



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

CRIMINAL WRIT PETITION NO. 1587 OF 2025

Vidyawant S/o Vishwambhar Bhange,
Age : 51 Years, Occ. Labour,
R/o. CIDCO, N-7,
Chhatrapati Sambhajanagar

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Section Officer,
Home Department, Mantralaya,
Mumbai- 32.
2. Commissioner of Police,
Chhatrapati Sambhajanagar
3. The Superintendent
Nagpur Central Prison,
Nagpur.

.. RESPONDENTS

....
Advocate for the petitioner : Mr. Nilesh S. Ghankear
A.P.P. for Respondent Nos. 1 to 3 : Mr. P. S. Patil

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

RESERVED ON : JANUARY 20, 2026

PRONOUNCED ON: FEBRUARY 25, 2026

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

1. Rule. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the petitioner and learned A.P.P. at the stage of admission .

2. The petitioner who is a “ Bootlegger” has challenged the order of detention dated 13.10.2025 bearing No.2025/CB/MPDA/DET-06/CR-68 passed by respondent No.2 in exercise of powers under Section 2(b) 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 17.10.2025 and the confirmation order dated 02.12.2025 passed by respondent No.3, by invoking the power of this Court under Article 226 of the Constitution of India.

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

Sr. No.	Police Station	C.R. No. & Under Section	Date of Registration	Present status
1.	Inspector, State Excise, B Division, Chhatrapati Sambhajnagar	115/2021 u/s. 65(e) Maharashtra Prohibition Act, 1949	03/08/2021	Pending trial
2.	Inspector, State Excise, B Division, Chh.atrapati Sambhajnagar	92/2023 u/s 65(b)(d)(e), 80, 81, 83,90 Maharashtra Prohibition Act, 1949 u/s 328 IPC	05.06.2023	Pending trial

Sr. No.	Police Station	C.R. No. & Under Section	Date of Registration	Present status
3.	Inspector, State Excise, B-1 Division Chhatrapati Sambhajnagar	166/2024 u/s 65 (b) (d)(e), 90 Maharashtra Prohibition Act, 1949, u/s 123 Bharatiya Nyaya Sanhita, 2023	03/10/2024	Pending trial
4.	Sub-Inspector, State Excise, B-1 Division, Chhatrapati Sambhajnagar	166/2025 u/s 65(a) (e), Maharashtra Prohibition Act, 1949	25/07/2025	Pending Investigation
5.	Sub-Inspector, State Excise, B-1 Division, Chhatrapati Sambhajnagar	213/2025 u/s 65(e) Maharashtra Prohibition Act, 1949	11/09/2025	Pending Investigation

Preventive Action

Sr. No.	Police Station	Chapter Cases No. & U/s	Date of Registration	Present status
01.	Inspector, State Excise, B-1 Division, Chhatrapati Sambhajnagar	DET/ 112024/180 Sub.I.B-1 U/s 93 Maharashtra Prohibition Act, 1949	14.10.2024	As action take under MPDA Act, 1981, the said chapter case was dropped.

However, the detaining authority by considering the involvement of the petitioner in continuing bootlegging activities, deemed it proper to pass the impugned order of

detention without application of mind. The learned counsel for the petitioner further submits that, in recent two crimes committed in the year 2025, the petitioner was not even arrested, but the same was not considered by the detaining authority, which indicates complete non-application of mind. According to him, from the perusal of statements of secrete witnesses, at the most question of law and order may arise, but it cannot be said that there was breach of public order. Thus, he prayed for quashing of impugned orders. The learned counsel for the petitioner in addition to submissions also placed reliance on the following judgments :-

- (I) ***Hon'ble Apex Court in the case of Arjun Ratan Gaikwad Vs. The State of Maharashtra and others Mh. L. J. Online (Cri.)(S.C.) 85 arising out of SLP (Cri) No. 12516 of 2024***
- (II) ***Judgment of Division Bench of this Court in Ibbu Kashim @ Kasim Nuriwale Vs. The State of Maharashtra and others in Criminal Writ Petition No. 1319 of 2025 decided on 24.11.2025.***
- (III) ***Division Bench of this Court in Rani Shankar Kale Vs. The State of Maharashtra, Through its Secretary, Home Department & Others in Criminal Writ Petition No. 2067 of 2024 dated 05.02.2025.***

4. Per contra, the learned A.P.P. strongly opposed the submissions made on behalf of the petitioner, by filing affidavit-in-reply of respondent According to him, the petitioner is definitely a "Bootlegger" within the meaning of

Section 2(b) of the M.P.D.A. Act. He submitted that, the detention order under challenge is not merely based on only two offences, but considering the chequered history of the petitioner has been taken into consideration for passing the same. According to him, the petitioner is not involved in production of Toddy/Sindi, but he is making artificial Toddy by using harmful chemicals and by selling such duplicate Toddy in Chhatrapat Sambhajnaga city area and is endangering the health of public at large. Even the C.A. reports considered by the detaining authority indicate that there are harmful ingredients found in duplicate "Toddy" prepared by the petitioner causing severe damage to liver, kidney, heart and respiratory diseases to public at large. He submits that the offences committed by the petitioner are punishable with imprisonment up to seven years and probably therefore, he was not arrested. Thus, he prayed for dismissal of the petition.

5. On going through the impugned order of detention, it can be seen that there are as many as five crimes registered against the petitioner during the period from 2021 to 2025. Moreover, a prohibitory action, which was taken out against the petitioner, was also dropped due to action taken against

him under M.P.D.A Act. Admittedly, no arrest of the petitioner was made in last two crimes and that, on going through the statements of secrete witnesses, at the most law and order situation may arise. However, it is extremely important to note that, the petitioner is involved in criminal activities, such as producing artificial Toddy/Sindi, by using harmful chemicals. The impugned order itself indicates that the petitioner was caught raid handed while selling the artificial "Toddy" and when the samples were analyzed, it was found that there was 3% v/v ethyl alcohol and 25 mg v/v Chloral Hydrate in it. On going through the C.A. Reports on record, it is evident that those samples were tested positive for "Copper sulfate" and Chloral Hydrate, which are admittedly poisonous in nature.

6. The learned counsel for the petitioner relied on the order dated 24.11.2025 passed by this Court in Criminal Writ Petition 1319 of 2025, wherein the similarly placed petitioner was set-free by quashing the impugned order, by observing that no poisonous substance or methyl alcohol was found in the country liquor prepared by the said petitioner. However, it is not the case in the instant matter. In the present case, it is established that petitioner was found in the business of preparing artificial "Toddy", containing poisonous material as

aforesaid.

7. The Hon'ble Apex Court in the case of **Arjun Ratan Gaikwad Vs. State of Maharashtra and others** (supra) has clarified the distinction between public order and law and order. It is observed that mere disturbances do not equate to public disorder, but the activities must impact broader community to justify preventive detention. In the instant case, it is found that there is substantial material on record indicating that the artificial "Toddy" prepared by the petitioner contained poisonous substances. Under such circumstances, it can definitely be inferred that the activities of the petitioner are causing harm to public at large, since so many deaths are caused in Maharashtra State on consumption of such poisonous liquor.

8. In view of the same, we are not inclined to set-aside the impugned order in this matter. Accordingly, the petition stands dismissed.

9. Rule stands discharged accordingly.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

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