

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST**

**REPUBLIC OF SRI LANKA.**

In the matter of an application for Revision in terms of the Article No.154P of the Constitution of the Democratic Socialist Republic of Sri Lanka read with Section 5 (2) of the High Court of the Provinces (Special Provinces) Act No. 10 of 1996.

Court of Appeal Case No:  
**CA (PHC) APN 95/2021**

High Court of Panadura Case  
No: **HC / 12/2020**

Magistrate's Court of Moratuwa  
Case No: **2171/2019**

The Officer – in – Charge,  
The Crimes Prevention Division  
Mihindu Mawatha,  
Colombo 12.

**Complainant**

Vs.

1. Sansudin Mohomed  
Junaideen
2. Arumapurage Ranuja Salitha  
Ranathissa

**Suspects**

**AND**

Daundage Nadeesha Dilshani,  
No.70/21, P.B. Alwis Perera  
Mawatha,  
Katubadda,  
Moratuwa.

**Petitioner**

Vs.

1. Officer – in – Charge  
The Crimes Prevention Division,  
Mihindu Mawatha,  
Colombo  
2. Hon. Attorney General,  
Attorney General’s Department,  
Colombo 12.

**Respondents**

**AND NOW BETWEEN**

Daundage Nadeesha Dilshani,  
No.70/21, P.B. Alwis Perera  
Mawatha,  
Katubadda,  
Moratuwa.

**Petitioner – Petitioner**

Vs.

1. Officer – in – Charge

The Crimes Prevention Division,

Mihindu Mawatha,

Colombo

2. Hon. Attorney General,

Attorney General's Department,

Colombo 12.

**Respondent – Respondent**

Arumapurage Ranuja Salitha

Ranathissa

(Presently at Remand Prison)

**2<sup>nd</sup> Suspect – Respondent**

Before: Menaka Wijsundeta J.

Neil Iddawala J.

Counsel: Gayan Perera for the petitioner

Chaturangi Mahawaduge, SC for the state.

Argued on: 04.04.2022

Decided on: 05.05.2022

**MENAKA WIJESUNDERA J.**

The instant application for revision has been filed to set aside the order dated 30/07/2021 of High Court of Panadura.

In the instant matter, the second suspect respondent namely Arumapurage Ranuja Salitha Ranathissa had been taken into custody for being in possession of a gross quantity of Heroin of 25.76 grams. He had been in remand ever since. The Government Analyst report has been received in the year 2020 and the pure quantity has been identified to be as 9.426 grams. The Counsel for the suspect submitted that he had no previous convictions or any pending cases.

The Counsel for the Attorney General stated that indictment has been filed against the suspect on 01/04/2022 and a copy of the same was handed over to Court. The Counsel for the Attorney General draws the attention of Court to the fact that the suspect has been charged for offences under the Money Laundering Act in addition to charges under the Poisons, Opium and Dangerous Drugs Act.

The Counsel for the Attorney General objected for bail being granted.

According to the provisions of the Poisons, Opium and Dangerous Drugs Act, a person arrested or indicted under this Act, he or she can be enlarged on bail only upon exceptional circumstances. The term “exceptional” has not been defined in the Act but in view of the decided

cases, the gravity of the offence , the gravity of the sentence and the culpability of the accused have been considered to be exceptional.

This has been discussed in the case of **Carder v OIC Narcotic Bureau 2006 3 SLR 74**, by **Basnayaka J.**

In the instant matter the Counsel for the suspect has not pleaded any exceptional ground, as such, this Court sees no reason to set aside the Order of the High Court. Therefore, the instant application for revision is hereby dismissed.

**Judge of the Court of Appeal.**

**I agree.**

**Neil Iddawala J.**

**Judge of the Court of Appeal.**