



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1620 OF 2025

Mahadu Shivram Narangale
Age-45 Years,
Occu – Business and Agriculture,
R/at. Village Shevadi(Ba.), Tq. Loha,
Dist. Nanded.

...Petitioner

VERSUS

1. The District Magistrate,
Nanded, District Nanded
2. The State of Maharashtra
Through Addl. Chief Secretary,
Home Department (Special),
Mantralaya, Mumbai-32;
3. The Superintendent,
Central Prison Chh Sambhajinagar,
District Chhatrapati Sambhajinagar
4. The Superintendent of Police
Nanded, Tal. & Dist. Nanded.
5. The officer In-charge of
Sonkhed Police Station,
Tal.Loha, Dist. Nanded.

...Respondents

...
Mr. Yogesh A. Jadhav, Advocate for the Petitioner.
Mr. P.S. Patil, A.P.P. for Respondent Nos. 1 to 5.

...
CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.
Reserved on : 23.03.2026
Pronounced on : 22.04.2026

JUDGMENT (PER : ABASAHEB D. SHINDE, J.) :

1. Heard.

2. Rule. Rule is made returnable forthwith. With the consent of the parties Writ Petition is taken up for final hearing at the stage of admission.

3. By this Writ Petition, the petitioner impugnes the detention order and committal order dated 07.11.2025 bearing No. 2025/RB-1/Desk-2/T-4/MPDA/CR-75, passed by the Respondent No.1-District Magistrate, Nanded in exercise of powers under Section 3 (1) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous Persons, Video Pirates, Sand Smugglers, Persons Engaged in Black-Marketing of Essential Commodities, Illegal Gambling, Illegal Lottery and Human Trafficker Act, 1981 (hereinafter referred to as “**MPDA Act**”) and approval order dated 17.11.2025, as well as the confirmation order dated 26.12.2025 bearing No. MPDA-1125/CR-629/Spl-3B passed by the Respondent No.2-State Government in exercise of powers under Section 12 (1) of the MPDA Act. By the impugned detention order, the petitioner has been directed to be detained for a period of 12 months on the ground that the petitioner is an “*illegal gambler*” within the meaning of Section 2(e-1b) of the MPDA Act holding his activities prejudicial to the maintenance of public order.

4. The impugned detention order is based on the proposal submitted by the Police Inspector, Police Station, Sonkhed, Dist. Nanded dated 15.10.2025. The said proposal has been routed through the Sub Divisional Police Officer, Sub Division Itwara, Nanded and Superintendent of Police, Nanded and eventually placed before Respondent No.1-District Magistrate on 05.11.2025, who claims to have arrived at a subjective satisfaction that, the petitioner's detention is necessary to prevent him from acting in manner prejudicial to public order. It is pertinent to note that, the basis for submission of proposal for detention of petitioner is registration of six (6) past criminal cases and one (1) chapter case against the petitioner, the details of which are summarized as follows:

Sr. No	Police Station	Crime No	Under Section	Date of Filing	Date of Arrest	Date of Bail	Court Case No.	Present Status
1	Sonkhed	02/2022	12(a) Maharashtra Prevention of Gambling Act 1887	01.01.2022	01.01.2022	01.01.2022	S.C.C. No. 130/2022	Court Pending
2	Sonkhed	152/2022	12(a) Maharashtra Prevention of Gambling Act 1887	21.10.2022	21.10.2022	21.10.2022	S.C.C. No. 441/2022	Court Pending
3.	Sonkhed	61/2025	12(a) Maharashtra Prevention of Gambling Act 1887	25.03.2025	25.03.2025	25.03.2025	S.C.C. No. 221/2025	Court Pending
4	Sonkhed	64/2025	12(a) Maharashtra Prevention of Gambling Act 1887	28.03.2025	28.03.2025	28.03.2025	S.C.C. No. 222/2025	Court Pending

5	Sonkhed	126/2025	12(a) Maharashtra Prevention of Gambling Act 1887	03.06.2025	03.06.2025	03.06.2025	S.C.C. No. 380/2025	Court Pending
6	Sonkhed	175/2025	12(a) Maharashtra Prevention of Gambling Act 1887	19.07.2025	19.07.2025	19.07.2025	S.C.C. No. 548/2025	Court Pending

