



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

CRIMINAL WRIT PETITION NO.863 OF 2025

[Nikesh S/o Raju Kuchankar .vs. The State of Maharashtra and Others]

CRIMINAL WRIT PETITION NO.829 OF 2025

[Raj Horilal Naharkar .vs. The State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.846 OF 2025

[Mohammad Asif @ Panja Noor Mohammad .vs. The State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.862 OF 2025

[Shubham S/o Vinayak Nagalkar vs. The State of Maharashtra and Others]

CRIMINAL WRIT PETITION NO.881 OF 2025

[Ravindra S/o. Tukaram Dekate vs. The State of Maharashtra and Others]

CRIMINAL WRIT PETITION NO.886 OF 2025

[Anjana @ Anjibai Raju Yelane vs. The District Magistrate, Wardha and Others]

CRIMINAL WRIT PETITION NO.887 OF 2025

[Pawan Sanjay Gunjal vs. State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.920 OF 2025

[Mr. Dudhram Badu Ade vs. The District Magistrate and Others]

CRIMINAL WRIT PETITION NO.923 OF 2025

[Rupa Dharmendra Wase vs. The State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.924 OF 2025

[Vishal Laxman Dhokne vs. State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.926 OF 2025

[Arman Alias Imran Malik S/o. Rauf Khan Malik vs. The State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.930 OF 2025

[Ratan @ Ratnakar Santosh Tagde vs. State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.935 OF 2025

[Mahendra Anandrao Dhumane vs. State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.936 OF 2025

[Harsh @ Harshal S/o Sadanand Anandpawar vs. Commissioner of Police and Another]

CRIMINAL WRIT PETITION NO.943 OF 2025

[Sandip @ Gadbad Kishore Kathane vs. State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.968 OF 2025

[Subhash S/o Deorao Gadge vs. State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.981 OF 2025

[Rahul Dhanraj Hathibend vs. State of Maharashtra and Others]

CRIMINAL WRIT PETITION NO.583 OF 2025

[Prabhakar @ Kammo Shyam Chandanbatve vs. State of Maharashtra and Others]

CRIMINAL WRIT PETITION NO.798 OF 2025

[Shri. Prajwal S/o Siddarth Pakidde vs. State of Maharashtra and Others]

CRIMINAL WRIT PETITION NO.855 OF 2025

[Karim Khan @ Bablu Anwar Khan vs. State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.857 OF 2025

[Sangam Sambhaji Sangore vs. State of Maharashtra and Others]

CRIMINAL WRIT PETITION NO.867 OF 2025

[Aditya @ Delhi Vikas Babbar vs. The State of Maharashtra and Others]

CRIMINAL WRIT PETITION NO.868 OF 2025

[Umesh Bhimrao Meshram vs. The State of Maharashtra and Another]

CRIMINAL WRIT PETITION NO.931 OF 2025

[Santosh S/o Atmaram Thoke vs. State of Maharashtra and Others]

CRIMINAL WRIT PETITION NO.960 OF 2025

[Surendr Guruji Bagade vs. State of Maharashtra and Others]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Criminal Writ Petition No.863/2025

Mr B. N. Haidari, Advocate for Petitioner (Appointed).

Mr K. R. Lule, Addl. P. P. for Respondent/State.

Criminal Writ Petition No.829/2025

Mr M. N. Ali, Advocate for Petitioner.

Mr S. A. Ashirgade, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.846/2025

Mr M. N. Ali, Advocate for Petitioner.

Mr S. S. Doifode, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.862/2025

Mr M. V. Rai, Advocate for Petitioner.

Mr K. R. Lule, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.881/2025

Mr R. M. Daga, Advocate for Petitioner.

Mr S. S. Doifode, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.886 of 2025

Mr M. Moon, Advocate for Petitioner.

Mr I. J. Damle, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.887/2025

Mr M. Agrawal, Adv. h/f Mr S. V. Sirpurkar, Advocate for Petitioner.

Mr S. S. Doifode, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.920/2025

Mr A. A. Krishnan, Advocate for Petitioner.

Mr S. A. Ashirgade, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.923/2025

Mr N. R. Jadhav, Advocate for Petitioner.

Mr S. S. Doifode, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.924/2025

Mr M. Agrawal, Adv. h/f Mr S. V. Sirpurkar, Advocate for Petitioner.

Mr A. B. Badar, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.926/2025

Mr S. H. Mansuri, Advocate for Petitioner.

Mr S. S. Doifode, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.930/2025

Mr M. N. Ali, Advocate for Petitioner.

Mr S. S. Doifode, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.935/2025

Mr M. N. Ali, Advocate for Petitioner.

Mr S. A. Ashirgade, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.936/2025

Mr R. D. Karla, Advocate for Petitioner.

Mr I. J. Damle, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.943/2025

Mr M. N. Ali, Advocate for Petitioner.

