

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1194 OF 2026

Laili Macchindra Guddawat

..Petitioner

Versus

District Magistrate & Ors.

..Respondents

Ms. Paarish B. Rupanawar for Petitioner.

Mr. S. V. Gavand, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.**

DATE : 24 SEPTEMBER 2026

JUDGMENT : (PER SARANG V. KOTWAL, J.)

1. The Petitioner has challenged the Detention order dated 30.01.2026 passed by the Respondent No.1-District Magistrate, Pune. The Petitioner is detained in Nagpur Central Prison.

2. Heard Ms. Paarish Rupanawar, learned counsel for the Petitioner and Mr. S. G. Gavand, learned APP for the State.

3. Learned counsel for the Petitioner raised following grounds of objection challenging the Detention order and the grounds of detention.

There was non application of mind on the part of the Respondent No.1 to pass the impugned order. There was no live link between the offences and the instances mentioned in the grounds of detention and passing of Detention order. The public order was not affected by the alleged activities of the Petitioner. They, at the highest, would amount to law and order issue. The Authorities could have resorted to the provision under the ordinary law to take action of cancellation of bail etc. instead of resorting to passing of the Detention order. The 'in-camera' statements relied on by the Respondent No.1 are exactly similar. It shows that they are fabricated and are not regarding the real incidents. Even otherwise, the incidents mentioned in those 'in-camera' statements are in respect of the law and order issues and they do not affect public order. The Detaining Authority has taken into consideration the stale offences. She submitted that, in most of the offences, the Petitioner was not found at the spot and, therefore, she is falsely implicated in those offences.

4. Learned APP, on the other hand, submitted that, there were continuous activities on the part of Detenue right from the

year 2020 till passing of the Detention order. Thus, there was a live link and it was never snapped. The continuity in the activities is clear from the material relied on by the Detaining authority. He submitted that the activities of the Detenue squarely falls within the meaning of 'bootlegger' as defined under the Maharashtra (Prevention of Dangerous Activities) Act, 1981 (for short 'MPDA Act'). He submitted that the ordinary law of land was not sufficient to curb the activities of the Petitioner and, therefore, as a last resort, the Detaining authority had to pass the Detention order.

5. We have considered these submissions. 'Bootlegger' is defined U/s.2(b) of the MPDA Act, as follows:

"2(b) "bootlegger" means a person, who distills, manufactures, stores, transports, imports, exports, sells or distributes any liquor, intoxicating drug or other intoxicants in contravention of any provisions of the Bombay Prohibition Act, 1949 and the rules and orders made thereunder, or of any other law for the time being in force or who knowingly expends or applies any money or supplies any animal, vehicle, vessel or other conveyance or any receptacles or any other materials whatsoever in furtherance or support of the doing any of the above mentioned things by or through any other person, or who abets in any other manner the doing of any such thing;"

6. Section 2(a)(ii) of the MPDA Act mentions that, the ‘act in any manner prejudicial to the maintenance of public order’ means - in the case of ‘bootlegger’, when he is engaged, or is making preparations for engaging, in any of his activities as a bootlegger, which affect adversely, or are likely to affect adversely, the maintenance of public order.

7. In the present case, the Detention order was passed on 30.01.2026. The Report U/s.3(3) of the MPDA Act was received by the State Government from the Detaining Authority on 02.02.2026. The State Government approved the Detention order on 10.02.2026. The Petitioner was detained on 31.01.2026. A reference to the Advisory board U/s.10 of the MPDA Act was made on 17.02.2026. The opinion of the Advisory board was received on 12.03.2026. The report of the Advisory board was received on 13.03.2026. It was considered on 24.03.2026 and the Detention order was confirmed by the Government on 24.03.2026.

