

**Company:** Sol Infotech Pvt. Ltd.

**Website:** www.courtkutchehry.com

**Printed For:** 

**Date:** 08/12/2025

## (2007) 03 MAD CK 0037

## **Madras High Court**

Case No: Habeas Corpus Petition No. 1286 of 2006

Mrs. Vasantha APPELLANT

Vs

The Secretary to Government,

Prohibition and Excise

Department, Government of

Tamil Nadu, Fort St. George, RESPONDENT

Chennai 600 009 and The District

Magistrate, and District

Collector, Vellore District, Vellore

Date of Decision: March 30, 2007

Citation: (2007) 1 LW(Cri) 484

Hon'ble Judges: P.K. Misra, J; J.A.K. Sampathkumar, J

Bench: Division Bench

Advocate: A.K.S. Thahir, for the Appellant; M. Babu Muthu Meeran Additional Public

Prosecutor, for the Respondent

Final Decision: Allowed

## **Judgement**

## @JUDGMENTTAG-ORDER

P.K. Misra, J.

Heard the learned Counsel appearing for the parties.

- 2. The order of detention on the allegation that the detenu is a "Bootlegger" is in question.
- 3. The detaining authority in paragraph 5 of the grounds of detention has observed as follows:
- 5. I am aware that Thiru. Balasundaram is in remand in Arcot Taluk Police Station Crime No. 275/2006 u/s 4(1)(i), 4(1)(aaa), 4(1-A)(ii) Tamil Nadu Prohibition Act Read with 328 IPC and he has moved the bail application in Crl.M.P. No. 9342/2006 before

the Sessions Court, Vellore and the same was dismissed on 7.11.2006. Further I am also aware that a bail application was moved before the Hon"ble High Court, Chennai in Crl.O.P. No. 29332/2006 and is pending. However there is most likely that he may come out on bail for the above case, since in similar cases, bails are granted by the High Court after lapse of time.

- 4. The learned Counsel appearing for the Petitioner has submitted that in fact the bail application of the accused/detenu was rejected by the High Court on 27.11.2006 and yet the aforesaid aspect was never brought to the notice of the detaining authority. It is therefore contended that the detaining authority mechanically passed the order without proper satisfaction regarding the possibility of the detenu coming out of bail by taking into account the relevant facts, particularly, the
- 5. Hence, the Habeas Corpus Petition is allowed. Impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith, unless he is required in connection with any other case.