



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

CRIMINAL WRIT PETITION NO.861/2025

Suresh Tukaram Manwar Vs. The State of Maharashtra, Through Principal
Secretary and another

WITH

CRIMINAL WRIT PETITION NO.989/2025

Gajanan Ashok Dahale Vs. The State of Maharashtra, Through its Secretary,
Home Department & another

WITH

CRIMINAL WRIT PETITION NO.991/2025

Manoj Chaitram Chimankar Vs. State of Maharashtra, Through its Secretary,
Home Department and another

WITH

CRIMINAL WRIT PETITION NO.992/2025

Sanket Dilip Kanere Vs. State of Maharashtra, through its Secretary, Department
of Home and others

WITH

CRIMINAL WRIT PETITION NO.1009/2025

Gajanan Ramaji Gourkhede Vs. State of Maharashtra, Through its Secretary,
Home Department and others

WITH

CRIMINAL WRIT PETITION NO.1013/2025

Vrushabh @ Vrushikesh @ Jabba Umeshrao Wankhade Vs. State of Maharashtra,
Through its Secretary, Home Department and another

WITH

CRIMINAL WRIT PETITION NO.1023/2025

Namrata Nilesh Nile Vs. The District Magistrate, Nagpur and others

WITH

CRIMINAL WRIT PETITION NO.1054/2025

Abhinesh @ Abhishek S/o Deoshankar Varma Vs. State of Maharashtra, through
AdvIsory Board of Govt. of Maharashtra & another

WITH

CRIMINAL WRIT PETITION NO.1056/2025

Samir S/o Salim Quereshi Vs. The State of Maharashtra, through its Principal
Secretary and another

WITH

CRIMINAL WRIT PETITION NO.1058/2025

Akash Sanjay Karemore Vs. State of Maharashtra through Additional Chief
Secretary, Home Department and others

WITH

CRIMINAL WRIT PETITION NO.1060/2025

Raju s/o Bhoju Pawar Vs. State of Maharashtra, through its Secretary,
Department of Home and others

WITH

CRIMINAL WRIT PETITION NO.1062/2025

**Anand Ravindra Gedam Vs. State of Maharashtra through Additional Chief
Secretary, Home Department and others
WITH
CRIMINAL WRIT PETITION NO.1069/2025
Noor Khan Niyamat Khan Vs. The State of Maharashtra, Home Department and
others**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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WP No. 861/25
Mr. A.A. Zade, Adv. h/f Mr.V.N. Patre, Advocate for Petitioner
Mr. A.B. Badar, APP for respondent / State
WP No. 989/25
Mr. S.S. Sheikh, Adv. for Petitioner
Mr. K.R. Lule, APP for Respondents
WP No. 991/25
Mr. M.N. Ali, Adv. for Petitioner
Mr. A.B. Badar, APP for Respondents
WP No. 992/2025
Mr. P.J. Mehta, Adv. for Petitioner
Mr. S.S. Doifode, Addl. PP for respondent / state
WP No. 1009/25
Ms. Shreeya Ketkar, Adv. h/f Mr. P.D. Saliokar, Adv. for Petitioner
Mr. S.S. Hulke, APP for Respondent / State
WP No. 1013/25
Mr. Y.D. Dhande, Adv. for Petitioner
Mr. A.J. Gohokar, APP for Respondents
WP No. 1023/25
Mr. A.A. Krishnan, Adv. for Petitioner
Mr. S.A. Ashirgade, Addl. PP for Respondents
WP No. 1054/25
Mr. A.K. Madane, Adv. for Petitioner
Mr. S.S. Doifode, Addl. PP for Respondents
WP No. 1056/25
Mr. N.R. Jadhav, Adv. for Petitioner
Mr. S.S. Doifode, Addl. PP for Respondents
WP No. 1058/25
Mr. G.B. Mate, Adv. for Petitioners
Mrs. R.V. Sharma, APP for Respondents
WP No. 1060/2025
Mr. C.S. Kaptan, Senior Advocate a/b Mr. P.S. Chawhan, Adv. for Petitioner
Mr. A.B. Badar, APP for Respondents
WP No. 1062/25
Mr. G.B. Mate, Adv. for Petitioner
Mr. S. S. Doifode, Addl. PP for Respondents
WP No. 1069/25
Mr. Abdul Subhan, Adv. for Petitioner
Mr. A.B. Badar, APP for Respondents.

**CORAM: ANIL L. PANSARE AND
NIVEDITA P. MEHTA, JJ.**

DATED : 13th JANUARY, 2026

1. 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. Resultantly, 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. The petitions are accordingly allowed. 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.

(NIVEDITA P. MEHTA, J.)

(ANIL L. PANSARE, J.)