

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

**MISC. ECONOMIC CAUSE NO. 05 OF 2017**

(Originating from Singida District Court in  
Preliminary Inquiry Economic Case No. 04 of 2017)

**JUMA s/o SHABAN ..... APPLICANT**

**VERSUS**

**THE REPUBLIC ..... RESPONDENT**

Date of Last Order: - 10/10/2017

Date of Ruling: - 16/11/2017

**RULING**

**F. N. MATOGOLO, J.**

The applicant Juma s/o Shaban was charged before the District Court of Singida at Singida with two counts. **One;** unlawful possession of narcotic drugs contrary to section 15(1)(a) and (2) of the Drugs Control and Enforcement Act No. 5 of 2015 read together with paragraph 23 of the first schedule to and section 60(2) of the Economic and Organized Crime Control Act, [CAP. 200 R.E, 2002] as amended by section 13(b), (2), (3) and (4) and section 16(b) of the Written Laws (Miscellaneous Amendment) Act No. 3 of 2016 where it is alleged that; on 28/03/2017 around 17:30hrs at Misigiri Ulemo Ward Kinampanda division within Iramba District in Singida Region, the applicant/accused person was found in possession of 481 rolls of drugs commonly known as "bhangi" weighing 1,326 grams.

**Two;** unlawful possession of narcotic drugs contrary to section 15(1)(a) and (2) of the Drugs Control and Enforcement Act No. 5 of 2015 read together with paragraph 23 of the first schedule to and section 60(2) of the Economic and Organized Crime Control Act as amended by section 13(b), (2), (3) and (4) and section 16(b) of the Written Laws (Miscellaneous Amendment) Act No. 3 of 2016 where it is alleged that; on 28<sup>th</sup> day of March, 2017 around 17:30hrs at Misigiri Ulemo Ward Kinampana division within Iramba District in Singida Region, the applicant/accused person was found in possession of nine bundles of 'khat' commonly known as "mirungi" weighing 4 kilograms and 222 grams.

The applicant has filed this application for bail which is by chamber summons preferred under sections 29(1) (b) and (3) of the Drugs Control and Enforcement Act No. 5 of 2015 and 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, although Mr. Emmanuel B. Malya, from Mkami and Associates Law Attorneys wrongly cited it as Act No 6/2016. The chamber summons was supported by an affidavit taken by one Emmanuel B. Malya, learned advocate for the applicant. The Respondent/Republic did not file Counter Affidavit.

The applicant engaged services of Mkami and Associates Law Attorneys in which Mr. Mkami, advocate appeared while Ms. Magesa, State Attorney appeared for the respondent/Republic.

In arguing the application, the applicants' learned advocate urged for the applicants to be admitted to bail considering that the involved amount

of illicit drugs which is subject of the charge is bailable and considering that presumption of innocence is guaranteed under article 13(6)(b) of the Constitution of the United Republic of Tanzania, [CAP. 2 R.E, 2002]. He further urged for the Court to impose reasonable bail conditions which the applicant can meet pending his trial. The applicant's counsel further noted that the respondent/Republic did not even establish value of the involved narcotic drugs in the charge sheet.

In response, Ms. Magesa learned State Attorney; basically, did not object grant of bail to the applicants provided that the applicants comply with bail conditions to be prescribed by the Court considering that the charged offences are bailable in terms of section 148 of the Criminal Procedure Act, [CAP. 20 R.E, 2002]. Mr. Mkami learned advocate had nothing to rejoin.

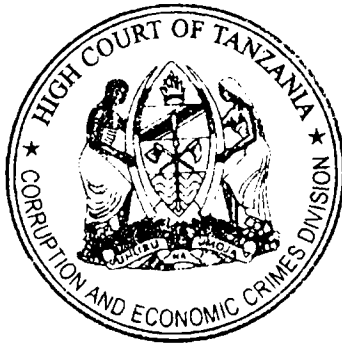
Having considered the application at hand and the respective submissions by the applicant's learned counsel and the learned State Attorney, as correctly submitted by the applicant's learned counsel and as clearly stated by the learned State Attorney, especially that the respondent does not object bail to the applicants. Moreover, the charged offences fall under bailable offences in terms of Drugs Control and Enforcement Act, the Economic and Organized Crime Control Act as amended by the Written Laws (Miscellaneous Amendment) Act. Likewise, as there has not been any reason(s) availed to this court warranting refusal of bail to the applicant, the application is hereby granted.

The applicant may be released on bail 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 upon fulfilling the following conditions:

1. The applicant shall execute a bail bond in the sum of Tshs. 5,000,000/=
2. The applicant must produce two (2) reliable sureties who shall each separately execute a bond of Tshs. 2,000,000/=.
3. The applicant shall 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 respectively, and/or any other travelling document(s) he might be possessing.
5. The applicant must report to Singida Central Police Station every Friday of the first and third week before 12:00hrs (noon) or as may be directed by the RCO Singida.
6. The applicant shall appear before the Court on the specified time and dates as scheduled by the District Court of Singida.
7. The sureties produced by the applicant must be approved by the Resident Magistrate in charge of Singida Resident Magistrates' Court at Singida. By reliable sureties means, one must be in active public service or in a recognized private institution. Sureties must be residents of Singida Region.

8. The Resident Magistrate in charge of Singida Resident Magistrates' Court 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**

**16/11/2017**