

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 1354 of 2021**

***Mithlesh Kumar Yadav and  
another***

....

***Petitioners***

Mr. R.L. Pattnaik, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. Karunakar Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER  
09.05.2022**

**Order No.**

**11.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. Mr. R.L. Pattnaik learned counsel for the petitioners submits that he has filed the Vakalatnama on 06.04.2022.
4. The petitioners are an accused in Special G.R. Case No.24 of 2021, on the files of learned Sessions Judge-cum-Special Judge, Malkangiri, arising out of Malkangiri P.S. Case No.36 of 2021, under Sections 20(b)(ii)(c) & 25 of the N.D.P.S. Act and is in custody since 06.02.2021.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Court of the Sessions Judge-cum-Special Judge, Malkangiri, by order dated 08.02.2021 in the aforementioned case, the present BLAPL has been filed.
6. Learned counsel for the petitioner relies on the orders of this Court dated 16.03.2022 passed in BLAPL No.1356 of 2021 and

order dated 28.03.2022 in BLAPL No.1278 of 2021 and seeks release of the petitioner inter alia on the ground of parity.

7. Learned counsel for the State opposes such move and submits that question of parity cannot be taken into account at this stage.

8. Considering the period of custody and release of the co-accused, this Court directs the petitioners to be released on bail, on such terms to be fixed by the learned Court in seisin over the matter.

9. Additionally, it is directed that the petitioners shall appear before the jurisdictional Police Station once every month till completion of the trial.

10. Violation of condition of such appearance shall entail cancellation of bail by the learned Court in seisin over the matter after following the due process of law without any further reference of this Court.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rules.

**(V. NARASINGH)**  
**Judge**

*Santoshi*