

TANZANIA / JUDGMENT

REPUBLIC VS RAJABU SELEMAN AND 2 OTHERS JUDGMENT

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28 March 2025

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA THE CORRUPTION AND ECONOMIC CRIMES DIVISION AT DAR ES SALAAM ECONOMIC CASE NO. 31772 OF 2024 THE REPUBLIC VERSUS

1. RAJABU SELEMAN
2. MOHAMED OMARY
3. PETER VALENTINE @PETER VALENTINO KOB

JUDGMENT

14th and 28th March 2025 KISANYA, J.: The accused persons, namely Rajabu Seleman, Mohamed Omary, and Peter Valentine @ Peter Valentino Koba face a charge of trafficking in narcotic drugs. This charge is brought forth under section 15(1)(a) and (3)(iii) of the Drug Control and Enforcement Act, Cap. 95, R.E. 2019 (as amended), (hereafter referred to as “the DCEA”), read together with paragraph 23 of the First Schedule to and sections 57(1) and 60(2) of the Economic and Organized Crime Control Act [Cap. 200, R.E. 2022]. (hereafter referred to as “the DCEA”). 1 It is alleged that on 21st January 2023, at Ruvu Kusini Forest area within Kisarawe District in Pwani Region, the accused persons were found trafficking narcotic drugs namely cannabis sativa, commonly known as ‘bhangi’ weighing 221.43 kilograms, by using motorcycles with registration numbers MC 695 DNU Make Haojue and MC 919 DFY Make Haojue. Each accused person pleaded not guilty. During the preliminary hearing, they admitted only facts related to their names and residence but denied all other facts. Their denial of the information necessitated the commencement of a full trial, with the Republic represented by Messrs. Ditrick Mapunda, Daudi Basaya and Joseph Kisaka, all learned State Attorneys. On the defence side, Messrs. Yohana Michael Kibindu, Frederick Charles, and Benjamin Mageni, learned Advocates, appeared for the first, second, and third accused persons, respectively. The prosecution, aiming to establish its case against all three accused, brought forward six (6) witnesses: Rajabu Omary Mohamed (PW1), PF 17831 ASP Theobald Wilberd Msungwi (PW2), A/Insp. Joseph Cosmas Kassa (PW3), F2462 SGT Makwani (PW4), G420 CPL Bonda (PW5), and G1090 CPL Faraji (PW6). 2 The prosecution also tendered seven (7) exhibits as part of the evidence. The exhibits comprised a Sample Submission Form No. DCEA 001 (Exhibit P1), a Sample Receipt Notification Form No. GCLA 01 (Exhibit P2), a

Government Chemist Analyst Report Form No. DCEA 009 (Exhibit P3), twelve sulphate bags containing 221.43 kilograms of cannabis sativa commonly known as bhang (Exhibit P4 collectively), a Certificate of Seizure dated 21st January 2023 (Exhibit P5), two Haojue motorcycles with registration numbers MC 695 DNU and MC 919 DFY (Exhibit P6 collectively), and the Court Exhibit Register under entry numbers 43 and 45 (Exhibit P7). The background facts of the case, as derived from the presented evidence, may be summarized as follows: On 21/01/2023, PW2, an operations officer at Kisarawe Police Station, was on patrol with his colleagues including, Sergeant Bonda (PW5) and Constable Iddi, in Kisarawe District, Pwani Region. While en route from Kisarawe to Mzenga Village in Mzenga Ward, Kisarawe District, he received intelligence from an informant regarding suspicious persons transporting unidentified items within the Government Forest of Ruvu Kusini in Kisarawe. Upon receiving the tip, PW2 proceeded cautiously to avoid exposing the informant's information. As he continued his journey, he observed fresh 3 motorcycle tire tracks leading into the Ruvu South Forest. To prevent raising suspicion, he parked the vehicle at a discreet location by the roadside and proceeded on foot, carefully following the tracks into the forest. As they ventured into the forest, they came across two parked motorcycles and three youths lying on the ground, seemingly asleep. The motorcycles were loaded with packages wrapped tightly with rubber bands in sulphate bags. One of the motorcycles, bearing registration number MC 919 DFY, had six such bags fastened to its passenger seat and cargo carrier, while the second motorcycle, MC 695 DNU, was similarly loaded with six bags. PW2 proceeded to arrest the three individuals by waking them up, introducing himself and his colleagues as police officers, and informing them that they were under arrest on suspicion of transporting bhang (cannabis). During an oral interrogation at the scene, Mohamed (the second accused) admitted ownership of motorcycle MC 695 DNU along with its cargo. Rajabu (the first accused) claimed to be the owner of motorcycle MC 919 DFY, while Peter (the third accused) stated that he was Rajabu's partner. Peter further explained that the goods were being transported to his brother in Kibaha, having come through Morogoro via Mto Ruvu. 4 Suspecting that the motorcycles were transporting illegal substances, PW2 proceeded to complete a certificate of seizure (Exhibit P5), detailing the seized items as twelve sulphate bags containing suspected dry leaves of bhang and two motorcycles. Given the remote location and the absence of independent witnesses, PW5 and Constable Iddi signed the form as witnesses. The three suspects also signed the certificate of seizure, each providing their thumbprints as confirmation. After completing the required procedures, PW2 transported the suspects to Kisarawe Police Station, where he opened a case file number KIS/IR/83/2023 for trafficking in narcotic drugs. He then handed over the seized exhibits to PW4, the exhibit keeper, for proper storage. The foregoing evidence is supported by PW5, who accompanied PW2 on the date of the incident, and by PW4, the exhibit keeper, who received the seized exhibits from PW2. PW5 testified that, based on the information relayed to PW2, the accused persons were arrested, and twelve sulphate bags containing suspected narcotic drugs along with two motorcycles were seized. He confirmed that the details of the seizure were documented in the certificate of seizure, which was signed by the three suspects and himself as a witness. 5 PW5 also confirmed that the seized exhibits were transported to Kisarawe Police Station, where other legal processes were carried on. The exhibit keeper (PW4) confirmed receiving the exhibits from PW2, which included 12 sulphate bags

