

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.476/2021

(Bhikan Buddhu Naurangabadi V State of Maharashtra and another)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.V. Sirpurkar, Advocate for petitioner.

Mr. T.A. Mirza, APP for State.

CORAM : M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.

DATE : 15-11-2021.

Heard Mr. Sirpurkar, learned Counsel for the petitioner
 and Mr. Mirza learned APP for the State.

2. The Rule was issued in this petition on 09-07-2020 and with the consent of learned Counsel for the parties, the matter is taken up for final disposal.

3. The challenge in this petition is to the impugned detention order dated 26-04-2021 made under the provisions of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons, Video Pirates, Sand Smugglers and Persons Engaged in Black Marketing of Essential Commodities Act, 1981 (for short, 'said Act').

4. On hearing the learned Counsel for the parties, we find that there is no serious dispute that the issue raised in this petition is covered by our judgment and order dated 27-10-2021 in Criminal Writ Petition No.477/2021. Even in the present case, the

the detaining authority has neither taken into consideration the bail applications nor the orders made thereon in respect of the instances taken into consideration by the detaining authority. After reference to several precedents, we have taken the view that such material, was relevant and vital and since the detaining authority had failed to take the same into consideration, the impugned detention order was vitiated. Applying the same reasoning to the facts of the present case, the impugned detention order in the present case as well will have to be set aside.

5. Accordingly, we set aside the impugned detention order dated 26-04-2021 and direct the respondents to release the petitioner forthwith unless he is required to be detained in some other matter.

6. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)