8. The grounds of detention refers to various offences and two ‘in-camera’ statements recorded against the Petitioner. Those

offences are as follows:

- i) C.R.No.499 of 2020 registered with Yavat police station on 01.05.2020, U/s.65(b)(c)(f) of the Maharashtra Prohibition Act. The Petitioner and her associates were found in possession of raw chemical and equipment for manufacturing illicit liquor.
- ii) C.R.No.732 of 2021 registered at Yavat police station on 28.08.2021, U/s.328 r/w. 34 of the IPC and U/s.65(b)(c)(f) of the Maharashtra Prohibition Act. In that case also the Petitioner was found in possession of raw chemical and equipment used for manufacturing illicit liquor in a makeshift distillery near a stream.
- iii) C.R.No.1024 of 2023 registered at Yavat police station on 18.08.2023, U/s.328 of the IPC, and U/s.65(b)(c)(f) of the Maharashtra Prohibition Act. In this case also, the Petitioner was found in possession of similar material for manufacturing illicit liquor.
- iv) C.R.No.1104 of 2024 registered at Yavat police station on 07.11.2024, U/s.123 of the BNS 2023 and U/s.65(b)(c)(f) of the Maharashtra Prohibition Act. In this case also the Petitioner was found in possession of similar material for manufacturing illicit liquor.
- v) C.R.No.468 of 2025 registered at Yavat police station on 21.05.2025, U/s.123 of the BNS 2023 and U/s.65(b)(c)(f) of the Maharashtra Prohibition Act. In this case also the Petitioner was found in possession of similar material for manufacturing illicit liquor.

In all these offences, the C.A. report shows that the liquor had contained harmful proportion of ethyl alcohol.

9. There was one preventive measure taken on 21.03.2024 in Chapter Case No.3 of 2024 U/s.93 of the Maharashtra Prohibition Act. In that case, the Petitioner had executed a bond of Rs.1 lakh. Apart from this history, the Detaining Authority referred to her recent activities i.e. C.R.No.1041 of 2025 registered with Yavat police station, on 16.12.2025, U/s.123 of the BNS 2023 and U/s.65(b)(c)(f) of the Maharashtra Prohibition Act. The Petitioner was found in possession of equipments worth Rs.40000/- used for manufacturing illicit liquor using raw chemical. The material shows presence of 10% ethyl alcohol. The Detenue was arrested on 16.12.2025. She was granted bail on 20.01.2026. This was the recent activity before passing of the Detention order dated 30.01.2026.

10. Besides these registered offences, there were 'in-camera' statements of two witnesses recorded on 30.11.2025. Witness 'A' stated about the incident dated 22.11.2025. The Petitioner was

selling illicit liquor. When the complainant i.e. Witness 'A' told her to stop her activity, he was threatened with weapons by the Petitioner and her associates.

11. Witness 'B' stated about the incident dated 15.11.2025. This witness also told the Petitioner not to continue with her illicit liquor business. He was also threatened and intimidated.

12. Thus, from the grounds of detention, it is quite clear that there was continuing activity on the part of the petitioner which falls within the definition of 'bootlegger' and all those activities attracted the provision of Section 2(b) of the MPDA Act affecting public order. Her activities are clearly prejudicial to maintenance of public order within the meaning of Section 2(a)(ii) of the MPDA Act. The live link in her activities was never snapped. The Detaining Authority has not relied on the stale offences. Those activities were shown to demonstrate live link. The recent activity i.e. C.R.No.1041 of 2025 regarding the incident dated 16.12.2025 and two 'in-camera' statements regarding the incidents taken place in November 2025 show that her recent activity was relevant for

passing of the Detention order. We do not find force in the submission of learned counsel for the Petitioner that the Authorities could have resorted to ordinary laws of land by making an application for cancellation of bail. From the record, it is clear that no witness was willing to come forward to give complaint against her. In that case, it was not possible to prefer an application for cancellation of bail. We do not find that there was non application of mind; on the contrary, the grounds of detention give sufficient reasons for passing of the Detention order. The subjective satisfaction of the Detaining Authority is based on cogent material. All the material referred to by the Detaining Authority in the grounds of detention are provided to the Petitioner and no prejudice is caused in making effective representation. As a result, we find that the Detaining Authority had not committed any error in passing the Detention order. We find no merit in the petition.

13. Hence, the following order:

O R D E R

- i) The Petition is dismissed.
- ii) Rule is discharged.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)