



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

CRIMINAL WRIT PETITION NO. 20 OF 2026

Chand S/o Imam Gavali,
Age : 44 Years, Occ. Labour,
R/o. Gavlipura, Ambajogai,
Taluka Ambajogai, Dist. Beed.
Now detained in Central Prison
Ch. Sambhajinagar

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Section Officer,
Home Department (Special) 3(B)
Mantralaya, Mumbai- 32.
2. The District Magistrate,
Collector Office, Beed.
3. The Assistant Superintendent of Police,
Office of the Sub-Divisional Police Officer,
Sub-Division Ambajogai, Dist. Beed.
4. The Police Inspector,
Police Station Ambajogai City
District Beed.
5. The Superintendent,
Central Prison,
Chhatrapati Sambhajinagar

..RESPONDENTS

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Mr. Dwarkadas M. Bhangе alongwith Advocate Mr. R. R. Imale,
Advocates for the petitioner.
Mrs. Chaitali R. Chaudhari, A.P.P. for respondents-State.

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

**RESERVED ON : MARCH 11, 2026
PRONOUNCED ON : APRIL 07, 2026**

O R D E R (PER SANDIPKUMAR C. MORE, J.) :-

1. Heard learned counsel Mr. Bhangre for the petitioner and learned A.P.P. Mrs. Chaitali R. Chaudhari for respondents/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 28.10.2025 passed by respondent No.2/The District Magistrate, Beed in exercise of powers under Section 3(2) 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 06.11.2025 and the confirmation order dated 01.12.2025, by invoking the power of this Court under Article 226 of the Constitution of India.
4. The Detaining Authority claims that the petitioner has indulged into following crimes :-

Sr. No	Police Station	C.R. No. & Under Section	Date of Registration	Present status
1	Ambajogai City, District Beed	501/2021 U/s 12(A) Maha. Gambling Act	31/12/2021	Pending in Court
2	Ambajogai City, District Beed	283/2022-U/s. 12(A) Maha. Gambling Act.	27.06.2022	Pending in Court
3.	Ambajogai City District Beed	336/2022 U/s. 12(A) Maha. Gambling Act	09.08.2022	Pending in Court
4.	Ambajogai Rural, District Beed	98/2024-U/s. 12(A) Maha. Gambling Act.	12.06.2025	Pending in Court
5.	Ambajogai City, District Beed	346/2025-U/s 12(A) Maha. Gambling Act.	08/07/2025	Pending in Court
6.	Ambajogai City, District Beed	419/2025-U/s 12(A) Maha. Gambling Act	19/08/2025	Pending in Court

Further, the Detaining Authority also relied on the preventive action taken against the petitioner as follows :-

Sr. No.	Police Station	Chapter cases No. & U/s.	Date of Registration	Remark
1.	Ambajogai City,	12/2024-u/s 110 of Cr.P.C.	05/04/2024	Final bond

5. The learned counsel for the petitioner further submits that out of the aforesaid offences, the Detaining Authority has considered mainly two offences namely C.R. No. 346 of 2025 registered with Ambajogai City Police Station, District Beed under Section 12(A) of the Maharashtra Gambling Act on 08.07.2025 and C.R. No. 419 of 2025 registered with Ambajogai

City, Police Station, District Beed under Section 12(A) of the Maharashtra Gambling Act on 19.08.2025 to declare the petitioner as a dangerous person. However, there is no live link in respect of first four offences. According to him, the petitioner was not even arrested in those crimes and till today, he is not convicted in any of the aforesaid crimes pending against him. Further, the aforesaid offences can be considered as an individual in nature and no breach of public order is there. Further, according to him, the statements of secret witnesses are stereotype in nature as it may give rise to question of law and order, but from those statements, nothing can be inferred that any threat is caused to the public order. The learned counsel for the petitioner in addition to submissions also placed reliance on the judgment in the case of ***Govind Dharmraj Kale Versus The State of Maharashtra and Others in Cri. Writ Petition No. 112 of 2025*** decided by this Court on 26.3.2026.

