

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

CA Application No: **CA (PHC) APN: 109/12**

High Court Colombo Case No: HCBA 530/2012

Magistrate's Court Colombo Case No: B 353/2012

Officer in Charge  
Police Narcotics Bureau,  
Colombo 01.

**COMPLAINANT**

**Vs.**

Mohammed Naushad Mohammed Thauseer  
No 180/23,  
Jumma Majeed Road,  
Colombo 10.

**SUSPECT**

**And Now Between**

Mohammed Thambi Jameena Beebe  
No 180/23,  
Jumma Majeed Road,  
Colombo 10.

**PETITIONER**

**Vs.**

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

**RESPONDENTS**

Mohammed Naushad Mohammed Thauseer  
No 180/23,  
Jumma Majeed Road,  
Colombo 10.

**SUSPECT RESPONDENT**

**And now Between**

Mohammed Thambi Jameena Beebe  
No 180/23,  
Jumma Majeed Road,  
Colombo 10.

**PETITIONER-PETITIONER**

**Vs.**

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

**RESPONDENT-RESPONDENT**

3. Mohommed Naushad Mohammed Thauseer  
No 180/23,  
Jumma Majeed Road,  
Colombo 10.

**SUSPECT-RESPONDENT-RESPONDENT**

C.A.(PHC) APN 109/2012 -

High Court of Colombo  
No. 530/2012 Bail  
Magistrate Court of Colombo  
No. B 353/2011

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

Counsel : Saliya Pieris for the Petitioner.  
Anoopa de Silva SC for the Respondents.

Argued &  
Decided on : 15.01.2013

**Rohini Marasinghe, J.**

This is an application to revise the order of the learned High Court Judge dated 29<sup>th</sup> June 2012 wherein he had refused to grant bail. However learned State Counsel concedes that this suspect had been on remand for more than two years without being served an indictment. She further concedes that the suspect had no previous convictions. However learned State Counsel submits that the suspect had been in possession of 4.35 grams of hereon. Therefore, the quantity alleged to have been in possession of the suspect is considerably large. The State Counsel has no objection for bail being granted as the suspect has been in remand without any indictment being served on him for nearly two years. Considering the above facts we are of the view that the suspect should be released on bail.

Therefore we direct the learned Magistrate to release the suspect **Mohammed Nushad Mohammed Thauseer** on cash bail in a sum of Rs.100,000/- with two sureties acceptable to the learned Magistrate.

The suspect is directed to report before the Officer-in-Charge, Narcotics Bureau, Colombo 01 on last Sunday of every month between 9 a.m to 12 noon until the case is concluded or condition is varied by Court.

Registrar is directed to forward a copy of this order to the Registrar Magistrate's Court of Colombo and the Officer-in-Charge, Police Narcotics Bureau, Colombo 01.

The petitioner is entitled to obtain a certified copy of this order on payment of usual charges.

**JUDGE OF THE COURT OF APPEAL**

**Deepali Wijesundera, J.**

I agree.

**JUDGE OF THE COURT OF APPEAL**

mds/-