Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2783 OF 2026

Yuvraj Madhukar Patil ...Applicant

V/S.

State Of Maharashtra ...Respondent

Adv. Dileep Satale, for the Applicant.

Adv. Geeta P. Mulekar, APP for the Respondent – State.

API - Mr. Shirish C. Bhiwandi Taluka Police Station, Thane (Rural) is present.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 16TH OCTOBER, 2026.

P.C. :-

1. Heard learned counsel for the applicant as well as learned APP for respondent-State.

2. The applicant has filed the instant application in connection with Crime No. 733 of 2026 dated 12.09.2026, registered with Bhiwandi Taluka Police Station, Thane (Rural), for the offence punishable under Sections 123, 275 and 287 of Bharatiya Nyaya Sanhita (for short **"BNS"**), 2023 and Sections 4A, 21A of the Cigarettes and Other Tobacco Products Act, (for short **"COTPA"**) 2003 and Sections 33(w) and 131 of Maharashtra Police Act, 1951.

3. The offence came to be registered in the background of a raid conducted by the Police Department on 11.09.2026 at Al-fauz (Adeen Cafe), situated at Bhiwandi, Vadape Road, Chavindra, Thane, in which it was found that Hookah Pots and other contraband material were being supplied to the customers and on the basis of the said raid, the offence came to be registered against three persons including this applicant, who is arraigned as accused no.1.

4. Learned counsel for the applicant submits that the applicant is arraigned as an accused only on the allegation that he is the owner of the hookah parlour. He submits that accused no.2 and 3 who are the main accused are already released on bail. He also submits that amongst all the offences alleged, the only non-bailable offence is under Section 123 of BNS and considering the allegations in the FIR, there is no material to attract the said offence. He submits that since the offence is registered against this applicant, he is ready to join the investigation.

5. Learned counsel for the applicant submits that in accordance with the interim protection order, the applicant has attended the police station and has extended cooperation. He submits that the applicant is arraigned only on the ground that, the leave and licence agreement stands in his name. He submits that since the applicant has extended cooperation, the interim protection granted earlier be confirmed.

6. Learned APP has pointed out that there are criminal antecedents

against the applicant and his involvement in the offence is clear, since he is the owner of the hookah parlour.

7. Perused the FIR and documents placed on record. It has to be noted that the applicant is arraigned only on the allegation that he is the owner of the hookah parlour. Amongst the offences alleged, the only non-bailable offence is under Section 123 of BNS. On consideration of the allegations in the FIR and the material placed on record, it *prima facie* appears that there is no material to show that this applicant has done any overt act attracting Section 123 of BNS. Further, in view of the fact that the muddemal is already seized and the other accused persons have already been released on bail and further considering the fact that the applicant has extended cooperation, the interim protection granted earlier needs to be confirmed. Although learned APP has pointed out that there are antecedents showing involvement of this applicant in similar offence, at this stage conditions in the nature of restrictions can be put and his presence can be secured by directing him to attend the police station.

8. Hence, I pass the following order :

: ORDER :

i] The Anticipatory Bail Application is allowed.

ii] In the event of arrest of the applicant in Crime No. 733 of 2026 dated 12.09.2026, registered with Bhiwandi Taluka Police Station, Thane (Rural), for

the offence punishable under Sections 123, 275 and 287 of Bharatiya Nyaya Sanhita (for short **"BNS"**), 2023 and Sections 4A, 21A of the Cigarettes and Other Tobacco Products Act, (for short **"COTPA"**) 2003 and Sections 33(w) and 131 of Maharashtra Police Act, 1951, he be released on bail on furnishing P. R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount.

iii] The applicant is directed to attend the police station as and when called upon by the investigating agency.

iv] The applicant shall not conduct any business of hookah parlour. The applicant shall not conduct any business of hookah parlour.

v] The applicant shall extend cooperation during investigation and trial.

9. The Anticipatory Bail Application is allowed and disposed of.

***(PRAFULLA S. KHUBALKAR*, J.)**