

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

**MISC ECONOMIC CAUSE NO. 15 OF 2017**

**(Originating from DODOMA D/COURT ECONOMIC CASE ( P.I)**

**NO. 18/2017**

**RAMADHAN HALIFA RAMADHAN & 2 OTHERS ..... APPLICANTS**

**RULING**

**15/11 & 17/11/2017**

**MATOGOLO, J.**

Ramadhan Halifa, Ramadhani, William Matei Mtui and Romitu Migaro Mollel who are applicants in this application, are arraigned in the District Court of Dodoma with the offence of unlawful possession of narcotic drugs c/s 15 (1) (a) and 27 of the Drugs Control and Enforce merit Act, No. 5 of 2015.

It was alleged in the particulars of offence that on 3<sup>rd</sup> day of October, 2017 at Area "A" street within Municipality and Dodoma Region, the applicants were found in unlawful possession of Narcotic Drugs known as cannabis which is popularly known

as bhang weighing 11.4 kilograms. The applicants have come to this Court with their application for bail. The application was filed by Mr. Ahmed Athumani Hatibu learned advocate on their behalf.

The same is by chamber summons made under Section 36 (1) of the Economic and organized Crime Control Act, [Cap 200 R.E. 2002], Section 148 (1) and (5) (a) (iii) of the Criminal Procedure Act, [Cap. 20 R.E. 2002] and Section 29 (3) of the Drugs control and Enforcement Acts, No. 5 of 2015. The chamber summons is supported by an affidavit taken by Mr. Ahmed Athumani Hatibu.

The respondent was served with the chamber summons and the accompanying affidavit.

At the hearing, the applicants were represented by Mr. Ahmed Athuman Hatibu learned Advocate. Mr. Harry Mbogoro learned State Attorney appeared for the respondent. Mr. Ahmed Hatibu prayed for the supporting affidavit to be adopted and form part of his submission.

He however added that the applicants pray to this Court to release them on bail pending their committal and trial in the offence they are facing and any other relief this Court may deem fit. That this Court has jurisdiction to entertain the application and that the charged offence is bailable one.

He stated further that it is the applicants' constitutional right to be granted bail. The applicants have no any Criminal record, have never been convicted before and sentenced to three years imprisonment and above. They have never previously granted bail and violate bail conditions nor commit other criminal offences while out on bail.

Mr. Ahmed Hatibu Learned Counsel added that under Article 13(6) (b) of the URT constitution the applicants are presumed innocent until when proved otherwise. They are also entitled to freedom of movement as provided under Article 15 (1) (2) of the URT Constitution.

Mr. Ahmed Hatibu prayed, to this court to consider the age of the applicants, who are still young. He also prayed that if this Court will be pleased to grant them bail, should prescribe reasonable bail conditions which the applicants can afford.

On his part Mr. Harry Mbogoro learned State Attorney essentially did not object bail. He said the offence the applicants are facing is bailable one. What is important is for the applicants to comply with bail conditions which the Court will set.

The questions for determination in this application is first, whether this Court is properly moved to consider and determine the application. Second is whether the applicants are entitled to bail.

As I pointed herein above, the application is by chamber summon made under Section 36 (1) of Cap. 200, Section 148 (1) (3) and (5) (a) (iii) of the Criminal Procedure Act and Section 29 (3) of the Drugs control and Enforcement Act, No. 5/2015. These are proper provisions for the charged offence and also confer jurisdiction to this Court to entertain the application. In regard to whether the applicants are entitled to bail, the answer is in the affirmative. The offence which the applicants are facing is bailable one as they were found in unlawful possession of only 11.4 Kilograms of bhang. It is only those who found in unlawful possession of bhang of 100 Kilograms and above cannot be granted bail.

The respondent/ Republic did not object the application. Again there is no any other reason availed to this Court warranting denial of bail to the applicants.

It follows therefore that the application is granted. The applicants may be released on bail upon fulfilling the following conditions.

1. Each applicant shall execute bail bond in the sum of Tshs. 5,000,000/=.
2. Each applicant shall produce two reliable sureties who each shall execute bail bond in the sum of Tshs. 2,000,000/=.

3. The sureties must be residents of Dodoma Region with known immovable properties located within Dodoma Region of value not less than 10,000,000/=.
4. The applicants shall not leave Dodoma Region without prior permission of the Resident Magistrate incharge of the Court of Resident Magistrate Dodoma.
5. The applicant shall surrender to the RCO Dodoma their passports or any other travelling document.
6. The applicants have to report to Dodoma Central Police Station every, month preferably on the first week of a month.
7. The Resident Magistrate incharge of Dodoma Resident Magistrate Court must ensure that all bail conditions are fulfilled before the applicants are released on bail, and shall approve the sureties and bail documents. It is so ordered.



*F. N. Matogolo*  
**F. N. MATOGOLO**  
**JUDGE**

**17/11/2017**