

Order allowing herbal hookah applicable to all restaurants: Bombay High Court

The Bombay High Court stated while passing an order on a clutch of petitions by 40 restaurants serving hookah, that as far as the hookah served does not contain tobacco or nicotine, they can be served in licensed restaurants across the state.

The petition had been filed by these restaurants as they had been facing harassment from the police who would not allow them to serve even herbal hookah even after an order passed by a bench of justices Ranjit More and Bharati Dangre, which allowed it following a petition. According to Ajinkya M Udane, advocate for petitioner restaurants, herbal hookah has not been defined, it is free of nicotine and tobacco and may be naturally or artificially flavoured.

While the court had allowed herbal hookah on July 15, when other restaurants which wanted to serve herbal hookah would approach the police to intimate them about wanting to serve herbal hookah based on this order, the police would misinterpret the order stating that only the particular restaurant who was the petitioner was allowed to serve and that it would not apply to others, said Ajinkya M Udane, appearing for the petitioners. The police, he said, would threaten restaurants with action and disturb customers with sudden interrogation. "This order clarifies that herbal tobacco-free hookah can be served by licensed restaurants in the state and does not apply only to the petitioners," said Udane.

The petition which resulted in herbal non-tobacco hookah being allowed was filed by a city-based restaurateur.