

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

**REPUBLIC OF SRI LANKA.**

Court of Appeal Case No:  
**CPA / 58 / 2022**

High Court of Galle Case No:  
**BA 199 / 21**

Magistrate Court of Galle Case  
No: **B 37480**

In the matter of an application for revision under and in terms of the Article 138 of the Democratic Republic of Sri Lanka read with section 404 of the Criminal Procedure Act No 15 of 1979 for revising Judgement / order of the High Court.

Officer in Charge

Anti-Corruption Unit

Galle.

Vs.

Samarage Damayanthi Ashoka

**Suspect**

**AND**

Thirimadura Isuru Dilanka

Welagedara Wallabada Boosa

**Petitioner**

**NOW BETWEEN**

Thirimadura Isuru Dilanka

Welagedara Wallabada Boosa

Vs.

1. Officer in Charge

Anti – Corruption Unit

Galle.

2. The Hon. Attorney General,

Attorney General’s Department,

Colombo 12.

**Respondents**

Before: Menaka Wijesundera J.

Neil Iddawala J.

Counsel: Saranga Bandara for the Petitioner.

Ridma Kuruwita, SC for the State.

Argued on: 09.11.2022

Decided on: 06.12.2022

**MENAKA WIJESUNDERA J.**

The instant application has been filed to set aside the order dated 29.3.22 of the High Court of Galle in which bail has been refused to the suspect namely **Samarage Damayanthi Ashoka**.

The above-named suspect had been arrested on 18.3.2021 for being in possession of 1.85 grams of heroin which the Government Analyst had

confirmed, and the Counsel for the Suspect stated that the production had been sent for analysis after six months and until then the production had been in police custody.

The Counsel appearing for the Respondent objected to the application on the basis that the Suspect had one previous conviction of a similar nature and one pending case and while on bail for the said offence the instant offence had been committed.

Upon consideration of the submissions of both sides, the law pertaining to the instant application is that as the Suspect had been taken in to custody and produced under the provisions of the Poisons Opium and Dangerous Drugs Act and according to the latest amendment to the act no 41-22 considering the period in remand and the quantity identified by the Government Analyst, we direct the learned High Court Judge to enlarge the above-named suspect on suitable conditions of bail.

As such the instant application for revision is allowed.

**Judge of the Court of Appeal.**

**I agree.**

**Neil Iddawala J.**

**Judge of the Court of Appeal.**