

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

In the matter of an application for bail under section 83(2) of the Poisons, Opium and Dangerous Drugs Ordinance as amended by Act No. 41 of 2022.

Yogarasa Pavithriya,  
102/11b, Armisa Road,  
Colombo 09.

**Petitioner**

On behalf of the  
2<sup>nd</sup> Suspect – Ramakrishnan Ananth  
(Currently languishing in remand)

CA Case No.  
**CA/BAL/0136/2025**  
  
MC Maligakanda  
Case No: **44831/24**

**Vs**

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

**Respondents**

Before : **P. Kumararatnam, J.**

**Pradeep Hettiarachchi, J.**

Counsel : Tenny Fernando with Pasindu Gamage and Himashi Silva for  
the Petitioner.

Malik Azeze, S.C. with Jhanaka Kodagoda, S.C. for the Respondents.

Inquiry on : 24.09.2025

Decided on : 31.10.2025

**Pradeep Hettiarachchi, J**

**Order**

1. This is a bail application filed under Section 83(2) of the Poisons, Opium and Dangerous Drugs Ordinance by the petitioner on behalf of the suspect, Ramakrishnan Ananth (hereinafter referred to as the suspect). The suspect was arrested on 08.07.2024, together with one Aldo Blisson Fernando, from whose possession a bag containing Methamphetamine pellets was recovered.
2. The present suspect was arrested on the allegation of aiding and abetting the said Aldo Blisson Fernando in the trafficking of a gross quantity of 1 kilogram and 14 grams of Methamphetamine. According to the Government Analyst's Report, the net quantity of Methamphetamine detected amounts to 517.9 grams.
3. At the time of his arrest, it is alleged that the suspect was in possession of a sum of Rs. 1,000,000. According to the 'B' Report dated 09.07.2024 filed by the Police Narcotics Bureau (PNB), a Detention Order had been obtained, pursuant to which the suspect was detained until 14.07.2024. Since the expiration of the detention period, the suspect has been in remand custody.
4. The petitioner has urged the following grounds to be considered as exceptional circumstances warranting the release of the suspect on bail.
  - a. *A significant discrepancy exists between the weight of the substance detected at the time of arrest and the weight recorded by the Government Analyst's Department, raising doubt as to the accuracy and integrity of the prosecution's case.*

- b. Broken chain of custody*
  - c. Compromised forensic analysis*
  - d. No suspicious transactions were found consequent to a comprehensive financial investigation conducted by the authorities*
5. It was further averred that the suspect has no previous convictions, pending cases, or any criminal record against him. Opposing the bail application, the learned State Counsel submitted that the petitioner has failed to establish the existence of exceptional circumstances and has also suppressed material facts, thereby warranting the dismissal of the application. At the inquiry, however, it transpired that the suspect has two previous convictions for similar offences, a fact which had not been disclosed by the petitioner.
6. Under Section 83(2), this Court can consider bail only if exceptional circumstances are made out. Section 83 as amended by the Poisons, Opium and Dangerous Drugs (Amendment) Act, No. 41 of 2022 reads:

*Section 83.*

*(1) Subject to the provisions of sections 84, 85 and subsection (2) of this section, a person suspected or accused of an offence under sections 54A and 54B of this Ordinance, shall not be released on bail by the High Court except in exceptional circumstances.*

*(2) Notwithstanding the provisions of sections 84 and 85, a person suspected or accused of an - (a) of which the pure quantity of the dangerous drug, trafficked, imported, exported or possessed is ten grammes or above in terms of the report issued by the Government Analyst under section 77A; and (b) which is punishable with death or life imprisonment,[sic] shall not be released on bail except by the Court of Appeal in exceptional circumstances.*

*(3) For the purposes of this section “dangerous drug” means Morphine, Cocaine, Heroin and Methamphetamine.”*
7. What constitutes exceptional circumstances is not comprehensively defined in the Act and must be determined based on the context and circumstances of each case.

