

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8592 of 2022

***Dillip Kumar Khilla @ Dilip
Khila***

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Orissa

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
20.09.2022**

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is accused in T.R. Case No.144 of 2020(A) arising out of Malkangiri P.S. Case No.404 of 2020, pending in the Court of learned Sessions Judge-cum-Special Judge, Malkangiri, for offences under Sections 20(b)(ii)(C)/25 of NDPS Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge-cum-Special Judge, Malkangiri, by order dated 25.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted that the co-accused Jayant Mondal similarly circumstanced have been released on bail by this Court by order dated 30.06.2022. Hence, inter alia on the ground of parity, the petitioner seeks release.

7. On perusal of the F.I.R., it is seen that the basis of implication of the petitioner is on account of co-accused statement of one Babuli Khara.

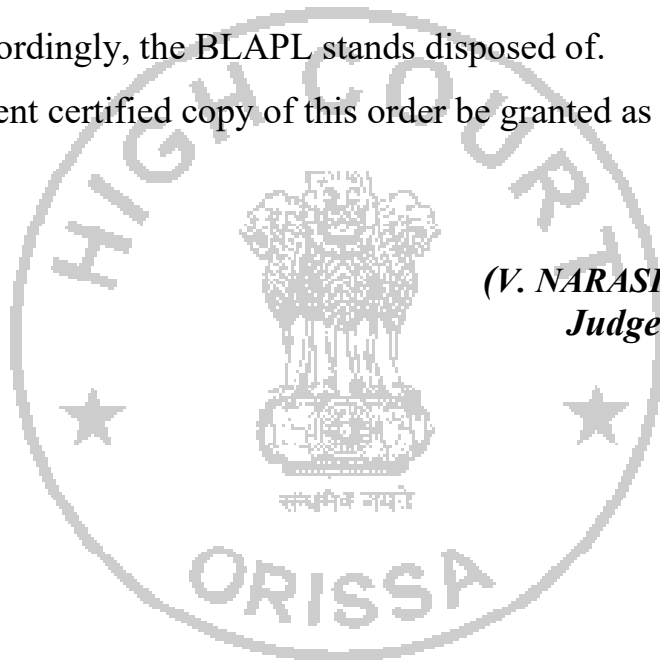
8. The same is also evidenced from the order passed by this Court.

9. Considering the basis of implication and keeping in view the law laid down in the case of *Tofan Singh vs. State of Tamil Nadu*, reported in *(2020) 80 OCR (SC)-641*, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

Ayesha



(V. NARASINGH)
Judge