

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.1481 of 2025

Esakkiyammal

.. Petitioner / Mother of detenu

Vs.

1.The State of Tamil,
represented by
the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-9.

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

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

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to call for the records pertaining to the impugned detention order passed by the second respondent made in his proceedings in P.D.No.47 of 2025 dated



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30.08.2025 in detaining the detenu under Section 2(e) of the Tamil Nadu Act 14 of 1982 as a Drug Offender and quash the same and direct the respondents to produce the detenu namely Srinivasa Perumal, S/o. Sundaram, male, aged about 26 years, who is detained at Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

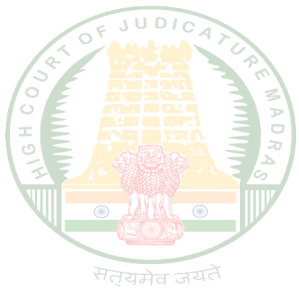
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, by name Srinivasa Perumal, S/o. Sundaram, male, aged about 26 years. The detenu has been detained by the second respondent by his order in P.D.No.47 of 2025 dated 30.08.2025 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.

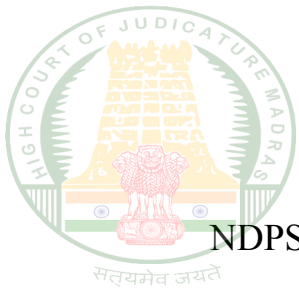


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3. Apart from the other grounds raised by the learned counsel appearing for the petitioner, one of the main ground that was raised by the learned counsel appearing for the petitioner is that the Detaining Authority was aware of the fact that no bail petition had been filed as on the date of passing of the detention order. However, the Detaining Authority took into consideration an order that was passed in CrI.M.P.No.394 of 2021 dated 02.07.2021 and came to the conclusion that it is a similar case and that there is likelihood of the detenu coming out on bail.

4. We have carefully gone through the order passed in CrI.M.P.No. 394 of 2021 dated 02.07.2021. That was a case involving commercial quantity, where the Court took into consideration the fact that the co-accused was granted bail during the COVID period and even for the accused in that petition, the pandemic period was taken into consideration while granting bail.

5. In the case in hand, it is a solitary case involving commercial quantity. Therefore, when a bail petition is considered, Section 37 of the



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NDPS Act will come into play. Unless the conditions are satisfied, bail cannot be granted. Therefore, the order passed in CrI.M.P.No.394 of 2021, dated 02.07.2021 that was relied upon by the Detaining Authority is not a similar case. Hence, there is non-application of mind on the part of the Detaining Authority.

5. The learned Additional Public Prosecutor submitted that the investigation has been completed and police report was filed on time before the EC Court, Thanjavur and the same has been taken on file in C.C.No.16 of 2026.

6. In view of the same, if in the event, any bail application is moved by the accused person, the same would be considered strictly in line with Section 37 of the NDPS Act and the order passed in this petition will not have any bearing while dealing with such bail petition.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.47 of 2025 dated 30.08.2025 passed by the second respondent is set aside. The detenu, viz., Srinivasa Perumal, S/o. Sundaram,



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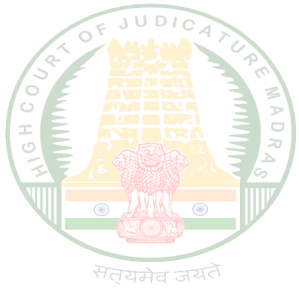
male, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (P.D.B.,J.)
13.03.2026

Index : Yes / No
Internet : Yes / No
TSG

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-9.
- 2.The District Collector and
District Magistrate,
Thanjavur District, Thanjavur.
- 3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.**

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