

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4110 OF 2019

Divyesh R. Desai & Anr.Petitioners
Versus
The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO.4279 OF 2019

Kutting Fusion Hospitality LLPPetitioner
Versus
The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO.4281 OF 2019

Faham Restaurant & Ors.Petitioners
Versus
The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO.4223 OF 2019

Zainab Fazal DarveshPetitioner
Versus
The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO.4191 OF 2019

The Village Rooftop Through
Bakher BagwePetitioner
Versus
The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO.4192 OF 2019

The Sky Beam Through Manager
Ashwani RamaPetitioner
Versus
The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO.4193 OF 2019

Kader Khan SheeshaPetitioner
 Versus
 The State of Maharashtra & Ors.Respondents

WITH**WRIT PETITION NO.4194 OF 2019**

Bazooka Restaurant Through
 Bakher BagwePetitioner
 Versus
 The State of Maharashtra & Ors.Respondents

WITH**WRIT PETITION NO.4195 OF 2019**

Carnival Restaurant Through
 Proprietor And Owner Dinesh GaikwadPetitioner
 Versus
 The State of Maharashtra & Ors.Respondents

WITH**WRIT PETITION NO.4196 OF 2019**

Silver Spoon Through
 Proprietor And Owner Yogesh BabarPetitioner
 Versus
 The State of Maharashtra & Ors.Respondents

WITH**WRIT PETITION NO.4197 OF 2019**

Avis Farmhouse Respondent Through
 Proprietor Atish BhujbalPetitioner
 Versus
 The State of Maharashtra & Ors.Respondents

WITH**WRIT PETITION NO.4217 OF 2019**

Wilson Restaurant Through
 Devendra Mahendra SanghviPetitioner
 Versus
 The State of Maharashtra & Ors.Respondents

WITH**WRIT PETITION NO.4229 OF 2019**

Kadar Khan SheeshaPetitioner
 Versus
 The State of Maharashtra & Ors.Respondents

**WITH
WRIT PETITION NO.4241 OF 2019**

Lalit Restaurant And Manira Bar
Through Devendra Mahendra SanghviPetitioner
Versus
The State of Maharashtra & Ors.Respondents

**WITH
WRIT PETITION NO.4255 OF 2019**

The Thekaa Through
Owner Sanjay LuthraPetitioner
Versus
The State of Maharashtra & Ors.Respondents

**WITH
WRIT PETITION NO.4271 OF 2019**

Tall Grass Through
Conductor Wasim Shamin GouriPetitioner
Versus
The State of Maharashtra & Ors.Respondents

Mr. S.P. Joshi, Advocate for the Petitioners in WP/4110/2019.
Mr. Amogh Singh i/b. D.P. Singh, Advocate for the Petitioners in WP/4279/2019 & 4281 of 2019.
Mr. Shubro Dey a/w. Aman Singh i/b. Avinash Lalvani, Advocate for the Petitioners in WP/4223/2019.
Mr. Ajinkya Udane, Advocate for the Petitioners in WP/4191/2019 to 4197/2019, WP/4217/2019, WP/4229/2019, WP/4241/2019, WP/4255/2019 and WP/4271/2019.
Mrs. A.S. Pai, APP for the Respondent-State.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 22nd AUGUST, 2019.

P. C. :

The facts and issues involved in these petitions are similar to the facts and issues involved in writ petition No.3978 of 2019. By speaking order dated 22nd August, 2019, we disposed of the said petition.

2. For the reasons passed in support of the order dated 22nd August, 2019 in writ petition No.3978 of 2019, the instant petitions are also disposed of with following directions :

- 1) As long as the petitioners comply with the provisions of COTPA and do not serve any prohibited substance in the hookah parlour then no action can be taken against them. However, it is made clear that if it is found that the petitioners are selling/using any substance prohibited under the COTPA then surely an action can be taken against them.
- 2) In case, there is any infraction of the provisions of the COTPA as amended in the year 2018, the police officer, not below the rank of the Assistant Police Inspector, is empowered to take legal action for the infringement of the conditions imposed under COTPA act as well as taking action on the hookah parlours where drugs/narcotics are provided and consumed which falls under the purview of Police Department.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]