Mr K. R. Lule, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.968/2025

Mr D. R. Bhagat, Advocate for Petitioner.

Mr H. R. Dhumale, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.981/2025

Mr G. B. Mate, Advocate for Petitioner.

Mr I. J. Damle, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.583/2025

Mr K. S. Motwani, Advocate for Petitioner.

Mr S. S. Doifode, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.798/2025

Ms R. R. Hiranwar, Advocate for Petitioner.

Mr S. S. Doifode, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.855/2025

Mr M. N. Ali, Advocate for Petitioner.

Mr A. B. Badar, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.857/2025

Mr G. B. Mate, Adv. h/f Mr U. Y. Sonkusare, Advocate for Petitioner.

Mr S. A. Ashirgade, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.867/2025

Mr A. C. Singhavi, Adv. h/f Mr A. P. Raghute, Advocate for Petitioner.
Mr I. J. Damle, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.868/2025

Mr N. S. Padia, Advocate for Petitioner.
Mr S. S. Doifode, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.931/2025

Mr R. S. Kurekar, Advocate for Petitioner.
Mr S. A. Ashirgade, Addl. P. P. for Respondents/State.

Criminal Writ Petition No.960/2025

Mr A. Saxena, Advocate for Petitioner.
Mr A. B. Badar, Addl. P. P. for Respondents/State.

CORAM: ANIL L. PANSARE AND RAJ D. WAKODE, JJ.

DATE : 16-12-2025.

. Heard.

2. Despite our order directing the respondents to place on record the copy of order of conferment of powers and approval of detention order passed under Section 3 of the Maharashtra Prevention of Dangerous Activities Act, 1981 (for short, "Act of 1981"), the respondents have not placed the said orders before the Court. Nonetheless, the learned Additional Public Prosecutor appearing in each matter submits that these orders are identical, rather are the orders which were considered by this Court in earlier proceedings and were quashed.

3. In an identical set of facts presented before this Court in the case of **Akshay Bhaskar Sahare Vs. State of Maharashtra & Anr.** [Writ Petition No. 223/2025] with connected petitions, this Court (Coram: Anil L. Pansare and Siddheshwar S. Thombre, JJ.), after going through the orders passed under Sections 3(2), 3(3) and 12 of the Maharashtra Prevention of Dangerous Activities Act, 1981 (for short "MPDA Act"), in each case, found that the State Government has exercised these powers without

providing sufficient reasons, wherein, circumstances prevailing in entire State of Maharashtra were treated identical. The Court took a view that such approach depict lack of application of mind resulting into violation of right to personal liberty guaranteed under Article 21 of the Constitution of India. The Court further held that detention order under Section 3(2) of the MPDA Act and the subsequent approval under Section 3(3) were not properly grounded and that power to issue order of conferment, which is vested with the State Government, only comes into play for a defined area and period and only if circumstances prevailing or likely to prevail are such that detention of a person would be justified. The Court also opined that such an order, if is to be made, it must be made while explicitly describing specific circumstances prevailing or likely to prevail during the time period, which should be tied to those circumstances.

4. With regard to approval orders, the Court noted that they were passed without recording grounds or reasoning and were issued by an official below the required rank. The confirmation orders, passed under Section 12 of the Act of 1981, were also passed as routine and were non-reasoned determinations that did not show why detention needed to continue for twelve months. The process, by which Section 12 confirmation was conveyed to the detenu, was also found improper. The Court also explained the vitality of the Advisory Board as a constitutional safeguard and noted that in these cases, the Board's role did not rectify the procedural deficiencies at other stages. The Court also held that once order of conferment of powers under Section 3 by the State Government to its officers is found to be illegal, the order of detention would be *void ab*

initio.

5. This judgment was challenged before the Hon'ble Supreme Court by way of *Special Leave Petition (Criminal) No.18690 of 2025 [State of Maharashtra and another vs. Akshay Bhaskar Sahare]*. The Supreme Court after consideration dismissed the same by order dated 21.11.2025

6. That being so, we need not go through the orders of detention in each case presented before us to render a finding on merit. It is a different matter that on merit as well, the issue of public order, as defined under Section 2(a) of the Act of 1981, is not taken into consideration while passing detention order, in the cases under question. The orders of approval are also passed in a mechanical manner. Similar is the status of orders that are passed under Section 12, most importantly, orders under Section 12, conveyed to the petitioners, are passed by Section Officer and not by competent authority.

7. That being so, and since the issue involved is covered, for the reasons set out in order dated 30.09.2025 passed by this Court in Writ Petition No. 223/2025 with connected petitions, we allow the petitions. The orders of detention under Section 3(2), as also, the orders of confirmation under Section 12 of the Act of 1981 passed by the respondents, stands quashed and set aside. The petitioners shall be released forthwith, if not required in any other case.

(JUDGE)

(JUDGE)