



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1330 OF 2025

Avinash @ Bhaiya S/o Madhavrao Mirase,
Age : 28 Years, Occ. Private Service,
R/o. Thursday Market N.D. 120, CIDCO,
Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Principal Secretary Home Department,
Mantralya Mumbai.
2. The District Magistrate,
Nanded.
3. The Superintendent
Central Prison, Chh. Sambhajanagar. **..Respondents**

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Advocate for the Petitioner : Mr. Santosh C. Bhosle
A.P.P. for Respondent/State : Mr. S. R. Wakale

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

**RESERVED ON : FEBRUARY 16, 2026
PRONOUNCED ON: MARCH 17, 2026**

ORDER (PER SANDIPKUMAR C. MORE, J.) :-

1. Heard learned counsel for the petitioner and learned A.P.P. for respondent/State.
2. Rule. Rule made returnable forthwith. Heard finally with consent of the rival parties.

3. The petitioner has challenged the order of detention dated 12.08.2025 passed by respondent No.2 bearing No.2025/RB-1/Desk-2/T-4/MPDA/CR-30 in exercise of powers under sub-section (1) of Section 3 read with Sub-Section (2) of Section 3 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 (hereinafter referred to as “MPDA Act”) as well as the approval order of the State Government dated 22.08.2025 vide its order No. MPDA-0825/CR-467/Spl-3B and the confirmation order dated 26.09.2025 passed by State Government i.e. respondent No.1, by invoking the powers of this Court under Article 226 of the Constitution of India.

4. The learned counsel for the petitioner submits that, the following offences are registered against the petitioner and one preventive action is also taken against him.

Sr. No	Police Station	C. R. No.	Under Section	Date of filing of the case	Arrest Date	Bail Date	Present Status
1.	Nanded Rural	418/2020	324, 323, 504, 506, 34 IPC	02.06.2020	05.06.2020	05.06.2020	Court Pending RCS No. 772/2020

S r . N o	Police Station	C. R. No.	Under Section	Date of filing of the case	Arrest Date	Bail Date	Present Status
2	Nanded Rural	777/2020	4/25 Arms Act	11/11/2020	12/11/2020	12/11/2020	Court Pending RCS No. 17/2021
3	Nanded Rural	48/2021	452, 324, 323, 504, 34 IPC 4/25 Arms Act	26.01.2021	06.05.2021	06.05.2021	Court Pending RCC No. 642/2021
4	Nanded Rural	473/2021	324, 504, 506 IPC	04.07.2021	17.08.2021	17.08.2021	Court pending RCC No. 922/2021
5	Nanded Rural	818/2021	324, 323, 504, 506 IPC 4/25 Arms Act	19.11.2021	07.08.2022	08.08.2022	Court pending RCC No. 975/2022
6	Nanded Rural	135/2022	324, 504, 506 IPC	08.03.2022	04.08.2022	04.08.2022	Court Pending RCC No. 1007/2022
7	Nanded Rural	255/2022	341, 325, 324, 504, 506, 34 IPC	27.04.2022	06.08.2022	06.08.2022	Court pending RCC No. 1180/2022
8	Nanded Rural	342/2022	324, 323,504,5 06 34 IPC 4/25 Arms Act	07.06.2022	07.08.2022	07.08.2022	Court Pending RCC No. 190/2023
9	Nanded Rural	375/2022	326,324,3 23,504,50 6 34 IPC, 4/25 Arms Act	24.06.2022	04.08.2022	08.08.2022	Court pending RCC No. 786/2023

10	Nanded Rural	728/2022	307,323,341,504,506, 34 IPC 4/25, 27 Arms Act	10.12.2022	17.02.2023	19.06.2023	Court pending S.C. No. 92/2023
11.	Nanded Rural	60/2023	307,143,147,148,149,506,427,324, IPC 6/25, 4/25 Arms Act	04.02.2023	06.02.2023	29.04.2023	Court Pending S.C. No. 73/2023
12.	Nanded Rural	57/2024	307,323,506, 34 IPC, 4/25, 27 Arms Act	23.01.2024	23.01.2024	30.05.2024	Court pending S.C. No 102/2024
13.	Nanded Rural	192/2025	109,189, 189(4), 189(3), 191(1), 191(2), 191(3), 190, 115(2), 352, 351(2) BNS IPC 4/25 Arms Act	27.02.2025	27.03.2025	08.05.2022	On investigation
14.	Nanded Rural	194/25	109,132,262, BN/s, 3/25 Arms Act	27/02/2025	03/03/2025	MCR	On investigation