suspected to contain cannabis sativa (Exhibit P5) and two Haojue motorcycles with registration numbers MC 695 DNU and MC 919 DFY (Exhibit P6). He explained that the handover was documented in the Court Exhibit Register (Exhibit P7) under entry number 43. The motorcycles were labelled with the case number KIS/IR/83/2023 using a marker pen, and the 12 sulphate bags were sequentially numbered from 1 to

12. Following this, PW4 handed the sulphate bags to PW3 for proper sealing and labelling before their submission to the Government Chemist for analysis. PW3 testified that on 23/01/2023, he was assigned a case file related to case number KIS/IR/83/2023 for further investigation, including delivering the exhibits to the chemist for analysis. He then reached out to PW4, who provided him with 12 sulphate bags containing the suspected cannabis. He marked the bags by wrapping each one with plain paper which he sealed in transparent nylon cover, and labelling them with his own name, the name of the seizing officer (PW2), and the names of the suspects. PW3 signed to confirm the sealing of the exhibits before transporting them to the 6 Government Chemist Laboratory Agency (GCLA) in Dar es Salaam. Upon arrival, he handed the exhibits to chemist (PW1), together with a letter requesting analysis and the sample submission form (Exhibit P1) PW1 confirmed receiving the 12 sulphate bags along with the sample submission (Exhibit P1) form from PW3. After verifying the form, he inspected the sulphate bags, registered them by assigned Laboratory number HQ023- 00163, weighed them (totaling 221.43 kg), and extracted samples for analysis. PW1 then conducted a preliminary test in the presence of PW3, which confirmed the presence of Tetrahydrocannabinol (THC) chemical in the samples. After resealing the sulphate bags, he returned them to PW3, signed Exhibit P1, and completed the sample receipt notification form (Exhibit P2). PW1 later carried out a confirmatory test using Liquid Chromatography- Mass Spectrometry (LC-MS), which confirmed the presence of THC in all the samples. Based on these findings, he prepared an analysis report (Exhibit P3), which was approved by his director and submitted for collection at the registry. Meanwhile, after receiving the sealed sacks from PW1, PW3 transported them back to Kisarawe Police Station on 23/01/2023, where he handed them over to PW4. PW4 corroborated this account, stating that the handover between him and PW3 was documented in the court exhibit register under entry number 52. He also stated that he kept the seized exhibits until they were presented in court. On 26/01/2023, PW3 presented the accused persons before the Kisarawe District Court, where they were formally charged with trafficking in narcotic drugs. PW6, who took over the investigation from PW3, testified that he found the evidence sufficient to charge the accused persons and forwarded the matter to the National Prosecutions Service for further legal action. However, he admitted that he did not investigate the ownership of the two motorcycles (Exhibit P6). Having assessed the evidence, the Court found that the prosecution side had established a prima facie case and, therefore, determined that all the accused persons had a case to answer as charged. Upon being called to enter their defence, each accused person testified under oath as the sole witness in their respective cases. None of them produced any exhibits to support their oral testimonies. In their respective defences, the first, second, and third accused, testifying as DW1, DW2, and DW3, denied the

