

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.04.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH  
AND  
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.506 of 2026

Lavanya

.. Petitioner / wife of  
the detenu

Vs.

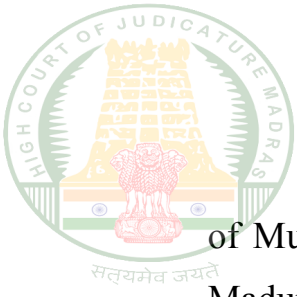
1. The State of Tamil Nadu,  
Rep By, The Principal Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 9.

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

3. The Superintendent of Prison,  
Madurai Central Prison,  
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 entire records connected with the detention order of the Respondent No.2 in No.24/BCDFGISSSV/2025 dated 15.07.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Sathishkumar @ Surruttai Sathish son



of Muthuraman aged about 27 years, now detained as “Drug Offender” at Madurai Central Prison.

For Petitioner : Mr.M.C.Inbahar

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 Sathishkumar @ Surruttai Sathish, son of Muthuraman, aged about 27 years. The detenu has been detained by the second respondent by his order in Detention Order No. 24/BCDFGISSSV/2025, dated 15.07.2025 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 have also perused the records produced by the Detaining Authority.



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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 were two adverse cases involving intermediate quantity of 4.5kgs and 2 kgs of ganja, for which, FIRs were registered in Crime Nos.623 of 2022 and 744 of 2024 respectively. The ground case involved 2 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No.228 of 2025. The detenu was arrested on 16.06.2025, whereas, the detention order was passed only on 15.07.2025.

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 cases 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



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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)***.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.24/BCDFGISSSV/2025, dated 15.07.2025 passed by the second respondent is set aside. The detenu, viz., Sathishkumar @ Surruttai Sathish, son of Muthuraman, aged about 27 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.]  
28.04.2026

Index : Yes/No  
Internet : Yes/No  
Neutral Citation : Yes/No  
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**N. ANAND VENKATESH,J.  
AND  
K.K.RAMAKRISHNAN,J.**

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