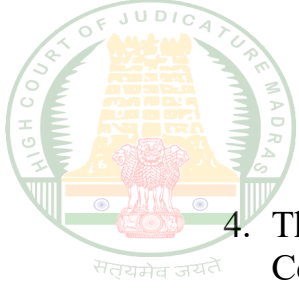
HCP No.2551 of 2025

Sivakami
W/o.Balu @ Punk Balu,
No.27, Block No.22, TNSCB, ICF Colony,
Athipet, Ambattur,
Chennai 600 058.

...Petitioner/Wife of the
Detenue

Vs

1. State of Tamil Nadu
Rep. By the Additional Secretary
Home, Prohibition And Excise Department,
Fort St.George, Chennai -600 009.
2. The Commissioner of Police,
Avadi City, Type V, QTR. No.5/1,
HVF Estate,
Avadi, Chennai-600 054.
3. The Inspector of Police
T-2, Ambattur Estate Police Station,
Chennai.



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4. The Superintendent of Prison
Central Prison - II,
Puzhal, Chennai 600 066.

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...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 in Memo No.166/TNPD/APC/2025 dated 08.11.2025 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's husband THIRU.BALU@PUNK BALU S/O VELU, aged about 37 years the detenue, now confined in Central Prison, Puzhal Chennai before this Court and set the petitioner's husband THIRU.BALU @ PUNK BALU S/O.VELU aged about 37 years the detenue herein at liberty.

For Petitioner:

Mr.R.Muthukumar

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 – Balu @ Punk Balu, aged 37 years, S/o.Velu, has filed this petition challenging the detention order dated 08.11.2025, branding him as 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).



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

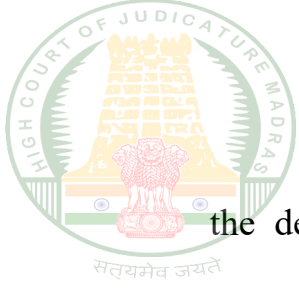
3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.

4. In the grounds of detention, the detaining authority has stated that the detenu is in remand and has not filed any bail application. However, the sponsoring authority has stated that the wife of the detenu is taking steps to file a bail application before the appropriate court. The detaining authority has relied upon a statement said to have been made by the wife of the detenu, under Section 180(3) of the BNSS that she is taking steps to file a bail application.



5. On 03.03.2026, in HCP Nos. 2129, 2179 and 2340 of 2025, we had held that the unsigned statement cannot be relied upon to infer that the detenu is likely to file bail application. We had reiterated and clarified this view in a subsequent case, i.e., HCP No.2356 of 2025 dated 22.06.2026, after we were informed that our view was held to be *per incuriam* by a Co-ordinate Bench of this Court in HCP (MD) N0.369 of 2026 dated 19.06.2026. We have held that only a signed statement of a relative can be relied upon by the detaining authority to satisfy himself as regards the possibility of the detenu filing a bail application and that a Section 180(3) of BNSS statement cannot be the basis for such a satisfaction. Further, we find the said statement is not even dated. The date on which the statement is made would be relevant for the purpose of arriving at the aforesaid subjective satisfaction. In the absence of the date, that would be vitiated on this ground also.

6. Therefore, the reliance placed on the said statement recorded under Section 180(3) of BNSS, by the detaining authority to arrive at the satisfaction that there is a real possibility of the detenu coming out on bail is misconceived. Thus, the inference that the detention is warranted since



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the detenu is likely to indulge in further criminal activities after his release on bail is based on the said wrong premise. For the aforesaid reason, the impugned order is liable to be quashed.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.166/TNPD/APC/2025 dated 08.11.2025, is set aside.

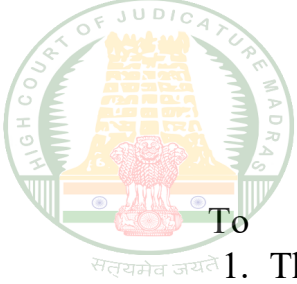
8. The detenu, viz., Balu @ Punk Balu, aged 37 years, S/o.Velu, who is now confined in Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
17-07-2026

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

Note: Issue order copy today.

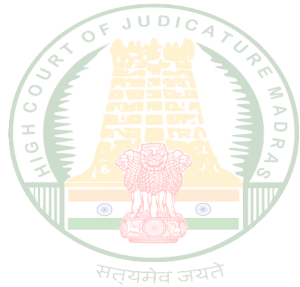
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To

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1. The Additional Secretary,
Home, Prohibition And Excise Department,
Fort St.George, Chennai -600 009.
2. The Commissioner of Police
Avadi City, Type V, QTR. No.5/1,
HVF Estate,
Avadi, Chennai-600054.
3. The Inspector of Police,
T-2, Ambattur Estate Police Station,
Chennai.
4. The Superintendent of Prison
Central Prison-II,
Puzhal, Chennai 600 066.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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

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