Sr. No.	Police Station	Chapter Case No.	Section	Date	Disposal
1	Sonkhed	66/2025	126 BNSS	15.04.2025	Closed

However, the impugned order of detention is based on two(2) offences details of which are as follows :-

Sr. No.	Police Station	C.R. No.	Under Section	Date	Present Status
1.	Sonkhed	126/2025	12(a) Maharashtra Prevention of Gambling Act 1887	03.06.2025	Court Pending
2	Sonkhed	175/2025	12(a) Maharashtra Prevention of Gambling Act 1887	19.07.2025	Court Pending

In addition to above two crimes, two in-camera statements of witnesses 'A' and 'B' are also made basis for passing of the impugned detention order.

5. Learned counsel for the petitioner submits that, the proposal for preventive detention was forwarded on the basis of a six (6) past criminal cases registered against the petitioners. However, the order of detention has been passed on 07.11.2025 on the basis of two (2) offences bearing No. 126/2025 and 175/2025 registered on 03.06.2025 and 19.07.2025 respectively with Sonkhed Police Station. These two alleged offences are

registered under Section 12(a) of Maharashtra Prevention of Gambling Act. The gist of allegations in these offences are that, the petitioner was found alone doing gambling and no other person appears to be involved. The alleged offences at the most can be said to have cause disturbance to the law and order situation and certainly not the public order. He therefore submit that, there is no justifiable reason to invoke preventive detention law in this situation.

6. Learned counsel for the petitioner further submits that, even though, the grounds for detention depicts that the petitioner was arrested and released on bail in respect of all six crimes registered against him, it is a matter of record that he was never arrested but was only served with notice under Section 41-A(1) of Cr.PC and Section 35(3) of BNSS by Respondent no. 5. This clearly demonstrate that the detaining authority has not properly considered the material placed before which lacks the subjective satisfaction independent of the opinion of the sponsoring authorities.

7. Insofar as the in-camera statements of witnesses 'A' and 'B' are concerned, learned counsel for the petitioner submits that, these statements are more or less cyclostyled. These statements lack specific details such as dates, places, or particulars of the alleged incidents, and are therefore unreliable. Consequently, any order based on such statements deserves to be set aside.

8. In short the submission of learned counsel for the petitioner is that, the impugned order reflects a mechanical exercise of power by the authorities, without due application of mind, without arriving at the requisite subjective satisfaction, and without appreciating the well-settled distinction between the acts affecting “public order” and the “law and order”.

9. Per contra, learned APP strongly supports the impugned detention order of detaining the petitioner. He pointed out that, the Detaining Authority has given proper reason as to why the petitioner needs to be detained. He further submitted that the statements of in-camera witness ‘A’ and ‘B’ clearly indicate that due to gambling activities of the petitioner, the public at large are made to suffer.

10. Learned APP would further submit that, Respondent No.1-District Magistrate was subjectively satisfied that, if not prevented, the petitioner is most likely to indulge in further gambling activities which would be prejudicial to the maintenance of public order in future. He also submit that, considering the statements of the in-camera witnesses ‘A’ and ‘B’, it is evident that, there was threat and violence in both the incidents which would have directly affected the public order.

11. Learned APP would therefore submit that, Respondent No.1-District Magistrate has rightly considered the entire material placed before him and has arrived at a subjective satisfaction that, preventive detention of the petitioner is very much warranted. He would further submit that, the authorities have followed the procedure prescribed under the MPDA Act as according to him, after passing the order of detention the same was forwarded to the Advisory Board. The proposal was placed before the Advisory Board, after hearing the petitioner on 10.12.2025 the same was forwarded to the State Government and after receipt of the opinion from the Advisory Board, the impugned order of detention has been confirmed by Respondent No.2-State Government by an Order dated 26.12.2025. In short, the contention of learned APP is that, the procedure as contemplated under MPDA has been scrupulously adhered to, he therefore urge that, the Writ Petition deserves to be dismissed.

