



HCP(MD) No.138/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.138 of 2026

Kasthuri

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep By The Principal Secretary to Government,
Home, Prohibition and Excise Dept,
Fort St.George, Chennai -9..

2. The Commissioner of Police,
Madurai City..

3. The Superintendent of Prison,
Central Prison, Madurai..

4. The Inspector of Police,
Mathichayam Police Station,
Madurai District..

... Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order passed by the 2nd respondent on 23.09.2025 in Detention order in No.



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46/BBCDEFGISSSV/2025 under Tamilnadu Act 14/1982 as Drug Offender and detained the detenu at Central Prison, Madurai and to quash the same and direct the respondents to produce the body or person of the detenu Valivittan S/o.Marimuthu aged about 29 years, before this court and set him at liberty, now detained at Central Prison, Madurai.

For Petitioner : Mr.A.Arun Prasad

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the wife of the detenu, by name Valivittan son of Marimuthu, aged about 29 years. The detenu has been detained by the second respondent by his order in No.46/BBCDEFGISSSV/2025 dated 23.09.2025 holding him to be a "Drug Offender", as contemplated under Section 2(e) of the Tamil Nadu Prevention Detention Act, 1982 (Tamil Nadu Act 14 of 1982). The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We



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have also perused the records produced by the Detaining Authority.

WEB COPY 3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that it is a solitary case involving 2.5 kgs of ganja, which is an intermediate quantify for which, FIR was registered in Crime No.291 of 2025. The detenu was arrested on 31.08.2025, whereas, the detention order was passed only on 23.09.2025.

4. It was contended that in the present case, intermediate quantity was involved, whereas the Detaining Authority in a casual manner has passed the detention order in a case where such an order is not warranted.

5. We are of the view that in the solitary/ground case, the quantity that is alleged to have been seized is only an intermediate quantity. Hence, it is not a serious offence under the NDPS Act, since it does not involve any commercial quantity warranting passing of a detention order and the detenu could have been dealt with under regular penal law that is already available and there was no need for resorting to detention order under Act 14 of 1982.



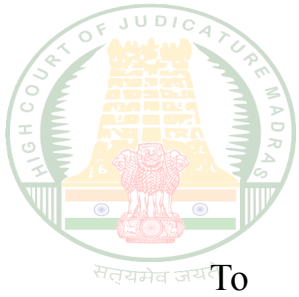
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6. For this purpose, we rely on the judgment in ***Rekha vs. State of Tamil Nadu (2011 (5) SCC 244)***.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.46/BBCDEFGISSSV/2025 dated 23.09.2025 passed by the second respondent is set aside. The detenu, viz., Valivittan son of Marimuthu, aged about 29 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (P.D.B.,J.)
10.03.2026

NCC : Yes/No
Index : Yes/No
RR



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Madurai Bench of Madras High Court,
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AND
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