



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1140 OF 2025

Shaikh Navid Shaikh Chand

.. Petitioner

Versus

1. The State of Maharashtra
Through Secretary Home Department,
Mantralaya, Mumbai.
2. Beed District Collector,
Through, Office of District Collector,
Beed.
3. Superintendent of Police,
Through Police Superintendent Office,
Beed.
4. Police Station, Peth, Beed,
Through Police Inspector of Police Station Peth,
Beed.

.. Respondents

...

Mr. Sayyed Tauseef Yaseen, Advocate for the petitioner.

Mr. G. A. Kulkarni, APP for the respondents/State.

...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 12 SEPTEMBER 2025

JUDGMENT (Per Smt. Vibha Kankanwadi, J.)

. Heard learned Advocate Mr. Sayyed Tauseef Yaseen for the
petitioner and learned APP Mr. G. A. Kulkarni for respondents – State.

2. **Rule.** Rule made returnable forthwith. The petition is heard finally with the consent of the learned Advocates for the parties.

3. The petitioner challenges the detention order dated 03.06.2025 bearing No.2025/RB-Desk-1/Pol-1/MPDA-10 passed by respondent No.2 as well as the approval order dated 13.06.2025 and the confirmation order dated 23.07.2025 passed by respondent No.1, by invoking the powers of this Court under Article 226 of the Constitution of India.

4. Learned Advocate for the petitioner has taken us through the impugned order and the material which was supplied to the petitioner by the detaining authority after passing of the order. He submits that though several offences were registered against the petitioner, yet for the purpose of passing the impugned order, only two offences were considered i.e. **Crime No.13 of 2025** dated 06.01.2025 registered with Peth Beed Police Station, District Beed for the offences punishable under Sections 61, 62, 3(5) of Bharatiya Nyaya Sanhita, 2023 and under Section 3(1) and 3(2) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2023 and **Crime No.58 of 2025** dated 22.02.2025 registered with Peth Beed Police Station, District Beed for the offences punishable under Sections 318(2), 336(3) of Bharatiya Nyaya Sanhita, 2023. Learned Advocate for the petitioner submits that for the purpose of

passing the impugned order, the detaining authority has considered two crimes and two in-camera statements. The contents of both the FIRs would show that at the most law and order situation would have been created and not the public order. Further, in respect of Crime No.13 of 2025, the petitioner was released on bail on 11.02.2025 and in respect of Crime No.58 of 2025, he was granted anticipatory bail. Though the competent Court has passed the bail orders, yet the detaining authority has absolutely not considered those bail orders while passing the impugned order. The statements of witnesses 'A' and 'B' at the most would create law and order situation and at any point of time there was no question of involvement of public order by the activities of the petitioner. The harsh step ought not to have been taken. The impugned order being illegal cannot be allowed to sustain.

5. Per contra, the learned APP strongly supports the action taken against the petitioner. He submits that the petitioner is a dangerous person as defined under Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-Offenders, Dangerous Persons and Video Pirates Act, 1981 (hereinafter referred to as the "MPDA Act"). The detaining authority has relied on the two in-camera statements and the subjective satisfaction has been arrived at. There is no illegality in the procedure adopted while recording the in-camera statements of the witnesses. Due to the terror created by the petitioner, people are not

coming forward to lodge report against him and, therefore, it affects the public order. Learned APP relies on the affidavit of Mr. Vivek Johnson, the District Magistrate, Beed, wherein the details have been given as to what material he has considered for holding the petitioner as dangerous person as defined under M.P.D.A. The subjective satisfaction was arrived at on the basis of in-camera statements and the contents of the FIR. After the subjective satisfaction, the detaining authority has passed a reasoned order, which is then confirmed with the opinion of the Advisory Board and, thereafter, confirmed by the State Government on 23.07.2025.

6. At the outset, we would like to rely on the decisions of the Hon'ble Supreme Court in ***Nenavath Bujji etc. Vs. State of Telangana and others, [2024 SCC OnLine SC 367]*** and ***Ameena Begum Vs. The State of Tamilnadu and Ors., [2023 LiveLaw (SC) 743]***; wherein the detention law has been summarized and has been said to be draconian measure. Further, it has been observed that illegal detention orders cannot be allowed to sustain and, therefore, strict compliance is required to be made, as it is a question of liberty of a citizen. As aforesaid, out of the seven offences involving the present petitioner, the learned District Magistrate has considered two offences. As regards Crime No.13 of 2025 is concerned, even if we take the contents of the FIR as it appears that the general public was not involved. At the most law and order

situation would have been created and not the public order. As regards Crime No.58 of 2025 is concerned, the incident is stated to have been taken place between 15.11.2023 to 10.12.2024 and the FIR has been lodged on 22.02.2025. Perusal of entire story in the FIR would show that it would have raised at the most law and order situation and not the public order. Further, the learned District Magistrate has absolutely not considered the fact that in Crime No.13 of 2025, the petitioner has been released on bail on 11.02.2025, and in respect of Crime No.58 of 2025, he was granted anticipatory bail. Now, when bail orders have been passed by the competent Court, the learned District Magistrate should go through the same and consider that the ordinary criminal law will not be sufficient to curtail the activities. We would like to rely on the decision in ***Joyi Kitty Joseph Vs. Union of India and Ors., [Criminal Appeal No.____ of 2025 (arising out of Special Leave Petition (Crl.) No.16893 of 2024) decided by the Hon'ble Supreme Court on 06.03.2025]***, wherein it has been held that “when bail was granted by the jurisdictional Court, that too on conditions, the detaining authority ought to have examined whether they were sufficient to curb the evil of further indulgence in identical activities, which is the very basis of the preventive detention ordered.” Further, in view of the decisions in ***Nenavath Bujji (Supra)*** and ***Ameena Begum (Supra)***, we would say that both the offences at the most have created the law and order situation and the

offences involved were against the individuals. There was no question of public order involved in the same.

7. Perusal of the statements of in-camera witnesses 'A' and 'B' would show that the incidents in both the cases are personal in nature and general public is not involved. Those statements would have created at the most law and order situation and not the public order.

8. Thus, taking into consideration the above observations and the decisions of the Hon'ble Apex Court, at the most, the statements as well as the offences allegedly committed would reveal that the petitioner had created law and order situation and not disturbance to the public order. Though the Advisory Board had approved the detention of the petitioner, yet we are of the opinion that there was no material before the detaining authority to categorize the petitioner as a dangerous person or bootlegger.

9. For the aforesaid reasons, the petition deserves to be allowed. Hence, following order is passed :-

ORDER

- I) The Writ Petition stands allowed.
- II) The detention order dated 03.06.2025 bearing No.2025/RB-Desk-1/Pol-1/MPDA-10 passed by respondent No.2 as well as the

approval order dated 13.06.2025 and the confirmation order dated 23.07.2025 passed by respondent No.1, are hereby quashed and set aside.

III) Petitioner – Shaikh Navid Shaikh Chand shall be released forthwith, if not required in any other offence.

IV) Rule is made absolute in the above terms.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm