

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
THE CORRUPTION AND ECONOMIC CRIMES DIVISION
AT DODOMA SUB REGISTRY**

MISC. ECONOMIC CAUSE NO. 03 OF 2017
(Originating from Singida District Court in
Preliminary Inquiry Economic Case No. 14 of 2017)

JOSEPH MHOJA MASELE @ JOSEPH APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

Date of Last Order: - 10/10/2017

Date of Ruling: - 17/11/2017

RULING

F. N. MATOGOLO, J.

The applicant one Joseph Mhoja Masele @ Joseph is charged in the District Court of Singida at Singida with one count of unlawful trafficking in narcotic drugs contrary to section 15(1)(b) and (2) of the Drugs Control and Enforcement Act No. 5 of 2015 read together with paragraph 23 of the first schedule to and sections 57(1) and 60(1) of the Economic and Organized Crime Control Act, [CAP. 200 R.E, 2002] as amended by sections 13(b) (2), (3) & (4) and 16(b) of the Written Laws (Miscellaneous Amendments) Act No. 3 of 2016.

It was alleged that; on 11th day of July, 2017 at Mizani area, Mandewa Ward, Unyakumi division within District and Region of Singida,

the applicant (accused) was found unlawfully trafficking in narcotic drugs to wit: cannabis sativa commonly known as "bhangi" weighing 33 kilograms.

The applicant has preferred this application for bail by chamber summons under section 29(3) of the Drugs Control and Enforcement Act No. 5 of 2015, section 36(1) of the Economic and Organized Crimes Control Act, [CAP. 200 R.E, 2002] as amended by the Written Laws (Miscellaneous Amendments) Act No. 3/2016 and section 148(3) of the Criminal Procedure Act, [CAP. 20 R.E, 2002]. The chamber summons is supported by an affidavit taken by the applicant. After been served with the chamber summons and the accompanying affidavit, the respondent/Republic opted not to file Counter Affidavit.

The applicant engaged legal services of Mr. Ndunguru, learned advocate whereas Ms. Magesa learned State Attorney appeared for the respondent/Republic.

Arguing for the application, the applicant's learned advocate prayed for the applicant to be admitted to bail considering that the charged offence is bailable and no Certificate has been filed by the Director of Public Prosecutions (DPP) denying bail to the applicant. Moreover, no Counter Affidavit has been preferred by the respondent to that effect and that there is no previous record that the applicant has ever jumped bail.

In response, Ms. Magesa learned State Attorney basically, did not object grant of bail to the applicant provided that the applicant comply with

bail conditions to be prescribed by the Court, considering that the charged offence is bailable. Notably, Mr. Ndunguru learned advocate had nothing in rejoinder.

Having considered the application at hand and the respective submissions by the applicant's learned counsel and the learned State Attorney, the following are the deliberations of this Court

As correctly submitted by the applicant's learned counsel and as clearly stated by the learned State Attorney, the charged offence is bailable in terms of the Drugs Control and Enforcement Act and the Economic and Organized Crime Control Act as amended by the Written Laws (Miscellaneous Amendment) Act No. 3/2016. The respondent did not object bail. Likewise; this Court has not been availed reasons warranting refusal of bail to the applicant.

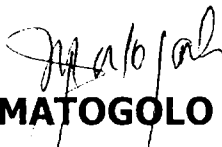
Therefore; this Court grants bail to the applicant in terms of sections 29(1) (b) and (3) of the Drugs Control and Enforcement Act, section 36(1) of the Economic and Organized Crimes Control Act as amended by the Written Laws (Miscellaneous Amendments) Act No. 3/2016 and sections 148(6) & (7) of the Criminal Procedure Act. Applicant may be released on bail upon fulfilling the following conditions:

1. The applicant shall execute bail bond in the sum of Tshs. 5,000,000/=.
2. The applicant must produce two (2) reliable surities whereas each should separately execute a bond of Tshs. 1,000,000/=.

3. The applicant should not leave Singida region without prior permission of the Resident Magistrate in charge of Singida Resident Magistrates' Court at Singida.
4. The applicant must surrender to Singida Central Police Station his passport, and any other travelling document(s) he might be possessing.
5. The applicant must report to Singida Central Police Station every Monday of a second week before 12:00hrs (noon).
6. The applicant should appear before the Court on the specific time and dates as scheduled by the District Court of Singida at Singida.
7. Each surety produced by the applicant must be approved by the Resident Magistrate in charge of Singida Resident Magistrates' Court at Singida. By reliable surities means, persons who are in active public service or in a recognized private institution.
8. The Resident Magistrate in charge of Singida Resident Magistrates' Court at Singida must ensure that all bail conditions are accordingly met and implemented before and after releasing the applicant on bail as above prescribed.

Order accordingly.




F.N. MATOGOLO
JUDGE
17/11/2017