15.	Nanded Rural	199/2025	118(2), 1115 (2), 352,351 (2), 351(3), 189(2), 191(2), 191(3), 190 BNS, 4/25 Arms Act	27.02.2025	12.03.2025	12.03.2025	On investigation
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Further, the detaining authority also relied on the preventive action taken against the petitioner as follows :-

Preventive Action

Sr. No.	Police Station	Chapter Case No.	Section	Date	Present Status
1	Nanded Rural	158/2020	107 Cr.P.C.	05.05.2020	Closed
2	Nanded Rural	213/2022	107 Cr.P.C.	25.08.2022	Closed

5. However, the detaining authority has considered mainly three offences namely C.R. No. 192/2025 under Sections 109, 189, 189(4), 189(3), 191(1), 191(2), 191(3), 190, 115 (2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short "B.N.S.") and 4/25 Arms Act registered with Nanded Rural Police Station on 27.02.2025 and C.R.No. 194 of 2025 registered with same Police Station, under Sections 109, 132, 262 of the B.N.S. Act dated 27.02.2025 and C.R. No. 199/2025 registered with same police stations, under Sections 118(2), 115 (2), 352, 351(2), 351 (3), 189(2), 191(2), 191(3), 190 of the

B.N.S. Act 2023 on 27.02.2025 to declare the petitioner as a “Dangerous Person”.

6. The learned counsel for the petitioner submits that, there is absolutely no live link present for first twelve offences, which were committed till 2024. According to him, the petitioner is released on bail in last three crimes, which are considered for passing this order. He further submitted that the ordinary law of land is sufficient to deal with the situation and there was no breach of public order. He submitted that the statements of secrete witnesses are stereotype and vague in nature, which are in respect of individual persons, for which, at the most question of law and order may arise.

7. Per contra, the learned A.P.P. strongly opposed the submissions made on behalf of the petitioner by filing affidavit-in-reply of respondent No.2. According to him, considering the criminal activities of the petitioner, he fulfills the criteria of being defined as “Dangerous Person” as per Section 2(b-1) 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 (hereinafter referred to as “ M.P.D.A.” Act) . He pointed out that, despite

committing various crimes in the year 2024, he did not stop there and again indulged into dangerous activities. The persons residing within the jurisdiction of Nanded city and adjoining areas remain under constant fear and terror, and therefore, the petitioner has become threat to the public order. He pointed out that, the detaining authority is convinced and subjectively satisfied that the petitioner is a “Dangerous Person” as defined in M.P.D.A. Act, 1981 and thus pass the impugned order, which needs to be upheld.

8. Admittedly, the petitioner is released on bail in last three crimes, which are considered for passing the impugned order. However, on going through the same, it certainly reveals that so many serious crimes are registered against the petitioner and despite registration of such serious crimes since 2020, the petitioner again indulged into the dangerous activities. There is no statutory provision which restricts the type of material that can be considered by the detaining authority. It is settled that preventive detention is a precautionary measure and the authority need not prove guilt “to the hilt” but must have reasonable satisfaction of the necessity. Further, though the statements of secrete witnesses are somewhat vague in nature in respect of the particulars of the incidents, but such

statements can validly treated for subjective satisfaction. Moreover, the habituality of the petitioner can be inferred from a series of contemporaneous incidents, not necessarily past convictions. In the instant case, there are severe crimes registered against the petitioner and it appears that he continued his criminal acts regardless of the same.

9. It is significant to note that the present petitioner, as per the allegations, had even fired bullet on police from his country-made pistol. Moreover, he is found acting with gang of criminal. Further, the impugned order appears to be passed after taking into consideration all the material against the petitioner and there is no delay on record while sending the proposal and thereafter passing detention order as well as the committal order. Further, after receipt of opinion from Hon'ble Advisory Board, the detention order has also been confirmed under order dated 26.09.2025. Thus, it appears that all the mandatory provisions have been completed and there appears application of mind and subjective satisfaction on the part of detaining authority while passing the impugned order. The criminal record of the petitioner is such in nature that if he is released, then he can be dangerous to the public at large. In view of the same, we are not inclined to set-aside the impugned

orders. As such, the petition stands dismissed.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

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