



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO.201562 OF 2025

(438(Cr.PC)/482(BNSS))

BETWEEN:

1. DEEPAK KOTHARI S/O RAMDAS KOTHARI,
AGED ABOUT 63 YEARS, OCC: BUSINESS,
R/O CTS NO.72 A, HOTHARI HOUSE,
MITTAL PARK LAYOUT, NEAR GODREJ BUNGLAW,
VILE PARLE WEST, MUMBAI
MAHARASTRA STATE-400056.
 2. SURYA PRAKASH PANDEY
S/O RAJ NARAYAN PANDEY,
AGED ABOUT 51 YEARS, OCC: BUSINESS,
R/O #68/3/1/65, PRESTIGE DREAM VALLY,
SHIVARAMPALLY, RAJENDRANAGAR
SHIVARAMPALLY, K. V. RANGAREDDY,
TELANGANA-500052.
 3. MOHAMMED SUFWAN UL HAQ
S/O MOHAMMED JAVEED UL HAQ,
AGED ABOUT 41 YEARS, OCC: BUSINESS,
R/O #7-2-134, OPP. GIRLS HIGH SCHOOL,
CHITTA KHANA, BIDAR-585401.
 4. MOHD GAYASUDDIN S/O MOHD GOSUDDIN,
AGED ABOUT 51 YEARS, OCC: BUSINESS,
R/O. 2-5-160, PANSAL TALEEM BIDAR-585401.
- ...PETITIONERS

(BY SRI AMEETHKUMAR DESHPANDE, SR. ADVOCATE FOR
SRI VENKATESH C. MALLABADI, ADVOCATE)

Digitally signed
by RENUKA
Location: HIGH
COURT OF
KARNATAKA



AND:

THE STATE OF KARNATAKA
THROUGH MEHAKAR POLICE STATION,
TQ. BHALKI, DIST. BIDAR
REPRESENTED BY ADDL. STATE PUBLIC
PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585103.

...RESPONDENT

(BY SMT. ANITHA M. REDDY, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C.(OLD), UNDER SECTION 482 OF BNSS (NEW) PRAYING TO ALLOW THIS PETITION AND THE PETITIONERS (ACCUSED NO.2 TO 5) MAY KINDLY BE ENLARGED ON ANTICIPATORY BAIL IN CRIME NO.87/2025 REGISTERED BY MEHAKAR POLICE STATION, TQ. BHALKI, DIST. BIDAR, WHICH IS PENDING BEFORE THE HON'BLE SENIOR CIVIL JUDGE AND JMFC AT BHALKI, BIDAR.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The petitioners, who are arraigned as accused, are partners of R.K. Products, a registered partnership firm. They are facing criminal prosecution for the offence punishable under Section 7 of the Cigarettes and Other



Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 ("COPTA Act") and for the offences punishable under Sections 123, 318(4), 190, and 275 of the Bharatiya Nyaya Sanhita, 2023. The present petition is filed under Section 438 of the Code of Criminal Procedure, 1973, seeking anticipatory bail in the event of their arrest.

2. Learned Senior Counsel appearing for the petitioners, reiterating the grounds urged in the petition, submits that the petitioners, being partners of a duly registered firm engaged in the business of manufacture and sale of scented tobacco products branded as "SR-1," are carrying on their business under valid licences and with GST compliance. The said product, according to the counsel, has a distinct pouch design and is duly registered under the Trade Marks Act. It is contended that a vehicle carrying the said products was intercepted and a crime came to be registered on the allegation that the



petitioners were transporting processed tobacco products illegally.

3. Referring to the documents produced along with the memo, learned Senior Counsel submits that the petitioners are duly authorized to manufacture, sell, and transport the said tobacco products, and the seized goods were lawfully manufactured under a valid licence issued by the competent authority. Inviting attention to the provisions of Sections 123, 318(4), 190, and 275 of the Bharatiya Nyaya Sanhita, 2023, it is contended that even if the complaint allegations are accepted in their entirety, none of the essential ingredients constituting the said offences are made out. Therefore, considering the imminent threat of arrest, the petitioners—being partners of a registered and reputed business establishment—have made out a fit case for grant of anticipatory bail.

4. Per contra, learned High Court Government Pleader vehemently opposes the petition contending that



petitioner Nos.1 and 2 are residents of Telangana State, and in the event anticipatory bail is granted, there exists a reasonable apprehension of their absconding, thereby impeding the progress of investigation.

5. By way of reply, learned Senior Counsel, on instructions, submits that petitioner Nos.1 and 2 are willing to furnish local sureties and shall strictly abide by all conditions that may be imposed by this Court while granting the relief sought for.

6. Having considered the rival submissions and upon perusal of the records, this Court finds that the petitioners' firm is a duly registered entity and holds valid licences authorizing the manufacture and sale of the said products, as borne out from the documents annexed to the memo. In view of the same, and having regard to the fact that there exists a clear apprehension of arrest, this Court is of the considered view that the petitioners, being law-abiding



businessmen, are entitled to the discretionary relief of anticipatory bail, subject to appropriate conditions.

7. Accordingly, the following:

ORDER

(i) The petition is allowed.

(ii) The respondent-Police are directed to release the petitioners in the event of their arrest in Crime No.87/2025 registered by Mehakar Town Police Station, Bidar district, for the offences punishable under Section 7 of the COPTA Act, 2003 and Sections 123, 318(4), 190, and 275 of the Bharatiya Nyaya Sanhita, 2023, which is now pending before the Court of the Senior Civil Judge and JMFC, Bhalki, Bidar, subject to the following conditions:

(iii) The petitioners shall appear before the Investigating Officer within 15 days from the date of receipt of a certified copy of this order and shall execute a personal bonds in a sum of Rs.1,00,000/- (Rupees One Lakh only)



each, with two sureties for the likesum to the satisfaction of the Investigating Officer.

(iv) The petitioners shall regularly appear before the Trial Court on all dates of hearing unless specifically exempted by the Court for valid reasons.

(v) The petitioners shall not tamper with the prosecution witnesses and shall co-operate with the Investigating Officer during the course of investigation, as and when called upon.

(vi) The petitioners shall not involve themselves in any offence of similar nature in future.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CA
List No.: 4 SI No.: 1
CT:SI