

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4013 OF 2025**

Danish Asif Shaikh	]	
Age: 20 years, Occupation: Student	]	
R/o: Flat no.17, Harmen Complex	]	
Behind Deewani Stell,	]	
853/3 Bhavani Peth, Pune	]	
(Presently in the custody	]	
of the Kolhapur Central Prison,	]	
Kolhapur.	]	 Petitioner.

V/s

1. The Commissioner of Police, Pune	]	
Pune City	]	
	]	
2. The State of Maharashtra	]	
Smarath Police Station, Pune	]	
	]	
3. Superintendent of the Kolhapur	]	
Central Prison, Kolhapur	]	Respondents.

Mr. Salman K. Pathan a/w Ms. Ayesha Shaikh, advocates for the petitioner.

Mrs. Mankunwar M. Deshmukh, I/c. P.P. for the respondents-State.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 17th JANUARY 2026

PER GAUTAM A. ANKHAD, J.

The present petition is filed for quashing and setting aside of the order of detention dated 4th July 2025 passed by the respondent no.1 against the petitioner. The petitioner seeks further direction for his release from the Kolhapur Central Prison.

2. The petitioner is aged about 20 years and is presently in the custody of the Kolhapur Central Prison. On 4th July 2025, the respondent no.1 issued detention order under the provisions 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, Illegal Gambling, Illegal Lottery & Human Trafficker Act, 1981 as amended (in short, "MPDA Act"), detaining the petitioner from the date of service of the said order. The petitioner has been detained since then in the Kolhapur Central Prison by a committal order dated 4th July 2025. The detention order and the committal orders were received by the prison on 10th July 2025 and since then the detinue is confined in the prison. The detention order was approved by the State Government vide its order dated 14th July 2025 and thereafter the respondent no.3 received the said order by hand delivery on 24th July 2025. The detention order was placed before the Advisory Board constituted under section 9 of the MPDA Act. By communication dated 7th August 2025, the respondent no.3 was informed that hearing with respect to the detention of the petitioner was scheduled on 13th August 2025 at 4:30 P.M. through video conferencing. The communication was served on the petitioner and also explained to him in his own language. The petitioner appeared before the Advisory Board through video conferencing on 13th August 2025. On 29th August 2025, the State Government after due consideration of the opinion/report of the Advisory Board decided to confirm the detention and ordered the same to be continued for a period of 12 months from the date of detention.

3. Aggrieved by the said decision of the State Government, the

petitioner has filed this petition essentially seeking writ of *habeas corpus* and to set aside the detention order dated 4th July 2025 passed by the respondent no.1.

4. Mr. Salman Pathan, the learned counsel for the petitioner submits that no case has been made out for preventive detention of the petitioner. He submits that even if the stand of Detaining Authority is accepted, the alleged action of the petitioner is only a law and order problem and not of public order that warrants invocation of the MPDA Act. The learned counsel submits that the petitioner is innocent and has been falsely implicated and detained under the MPDA Act. The two in-camera statements have not been disclosed to the petitioner and are completely baseless as no complaints were lodged against the petitioner. There is no live link between the last offence and passing of the detention order and in some of the past offences, the petitioner had no role to play. Lastly, it was submitted that the said order violates the petitioner's right under Article 21 of the Constitution of India and he ought to be released forthwith.

5. On the other hand, Ms. Mankunwar M. Deshmukh, the learned in-charge Public Prosecutor opposed the petition and relied upon the affidavit dated 20th September 2025 filed by the respondent no.1 and the affidavit dated 11th September 2025 filed by the respondent no.3. Placing reliance on the grounds of detention, reasoning and the materials on record, she submits that no grounds are made out for interference by this Court.

6. We have perused the record and as rightly pointed out by Ms. Deshmukh, the Detaining Authority on consideration of the materials placed on record has found that the illegal and dangerous

activities of the petitioner have continued on an ascending trend and this has adversely affected the maintenance of public order in the jurisdiction of Khadak and Samarth Police Station of Pune city. In this regard, a list of past offences and preventive actions which are referred to in the reasoned order are extracted and quoted hereinbelow:-

“3. The list of past offences and preventive actions taken against you are shown in the following chart:-

3.1 The past offences mentioned below in the chart are only referred to show that you have habitually been committing serious offences. Your criminal history is shown in the following chart.

Offences

Sr. No	Police Station	Cr.No.	Sections of law	Date of registration	Date of arrest	Status
1	Samarth	18/2024	u/s 394, 397, 34 of IPC & u/s 4(25) of Arms Act & u/s 37(1)(3)/135 of MPA	28/01/2024	29/01/2024	Court Pending
2	Samarth	178/2024	u/s 109(1), 189(2), 189(4), 190, 191(2), 191(3), 352, 131, 351(2)(3), 324(4) of BNS & u/s 4(25) of Arms Act & u/s 37(1)(3)/135 of MPA & u/s 7 of Criminal Law Amendment Act.	18/08/2024	18/08/2024	Court pending
3	Khadak	454/2024	u/s 189(2), 189(4), 191(2), 191(3) of BNS & u/s 4(25) of Arms Act & u/s 37(1)(3)/135 of MPA	06/12/2024	13/12/2024 Anticipatory Bail Allowed	Under investigation

The above-mentioned offences had been registered against you for your criminal acts and you have arrested in the said offences. However, the same has no reformatory effect on you. On the contrary, your illegal and dangerous criminal activities have continued to show an ascending trend.

