

RAJ Vs The State of Tamil Nadu, The Additional Chief Secretary to Government,(Home),

RAJ Vs The State of Tamil Nadu, The Additional Chief Secretary to Government,(Home),

SooperKanoon Citation : sooperkanoon.com/1491984

Court : Chennai

Decided On : Apr-29-2026

Judge : Honourable Dr.Justice Anita Sumanth,Honourable Mr.Justice Sunder Mohan

Appeal No. : HCP/2073/2025

Appellant : RAJ

Respondent : The State of Tamil Nadu, The Additional Chief Secretary to Government,(Home),

Judgement :

2026:MHC:1651

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH AND THE HON'BLE MR.JUSTICE SUNDER MOHAN AND Raj S/o. Periyasamy, No.1/141,

Meala Street, Muthanchetti, ..Petitioner(s) Vs

1. The State of Tamil Nadu, The Additional Chief Secretary to Government,(Home), Prohibition and Excise Departament, Secretariat, Chennai-600 009

2. The District Magistrate and the District Collector, Namakkal, Namakkal District.

3. The Superintendent Police Namakkal District. Namakkal.

4. The Superintendent of Prison, Central Prison, Salem District.

5. The Inspector of Police, PEW-Namakkal Police Station, ..Respondent(s) Page1 of 7 Gowri W/O Thalamuthu, 24, Bharathiyar 1st Street, K.Pudhur, Madurai District. ..Petitioner(s) Vs

1. Additional Chief Secretary to the Government, Home Prohibition and Excise Department, Secretariat, Fort.St.George, Chennai - 600009.

2. The District Magistrate cum District Collector Office of the The District Magistrate and District Collector, Namakkal District.

3. The Superintendent of Prison Salem Central Prison, Salem District.

4. The Inspector Of Police

P.E.W. Namakkal Police, ..Respondent(s) PETITION filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus to call for the records pertaining to the

order or detention passed in his proceedings in C.M.P.No.79/Drug

Offender/2025/M1 dated on 13.09.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioners son by name in Logesh son of Raj aged about 23 years before this Honble Court now Page2 of 7 confined in Central Prison, Salem and set him at liberty and pass such

further or other orders which deem fit and proper and thus render Justice. PETITION filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus to call for the records in detention

order No.C.M.P.No.80/Drug Offender/2025/M1 Dated on 16.09.2025 and

T.P.D.A.No.7234, Dated 17.09.2025 issue a writ, order or direction more particularly in the nature of WRIT OF HABEAS CORPUS or any other order or direction and set aside the same and direct the respondents herein to produce the detenu Sivaprakash aged 24 years, s/o.Thalamuthu, who has been terms as Durg Offender now confined in Central Prison, Salem before this Honourable Court and set the detenu at liberty.

For Petitioner(s): Mr.M.Arun Raja for Mr.C.Deepakkumar (HCP No.2073 of 2025) Mr.S.Sivaprakash (HCP No.2165 of 2025) For Respondent(s): Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.M.Sylvester John (in both HCPs)
Page3 of 7

COMMON ORDER

(Order of the Court was made by Dr.Anita Sumanth J.) The father of the detenu - Logesh, S/o. Raj (HCP.No.2073 of 2025) and mother of the detenu, Sivaprakash, S/o. Thalamuthu (HCP.No.2165 of 2025), both branded as Drug Offender and confined in Central Prison, Salem, under detention orders dated 13.09.2025 and 16.09.2025, have challenged the orders of detention in these HCPs. Both the detenus are co-accused in Crime No.236 of 2025 and they have been found in possession of 17 Kgs of ganga, which is an intermediate quantity.

2. Heard Mr.M.Arun Raja, learned counsel appearing for

Mr.C.Deepakkumar, learned counsel on record for the petitioner in HCP No.2073 of 2025, Mr.S.Sivaprakash, learned counsel for the petitioner in HCP No.2165 of 2025 and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for the respondents.

3. Neither the detenus nor their relatives have moved bail application at

all and hence the ground that appeals to us is that the subjective satisfaction of the detaining authority that there is a possibility of the detenus coming out on bail is vitiated for lack of any material whatsoever to support the same.

4. In light of the above, these Habeas Corpus Petitions are allowed and

the Detention Orders passed by the second respondent in C.M.P.No.79/Drug Page4 of 7 Offender/2025/M1 dated on 13.09.2025 and C.M.P.No.80/Drug Offender/2025/M1 dated on 16.09.2025, are set aside.

5. The detenus, viz., Logesh, S/o Raj, aged 23 years, confined in Central

Prison, Salem and Sivaprakash, S/o. Thalamuthu, aged 24 years, confined in Central Prison, Salem, are directed to be set at liberty forthwith unless their presence is required in connection with any other case. (A.S.M.,J.) (S.M.,J.) 29-04-2026 Index: Yes/No

Speaking order

Neutral Citation: Yes SL Note: Issue today. To

1. The State of Tamil Nadu, The Additional Chief Secretary to Government,(Home), Prohibition and Excise Departament, Secretariat, Chennai-600 009.

2. The District Magistrate and the District Collector, Namakkal, Namakkal District.

3. The Superintendent Police Namakkal District, Namakkal.

4. The Superintendent of Prison, Central Prison, Salem District.

5. The Inspector of Police, PEW-Namakkal Police Station, Page5 of 7

6. The Public Prosecutor, High Court, Madras

7. The Joint Secretary to Government Public (Law and Order), Secretariat, Fort St.George, Chennai - 9. Page6 of 7 DR.ANITA SUMANTH J. AND SUNDER MOHAN J. SL AND 29-04-2026 Page7 of 7

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com