

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.04.2026

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**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**AND**

**THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.574 of 2026

S.Ganapathi Kala

... Petitioner

Vs

1. The State of Tamil Nadu,  
Rep By the Additional Chief Secretary to Government,  
Home, Prohibition and Excise Dept,  
Secretariat, Chennai - 9..

2. The Commissioner of Police,  
O/o.The Commissioner of Police,  
Tirunelveli City..

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

... Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to call for the entire records connected with the detention order of the respondent No.2 in No.45/BCDFGIISSSV/2025 dated 04.06.2025 and quash the same and direct the respondents to produce the detenue by name Suresh, S/o.Shanmugasundaram, aged about 39 years now detained in



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Palayamkottai Central Prison before this court and set him at liberty forthwith.

For Petitioner : Mr.R.Vinoth Bharathi

For Respondents : Mr.A.Thiruvadikumar  
Additional Public Prosecutor

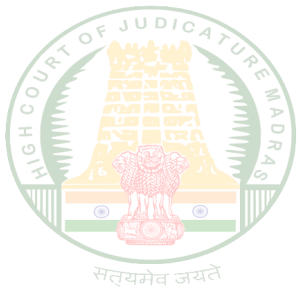
**ORDER**

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

The petitioner is the wife of the detenu, by name, Suresh, son of Shanmugasundaram, aged about 39 years. The detenu has been detained by the second respondent by his order in No.45/BCDFGISSSV/2025 dated 04.06.2025 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.

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 following grounds:



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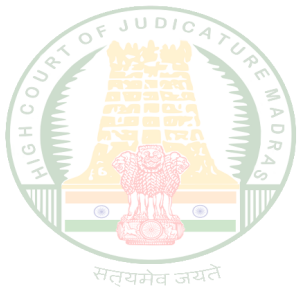
(i) The ground case involved 4.050 kgs of ganja, which is an intermediate quantify for which, FIR was registered in Crime No. 239 of 2025 and

(ii) the detenu was arrested on 06.05.2025, whereas, the detention order was passed only on 04.06.2025 and there is a delay of 28 days in passing the detention order and this delay is totally unexplained.

4. It was contended that in the ground 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 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.

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



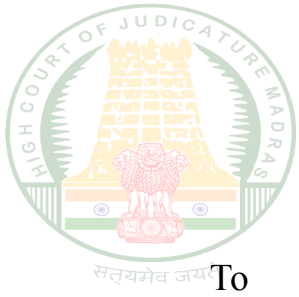
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7. With regard to delay in passing the detention order, it is squarely covered by the judgment of the Hon'ble Apex Court in the case of ***Sushanta Kumar Banik Vs. State of Tripura and Others*** reported in ***2022 SCC Online SC 1333***. Hence, the detention order is vitiated due to the fact that there was a solitary case and the live and proximate link between the grounds of detention and the purpose of the detention is completely absent. Hence, this Court is inclined to interfere with the detention order passed by the second respondent.

8. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.45/BCDFGISSSV/2025 dt 04-06-2025 passed by the second respondent is set aside. The detenu, viz., Suresh S/o.Shanmugasundaram aged about 39 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.,)  
30.04.2026

Index : Yes / No  
Internet : Yes / No  
RR



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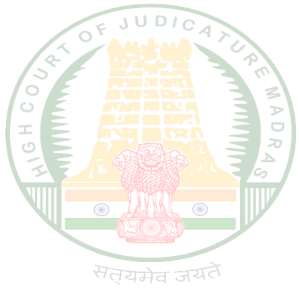
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Madurai Bench of Madras High Court,  
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**N. ANAND VENKATESH,J.  
AND  
K.K.RAMAKRISHNAN,J.**

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