3.2 To deter you from committing crime, following preventive actions were initiated against you, details of which is given below :-

Preventive Actions

Sr. No	Police Station	Chapter case No.	Sections of law	Status
1	Samarth	<u>04/2024</u> <u>08/02/2024</u>	u/s 110(a)(e)(g) of Cr.PC	On 11/02/2025 to initiate more effective action, u/s 137 of BNNS the said case was withdrawn by Spl. Executive Magistrate, Zone-1, Pune City vide No.912/2025, Dt. 11/02/2025.

However, there was no deterrent effect on you; you continued to commit serious offence which adversely affected the maintenance of public order in the jurisdiction of Khadak & Samarth Police Station of Pune City. The offence is mentioned below :-

Offences

Sr. No	Police Station	Cr.No.	Sections of law	Date of registration	Date of arrest	Status
1	Samarth	80/2025	u/s 109, 351(2), 61 of BNS & u/s 4(25) of Arms Act & u/s 37(1)(3)/135 of MPA & u/s 7 of Criminal Law Amendment Act.	23/04/2025	23/04/2025	Under investigation

Evidently, no deterrent effect could be brought to bear upon you by previous preventive actions. Hence, it is evident that normal laws & preventive actions are insufficient to curtail your dangerous criminal activities, which continue to show an ascending trend and are prejudicial to the maintenance of public order. However, these preventive actions are shown only to highlight your desperate tendencies to commit violent crime.

4. *Recently, your involvement is noticed in the following offence which are of serious in nature and are suggestive of your violent tendencies and inclinations to perpetuate your criminal activities as a 'Dangerous person'. These criminal activities of yours are prejudicial to the maintenance of public order as defined in section 2(a)(iv) of the said Act and hence, I being the Detaining Authority, have relied mainly upon the same while passing the order of detention. I have considered following one offence mentioned below at Para No.5.1, and two in-camera statements mentioned at Para Nos. 6.1 and 6.2 to issue this detention order. The relevant documents regarding the investigation of these offences are enclosed herewith in order to enable you to make an effective representation.*

5. Particulars of offences considered for passing detention order are given below:-

Offences considered for passing detention order

Sr. No	Police Station	Cr.No.	Sections of law	Date of registration	Date of arrest	Status
1	Samarth	80/2025	u/s 109, 351(2), 61 of BNS & u/s 4(25) of Arms Act & u/s 37(1)(3)/135 of MPA & u/s 7 of Criminal Law Amendment Act.	23/04/2025	23/04/2025	Under investigation

”

7. As recorded in the aforesaid order, the Police Inspector of Samarth Police Station conducted an inquiry regarding activities of the petitioner and in-camera statements of two witnesses were recorded. From the above materials, the Detaining Authority was satisfied that the petitioner is habitually committing crimes in a manner prejudicial to the maintenance of the public order as contemplated under the MPDA Act. The order records incidences dated 10th April 2025, 15th April 2025 and 23rd April 2025 when the petitioner was carrying sharp weapon (koyta) and threatening and assaulting several persons within the locality which created panic amongst the public. The order records in detail the compelling necessity to detain the petitioner and prevent him from indulging in such further activities. It is settled law that this Court cannot interfere with the subjective satisfaction reached by the Detaining Authority except on extremely limited grounds. The Court cannot substitute its opinion for that of the Detaining Authority when the grounds of the detention are precise, proximate and well reasoned. The respondents have formed an opinion that detention of the petitioner is necessary for preventing him from acting in a manner prejudicial to the public

order and that such action is necessary considering over all background and circumstances. This Court cannot substitute its opinion for that of Detaining Authority and the issue necessarily be left to the subjective satisfaction of the Authority.

8. We may also note that the thrust in matters of preventive detention is on compliance of statutory provisions of the MPDA Act. There is no allegation of non-compliance of any of the provisions. As noted above, Detaining Authority has considered the material before it and issued the detention order on 4th July 2025. The grounds of detention and the documents alongwith Marathi translation was served on the petitioner on 7th July 2025. The State Government has issued the order communicating approval to the detention order on 14th July 2025. The petitioner was heard by the Advisory Board on 13th August 2025 and on 29th August 2025, the State Government has confirmed the detention. Thus, the due process as required under the MPDA Act has been complied with. In such a situation, the order of preventive detention cannot be faulted with. Consequently, Writ Petition No.4013 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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