

TANZANIA / JUDGMENT

20171117 TZHC Dodoma3

COURT
TZHCDECIDED
17 November 2017

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA THE CORRUPTION AND ECONOMIC CRIMES DIVISION AT DODOMA SUB REGISTRY MISC. ECONOMIC CAUSE NO. 06 OF 2017 (Originating from Kongwa District Court at Kongwa in Preliminary Inquiry Economic Case No. 06 of 2017) IJUMAA s/ o HUSSEN @ DOSA APPLICANT VERSUS Date of Last Order: - 10/10/2017 Date of Ruling: - 17/11/2017

- RULING F. N. MATOGOLO, l. The applicant Ijumaa s/o Hussen @ Dosa was charged in the District Court of Kongwa at Kongwa with a single count that is: prohibition of ~ possession and trafficking, purchasing or manufacturing narcotic drugs or psychotropic substances and precursor chemicals contrary to section 15 of the Drugs Control and Enforcement Act No. 5 of 2015. It was alleged that; on 14th day of May, 2017 at about 05:00hrs at Pandambili village within Kongwa District and Dodoma Region, the applicant/accused person was found in unlawful possession of and trafficking in narcotic drugs "khat" commonly known as "mirungi" weighing 41.5kgs knowing that the same are prohibited narcotic drugs. 1 The applicant has filed this application for bail which is by chamber summons made under sections 29(3) of the Drug 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 Amendment) Act No. 3 of 2016, wrongly cited as Act No 6/2016, and section 148 of the Criminal Procedure Act, [CAP. 20 R.E, 2002]. The chamber summons is supported by an affidavit taken by the applicant. Notably, the Respondent/Republic did not file Counter Affidavit. The applicant appeared in person, that is, unrepresented while Ms. Magesa, learned State Attorney appeared for the respondent/Republic. In arguing the application, the applicant was brief, and prayed for his affidavit to form integral part of his submission asking this court to grant him bail pending trial. In response, Ms. Magesa learned State Attorney submitted that; the respondent/Republic does not object bail considering that the charged offence is bailable in terms of sections 29(1)(b) & (3) of the Drug Control and Enforcement Act No. 5 of 2015 and section 36(1) of the Economic, Organized Crime Control Act as amended by the Written Laws (Miscellaneous Amendment) Act No. 3 of 2016 and section 148 of the Criminal Procedure Act provided the applicant complies with the bail conditions to be prescribed by the Court pending his trial. Having considered the application at hand and the respective submissions by the applicant in person and the learned State Attorney, and 2 as correctly submitted by the applicant and the

learned Stat Attorney, the charged offence is bailable in terms of Drugs Control and Enforcement Act, the Economic and Organized Crime Control Act as amended by the Written Laws (Miscellaneous Amendment) Act No. 3 of 2016. As there is no other reason availed this Court warranting denial of bail, I grant the application. 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 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 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. 5,000,000/=.
 3. The applicant shall not leave Dodoma region without prior permission of the Resident Magistrate in charge of Dodoma Resident Magistrates' Court.
 4. The applicant must surrender to Dodoma Central Police Station his passport or any other travelling document(s) he might be possessing.
 5. The applicant must report to Dodoma Central Police Station every Monday of the first and third week, before 12:00hrs (noon). 3
 6. The applicant shall appear before the Court on the specific time and dates as scheduled by the District Court of Kongwa at Kongwa as his trial stand pending.
 7. The sureties produced by the applicant must be approved by the Resident Magistrate in charge of Dodoma Resident Magistrates' Court at Dodoma. By reliable sureties means, one must be in active public service or in a recognized private institution and both must be residents of Dodoma region.
 8. The Resident Magistrate in charge of Dodoma Resident Magistrates' Court at Dodoma must ensure that all bail conditions are accordingly met and implemented before and after releasing the applicant on bail as above prescribed. F.N. 17/11/2017 4

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