8. As stated in *Ramu Thamodarampillai vs The Attorney General [2004] 3 Sri. LR 180*, “the decision must in each case depends on its own particular facts and circumstances.”
9. As held in *Attorney General v. Ediriweera (S.C. Appeal No. 100/2005)*, “Delay is always a relative term and the question to be considered is not whether there was mere explicable delay, as when there is a backlog of cases, but whether there has been excessive or oppressive delay and this always depends on the facts and circumstances of the case...”.
10. The period of remand, in isolation, cannot be considered a sufficient ground for the grant of bail. It must be assessed in conjunction with other attendant circumstances, particularly within the framework of the statutory provisions governing the granting of bail. At the same time, the Court must remain mindful of the presumption of innocence, which is a fundamental safeguard guaranteed to every suspect until proven guilty by a competent court of law.
11. Therefore, the stringent provisions of the law should not be allowed to operate as a tool to deprive a person of liberty without just cause. When considering a bail application of this nature, the Court must have due regard to the intention of the legislature, the gravity of the offence charged, the severity of the possible punishment, the likelihood of the accused absconding if released on bail, the stage and progress of the investigation or trial, and the fundamental principles of presumption of innocence and personal liberty.
12. In the present case, the Accused was arrested on 08.07.2024. No narcotic substance was recovered from his possession; however, at the time of arrest, he was in the company of one Fernando, from whose possession the alleged quantity of Methamphetamine was recovered. The only allegation against the Accused is that he aided and abetted drug trafficking, as the officers of the Police Narcotics Bureau allegedly recovered Rs. one million from his possession. Apart from this, further investigations have not revealed any new material against the Accused, even after the lapse of one year.

13. Furthermore, the Attorney General's Department has not yet received the I.B. extracts. Consequently, the respondents are unable to indicate even approximately when the indictment will be ready.
14. In their objections, the respondents have failed to provide an update on the progress of the investigation against the Accused. It is admitted that no narcotic substance was recovered from him; rather, he was taken into custody solely because he was in the company of the other suspect, from whose possession the officers of the PNB recovered a quantity of Methamphetamine.
15. According to the respondents, the Accused was arrested as he allegedly possessed Rs. one million suspected to be the proceeds of drug sales. However, even after the lapse of one year and four months, the respondents have neither concluded their investigations nor reported their position to the Magistrate's Court regarding the Accused, despite being directed to do so by the learned Magistrate, as evidenced by the journal entry dated 27.03.2025.
16. In the present case, while the offence alleged against the suspect is of a serious nature, it is observed that no significant progress in the investigation has been reported. Moreover, as the Attorney General's Department has not yet received the I.B. extracts, there is no likelihood that the indictment will be filed within a reasonable period. The suspect has been in remand since 08.07.2024, and no material has been placed before this Court to indicate that his continued detention is necessary for the progress of the investigation.
17. Although the allegations levelled against the suspect are serious, in the absence of any substantial facts presented to the Court to justify his continued detention, he should not be compelled to languish in remand in a state of uncertainty. More importantly, since the respondents have failed to apprise the Court of the progress of the investigation, and as the I.B. extracts have not yet been received, it can safely be inferred that there has been an inordinate and oppressive delay in prosecuting the suspect.

18. While it is reported that the suspect has two previous convictions, I am not inclined to consider them as a ground to refuse bail, as those convictions are unrelated to drug trafficking and concern only the use of cannabis in very small quantities.
19. Having due regard to the presumption of innocence, the personal liberty of the suspect, and the totality of the circumstances, this Court is of the view that exceptional circumstances exist warranting the grant of bail. Accordingly, the suspect is ordered to be released on bail subject to suitable conditions to ensure his presence and to safeguard the due administration of justice.
20. Accordingly, I hereby order that the suspect named Ramakrishnan Ananth shall be released on bail subject to following conditions.
- a. Cash bail of Rs.200000.00;
  - b. There shall be three sureties and they must enter into a bond of Rs 1 million each;
  - c. The petitioner shall be one of the sureties;
  - d. The suspect shall surrender his passport if any to the courts and shall not apply for a travel document without the permission of the court; and
  - e. The suspect is required to report to the Officer in Charge of Police Narcotic Bureau on the 1<sup>st</sup> and 30<sup>th</sup> of every month.
21. The Registrar of this court is directed to send a copy of this order to the Magistrate Court of Maligakanda and the Officer in Charge of the Police Narcotic Bureau forthwith.

**Judge of the Court of Appeal**

**P. Kumararatnam, J**

I agree,

**Judge of the Court of Appeal**