12. After having heard learned counsel for the petitioner and learned APP for the State Authorities, we find that, in the present case, the Detaining Authority appears to have considered the petitioner's involvement in gambling activities on the ground that those adversely affects society, as individuals not only suffer financial losses but their dependents are also subjected to significant hardship. The main issue that

falls for consideration, therefore, is whether gambling activities of the petitioner can be said to pose a threat to public order. This Court has recently dealt with the said aspect elaborately in ***Criminal Writ Petition No. 112 of 2026*** in case of ***Govind Dharamaraj Kale Vs. The State of Maharashtra and Others***. decided on 26.03.2026 wherein this court has observed in paragraph No. 19 and 20 which reads thus:-

“ 19. Thus, the High Courts of Gujarat and Karnataka, by observing as aforesaid have already made it clear that, it cannot be held by any stretch of imagination that the acts of gambling could disturb the public order. It is extremely important to note that the Maharashtra Prevention of Gambling Act has made stringent provisions to curb the acts of gambling in Maharashtra State. Though the gambling is recently added in the ambit of MPDA Act, but under the Maharashtra Prevention of Gambling Act, Section 4 has already provided the punishment to prevent the cases of gambling. According to the same, for the first offence, there is provision of imprisonment, which shall not be less than three months and also fine not less than Rs. 500/-. For the second offence, the imprisonment is not less than six months and fine also not less than Rs. 1,000/-. Again for third or subsequent offence, the imprisonment, which shall not be less than one year, is provided along with the fine which shall not be less than Rs. 2,000/-. On going through this provision, a punishment for even subsequent acts of gambling are there to curb the gambling activities in the State. Not only this, but more strict punishment is also introduced in B.N.S. 2023 for gambling by categorizing it, as petty organized crime under section 112 of the Act. Section 112 of the B.N.S. 2023 has provided punishment for such unauthorized gambling, not less than one year, but it may extend to seven years and fine also. Therefore, considering the provisions of existing Acts, there is sufficient punishment provided for the gambling activities in the State. Therefore, when the law has provided already sufficient punishment for the gambling activities, such short-cut method of passing detention order under M.P.D.A. Act, cannot be adopted.

20. Therefore, the aforesaid observations of Gujarat High Court as well as Karnataka High Court, which are also based upon the observations of Hon'ble Apex Court, squarely apply to the present case also. In the instant case, we have already observed earlier that considering the nature of statements of secret witnesses, at the most question of law and order may arise. Further, there is no live link between the first three offences against the petitioner and the detention order, as those offences had taken place in the year 2022. Moreover, the Detaining Authority did not even care to go for cancellation of final bond of the petitioner in the preventive action, before passing the impugned order of detention. The petitioner has not yet been convicted in any of the offences under The Maharashtra Prevention of Gambling Act. Only two crimes are considered for passing the impugned order, wherein the petitioner has not been arrested. It is extremely important to note that though it is shown that petitioner is involved in gaming activities, but it is not the case of Detaining Authority that the petitioner had in fact compelled people to indulge in gambling. On the contrary, it appears from the facts and circumstances that, people on their own had participated into the gambling activities run by the petitioner. Therefore, considering all these aspects, we are of the considered view that the detaining authority has wrongly come to the conclusion that the activities of the petitioner have caused disturbance to the public order..."

13. We find that the issue involved in this Writ Petition is squarely covered by the Judgment of **Govind Dharamaraj Kale (Supra)**, we therefore are of the considered view that the impugned detention order is unsustainable in law so also find that, the approval order as well as confirmation order of the State Government also does not sustain. Hence, we pass the following order:-

:: ORDER ::

- i. The Writ Petition stands allowed.
- ii. The impugned order of detention dated 07.11.2025 bearing No. 2025/RB-1/Desk-2/T-4/MPDA/CR-75 passed by Respondent No.1-District Magistrate, Nanded and the approval order 17.11.2025 as well as order of confirmation bearing No. MPDA-1125/CR-629/Spl-3B dated 26.12.2025 passed by Respondent No.2-State Government, are hereby quashed and set aside.
- iii. The Petitioner – Mahadu Shivram Narangale shall be released forthwith, if not required in any other offence.
- iv. Rule is made absolute in the above terms.

(ABASAHEB D. SHINDE, J.)**(SANDIPKUMAR C. MORE , J.)**