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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.255 of 2026

Baby Kamalam

.. Petitioner / Mother of the Detenu

Vs.

- 1.The State of Tamilnadu,
Represented by the Additional
Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George,
Secretariat, Chennai – 600 009.
 - 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Thoothukudi District.
 - 3.The Superintendent of Prison,
Central Prison,
Palayamkottai, Tirunelveli District.
 - 4.The Inspector of Police,
Thoothukudi PEW Police Station,
Thoothukudi District.
Crime No.61 of 2025.
- .. Respondents



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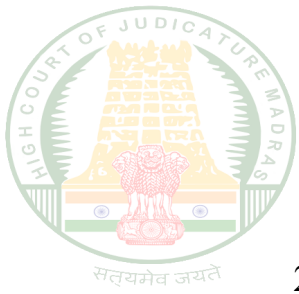
Prayer : Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the record relating to the detention order in H.S.(M).Confdl.No.120/2025, dated 11.11.2025 and quash the same and consequently direct the respondents to produce the body or person of the detenue namely James Chelladurai, S/o.Edwin Thangaraj, aged about 25 years, now detained as Drug Offender at Central Prison, Palayamkottai, Tirunelveli District and set him at liberty forthwith.

For Petitioner : Mr. D.Rajaboopathy
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, by name, James Chelladurai, S/o.Edwin Thangaraj, aged about 25 years. The detenu has been detained by the second respondent by his order in H.S. (M).Confdl.No.120/2025, dated 11.11.2025 holding him to be a "Drug Offender", as contemplated under Section 2(e) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Apart from the other grounds raised by the learned counsel appearing for the petitioner, one of the main grounds that was raised is that the Detaining Authority was aware of the fact that the commercial quantity is involved and the bail petition filed by the detainee was pending before the concerned Court. But however, the Detaining Authority took into consideration the order passed in Cr.M.P.No.3987 of 2025, dated 01.11.2025 and came to the conclusion that in a similar case, bail has been granted and therefore, there is likelihood of the detainee coming out on bail. The learned counsel submitted that the order that was relied upon is not a similar case and therefore, the impugned order suffers from non application of mind.

4. We carefully went through the order passed in Cr.M.P.No.3987 of 2025, dated 01.11.2025. In that case, since the final report was not filed



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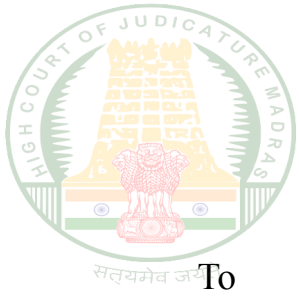
within the statutory period and the Court was inclined to extend the benefit under Section 187(2) of BNSS, 2023. This order certainly cannot be considered to be a similar case and hence, the detention order of the second respondent, dated 11.11.2025 suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M).Confdl.No.120/2025, dated 11.11.2025, passed by the second respondent is set aside. The detenu, viz., James Chelladurai, S/o.Edwin Thangaraj, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.,)
20.04.2026

Index : Yes / No
Internet : Yes / No

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- To
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 2. The District Magistrate and District Collector,
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 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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