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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.342 of 2026

S.Ramya

.. Petitioner / Wife of the detenu
Vs.

1.The State of Tamil,
represented by
the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India, to issue
a writ of Habeas Corpus, to call for the entire records connected with the



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detention order passed in M.H.S.Confdl No.133/2025 dated 11.10.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu, namely, the petitioner's husband i.e., Elango, aged about 23 years, s/o. Thalavai, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu, by name, Elango, aged about 23 years, s/o. Thalavai. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.133/2025 dated 11.10.2025 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.

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.



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 there was one adverse case involving small quantity of 5.200 kgs of ganja, for which, FIR was registered in Crime No.610 of 2023. The ground case involved 10 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No.469 of 2025. The detenu was arrested on 12.09.2025, whereas, the detention order was passed only on 11.10.2025.

4. It was contended that in both cases, 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 both in the adverse case as well as in the 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.



WEB COPY 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 M.H.S.Confdl No.133/2025 dated 11.10.2025 passed by the second respondent is set aside. The detenu, viz., Elango, aged about 23 years, s/o. Thalavai. 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.,)
21.04.2026

Index : Yes / No

Internet : Yes / No

TSG

To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai, Tirunelveli.



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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