

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

CA Application No: **CA PHC APN: 93/12**

High Court Colombo Case No: HCBA 13/12

Magistrate's Court: Kaduwela Case No: B 7360/2010

Appakutti Arachchige Dona Anula Aththanasheeli
No.12/13,
Gajaba Road,
Manning Town,
Colombo 08.

PETITIONER

Vs.

1. The Hon. Attorney General
Attorney General's Department
Colombo 12.
2. Officer in Charge
Police Narcotics Bureau
Colombo 01.

RESPONDENTS

And

Officer in Charge
Police Narcotics Bureau
Colombo 01.

Complainant

Vs.

H.D. Sanjaya Premathileke

SUSPECT

C.A. (PHC) APN 93/2012 : HC Colombo Case No. HCBA
13/2012

Before : Rohini Marasinghe, J. &
Deepali Wijesundera, J.

Counsel : Aruna Ihalavithana for the Petitioner
Anoopa de Silva, S.C. for the A.G.

Argued &

Decided on : 06.12.2012

Rohini Marasinghe, J.

This is an application for bail in respect of the accused name H.D. Sanjaya Premathileke. The accused had been remanded on 13.11.2012. He had been charged for being in possession of 14.97 grams of heroin, contrary to the Poisons Opium and Dangerous Drugs Ordinance Government Analyst Report had been received by Court on 21.09.2011. The State submits that the indictment had been dispatched on early part of this month. State has taken more than one year to file indictment against this accused. The suspect has now been in remand for more than two years. Suspect is a father of two children. The wife of the suspect is also in remand. The petitioner tendered documentary proof in relation to this fact. The contention of the Petitioner is that both parents of these two small children are now in remand custody. The eldest girl is a differently able girl. She is on clutches. We have taken into account the following facts;

- (a) that the suspect has been in remand custody for nearly 24 months.
- (b) The accused's wife is also in remand.
- (c) They have two small children out of whom one is a sick child.
- (d) The State has taken more than a year to file indictment after Government Analyst Report had been sent to Court.

When we consider all these matters, we are of the opinion that these suspects should be enlarged on bail. We release the suspect in a sum of Rs. 50,000/- with sureties acceptable to the learned High Court Judge and also upon sufficient condition in the bail bond to ensure his presence in Court. The order of the learned High Court Judge dated 07.06.2012 is hereby revised.

Application for bail allowed.

JUDGE OF THE COURT OF APPEAL

Deepali Wijesundera,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-