6. Per contra, the learned A.P.P. strongly opposed the submissions made on behalf of the petitioner and submitted that the petitioner is a dangerous person as per the provisions of the “M.P.D.A” Act. She pointed out that the Detaining Authority has given proper reasons as to why the petitioner needs to be detained. She further submitted that the

statements of secret witnesses 'A' and 'B' clearly indicate that due to gambling activities of the petitioner and his associates, the public at large is sufferer. Moreover, the petitioner and his associates, while carrying out the gambling activities at public places, also tried to harass girls and ladies of the area. She also placed reliance on various following judgments to demonstrate as to how the gambling activities of the petitioner affect the public order.

- (i) ***Krishnachandra And Others Vs. State of Madhya Pradesh 1963 SCC OnLine SC 206 : (1964)***
- (ii) ***Sodan Singh And Others Vs. New Delhi Municipal Committee And Others (1989) 4 Supreme Court Cases 155***

As such, she supported the impugned orders and prayed for dismissal of the petition.

7. It is extremely important to note that, all the offences mentioned in the grounds for detention against the petitioner are under the provisions of The Maharashtra Prevention of Gambling Act, 1887. Except these offences, no other offence under any other Act is registered against the petitioner. Further, in the preventive action as mentioned above, the final bond has also been taken from the petitioner.

8. Moreover, even after perusal of statements of secret witnesses 'A' and 'B', it is clearly evident that, the petitioner

had allegedly assaulted them and also threatened them as to why they informed police about his gambling activities namely “Matka”. Further, both these secrete witnesses merely stated about gambling activities of the petitioner, which caused harassment of women and girls of the area. Thus, it can be gathered from the statements of secrete witnesses that at the most a question of law and order may arise, but not the deterrence to the public order.

9. The term “public order” is clarified by the Hon’ble Apex Court in various cases such as Hon’ble Apex Court in the case of ***Ram Manohar Lohia Vs. State of Bihar and another 1965 Legal Eagle (SC) 195, Ameena Begum Vs. State of Telangana (supra)***. As per the said clarification, disturbance in public order can be tested from the nature of act committed by the dangerous persons. If any act of a person disturbs the even tempo of life of the community at large, then it can be said that there is threat to the public order. Further, the nature of such act must be of such nature that, it can create impact on public at large causing fear, panic and insecurity in general, Isolated crimes against individual cannot be considered as disturbance to the public order. Therefore, the nature of act by the petitioner in the instant case needs to be tested in the light of aforesaid observations of the Hon’ble Apex

Court.

10. In the instant case, the Detaining Authority is claiming that since the petitioner is engaged in gambling activities, it certainly affects the life of people, as they not only lose money, but their dependents also have to suffer great hardship. Thus, the main question before us is to decide as to whether the gambling activities of the petitioner cause threat to the public order.

11. We have already discussed this question as to whether the gambling activities are prejudicial to the public order by considering the law on this aspect in detail in our earlier judgment in the case of **Govind Dharmraj Kale Vs. State of Maharashtra and others** (supra) by discussing the entire judgments relied upon by learned A.P.P. and also the judgments passed by Gujarat High Court as well as Karnataka High Court. In the said case, we have ultimately held that the gambling activities cannot be considered as prejudicial to the public order, since there are stringent provisions already available in Maharashtra Gambling Act as well as Bhartiya Nyaya Sanhita (B.N.S.) 2023 to curb such activities, and therefore, no short-cut method by resorting to the provisions of M.P.D.A Act for passing order of detention, can be adopted. It

is extremely important to note that in the instant case also all the offences against the petitioner are only under the provisions of Maharashtra Gambling Act, 1887 and no other offence against any other law is there. Under such circumstances, the petitioner deserves similar order as passed by us in the aforesaid judgment. In view of the same, following order is passed.

O R D E R

- (i) The Writ Petition stands allowed.
- (ii) The detention order dated 28.10.2025, passed by respondent No.2 as well as the approval order dated 06.11.2025 by the State Government and the confirmation order dated 01.12.2025 passed by respondent No.1, are hereby quashed and set aside.
- (iii) Petitioner- Chand Imam Gawali shall be released forthwith, if not required in any other case.
- (iv) Rule is made absolute in the above terms.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

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