

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 80 OF 2026

Rhythm Lounge
Through Proprietor
Akshaya Kumar Shetty Petitioner.
V/s
The State of Maharashtra and Anr. Respondents.

**AND
WRIT PETITION NO. 81 OF 2026**

M/S. THE MATRIX Lounge and Herbal
Hookah through Proprietor
Mohammed Khairul Islam Petitioner.
V/s
The State of Maharashtra and Anr. Respondents.

Mr. Shadab Khopekar, advocate for the petitioner in both the above writ petitions.
Mrs. M.M. Deshmukh, I/C. P.P. with Mr. K.V. Saste, Addl. P.P. for respondent no.1 in both the above writ petitions.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 4TH FEBRUARY 2026

PER SHREE CHANDRASHEKHAR, CJ.

Petitioner through its proprietor has approached this Court with a prayer that this Court may examine legislation and its non-applicability to the tobacco free products and issue necessary directions to the effect that no coercive action of any nature is taken if the hookah is served without tobacco.

2. The language of the prayer (a) made in this writ petition and, in particular, the expression “if” qualifying the prayer made therein shall

render these writ petitions not maintainable. Whether or not the hookah is served with or without tobacco is a question that has to be examined by the respondent-Authority in individual cases. The learned counsel for the petitioner refers to an order dated 22nd August 2019 in Writ Petition No.3978 of 2019 titled “*Munib Birya & Ors. v. The State of Maharashtra & Ors.*” and submits that a similar order may be passed in this case. In the order dated 22nd August 2019, this Court observed that “if” there is any violation of provisions of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 as amended in the year 2018, the police officer not below the rank of Assistant Police Inspector is empowered to take legal action for the infringement of the conditions imposed on the hookah parlours.

3. If this is the case of the petitioner that a similar order should be passed in the present petitions, we may observe and, least to say, that there is no cause of action for the petitioner to file these writ petitions and the order passed in “*Munib Birya*” shall apply in other cases.

4. Writ Petition Nos.80 of 2026 and 81 of 2026 are disposed of.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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