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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5384 OF 2019**

PB Lifestyle Entertainment Pvt.Ltd.

Playboy Beer Garden through

Manager Mr.Nikash Ahuja

...Petitioner

vs.

The State of Maharashtra & Ors.

...Respondents.

Mr.Ajinkya M. Udane for the petitioner

Mr.P.R.Shaikh, APP for State

Mr.K.B.Ahuja a/w Vishwanath Patil for respondent No.5

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

DATE : 18th OCTOBER, 2019.

P. C. :

Mentioned for production. Taken up on production board in view of urgency.

1 The facts and issues involved in this petition 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 petition is 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.]