charges brought against them. 8 They each asserted that they were not arrested at the location of the alleged crime. The first accused stated that he was arrested on 21/01/2023 at 1100 hours in Gumba Village for allegedly drinking during working hours. The second accused claimed that he was arrested for theft while sitting at Kijiweni in Homboza with his colleagues, Juma Said and Said Khalfan. On his part, the third accused (DW3) testified that he was arrested on 21/01/2023, while gathering charcoal in the Mzenga Village forest. Furthermore, each accused denied any ownership of the motorcycles used to transport the sulphate bags containing the suspected cannabis. They also denied signing the certificate of seizure (Exhibit P5). According to their testimonies, they were later brought before the Kisarawe District Court on 27/01/2023 and charged with trafficking in narcotic drugs. In conclusion, the accused persons requested the Court to acquit them, asserting their innocence. In light of the evidence adduced by both parties, the main issue before the court is whether the prosecution has discharged its duty of proving the case beyond a reasonable doubt. As stipulated under sections 3(2) and 114(1) of the Evidence Act [Cap. 6, R.E. 2022] the burden of proof in criminal cases lies solely with the prosecution, which must establish the accused person's 9 guilt to the standard of beyond reasonable doubt, unless the law provides otherwise. In assessing the main issue, it is crucial to note that, under section 15(1)(a) and (3) (iii) of the DCEA, the offence of trafficking in narcotic drugs is established by proving that a person was involved in activities such as importation, transportation, sale, possession of narcotic drugs, or any other means specified in section 2 of the same Act. Furthermore, if the narcotic drug in question is cannabis sativa, as in this case, the prosecution must establish that its weight exceeded one hundred kilograms. Pursuant to the law and the charges against the accused, the prosecution was responsible for proving beyond a reasonable doubt that the accused were found with or were transporting 221.43 kilograms of cannabis sativa. To assess whether the prosecution has met this burden, it is essential to address the following sub-issues: One, whether the accused persons were arrested in Ruvu Kusini Forest. Two, whether at the time of their arrest, the accused were in possession of or transporting the 12 sulphate bags containing substances suspected to be cannabis sativa. Three, whether the 12 sulphate bags, which were seized, were confirmed to contain 221.43 kilograms of cannabis sativa. 10 The Court will first address the first sub-issue, whether the accused persons were arrested in Ruvu Kusini Forest. Notably, the fact that the accused were arrested on 21/01/2023 is undisputed. PW2 and PW5 consistently maintained that the arrest took place in Ruvu Kusini Forest, where the accused persons were found with two motorcycles, each carrying six sulphate bags of suspected narcotic drugs. During cross-examination, the place of seizure was not materially contested. It was only during the defence case that the first, second, and third accused alleged they were arrested at Gumba Village, Kijiweni in Homboza Village, and the forest of Mzenga Village, respectively. If their version were true, it is unclear why PW2 and PW5 were not cross-examined on this crucial aspect. The settled legal principle is that failure to cross-examine a witness on a key matter typically implies acceptance of their testimony [See *Damian Ruhele vs Republic*, Criminal Appeal 501 of 2007) [2012] TZCA 160 (2 March 2012) at page 7 and *Martin Misara vs Republic*, Criminal Appeal No. 428 of 2016 [2018] TZCA 318 (13 December 2018)]. Given this, I find no

reason to entertain the accused persons' claims regarding the place of seizure. It has been sufficiently established that they were arrested in Ruvu Kusini Forest. 11 This brings us to the second sub-issue; whether, at the time of their arrest, the accused were in possession of or transporting 12 sulphate bags containing substances suspected to be cannabis sativa. The answer to this question is found in the testimonies of PW2 and PW5, corroborated by the certificate of seizure (Exhibit P5). The incident was triggered by a tip-off received by PW2 from an informant, who reported the presence of in the forest under suspicious conditions. As previously noted, PW2 and PW5 testified that they arrested the accused at the scene (Ruvu Kusini Forest area), where they were found lying near two motorcycles, each carrying six sulphate bags. Furthermore, during a preliminary interview, the accused persons allegedly admitted that the cargo belonged to them. Upon suspecting that the sulphate bags contained narcotic drugs, PW2 seized them along with the two motorcycles, as documented in the certificate of seizure, which was purportedly signed by the accused and PW5. The certificate of seizure (Exhibit P5) is important as it serves as formal evidence of the authorities taking possession of the items in question. In contrast, the accused persons offered no explanation for their presence at the scene, deep in the forest, alongside motorcycles loaded with 12 substances suspected to be narcotic drugs. Their blanket denial is inadequate to undermine the prosecution's case on the issue under consideration. As for the accused persons' claim that they did not sign the certificate of seizure, PW2 and PW5 stated that it was indeed the accused persons who thumb printed Exhibit P5. Although the defence counsel objected to its admission on the ground that the accused persons had not signed it, PW2 and PW5 were not cross-examined on whether the accused denied placing their thumbprints on Exhibit P5. The defence's cross-examination was limited to why the accused did not sign in writing. The Court is of the view that the mode of signing is a personal choice, and therefore, the document cannot be disregarded simply because it bears a thumbprint instead of a written signature. Given the corroborative evidence from PW2, PW5, and Exhibit P5, it is evident that the accused persons were found in possession of 12 sulphate bags containing substances suspected to be narcotic drugs. As a result, I find that the second sub-issue is resolved in the affirmative. Proceeding to the third sub-issue, the Court is tasked with assessing whether the 12 sulphate bags that were seized contained cannabis sativa with a total weight of 221.43 kilograms. PW1, a Government Chemist from the 13 GCLA, testified that he conducted both preliminary and confirmatory tests on the leaves found in the sulphate bags, collectively admitted as Exhibit P4. His analysis, which was documented in the Government Chemist Analyst Report in compliance with section 48A (1) of the DCEA, confirmed that Exhibit P4 contained narcotic drug, namely cannabis sativa weighing 221.43 kilograms. This report was admitted into evidence as Exhibit P3, with no objections from the defence. Furthermore, during cross-examination, the defence did not substantially challenge the contents of Exhibit P3. In accordance with section 48A(2) of the DCEA, the facts stated in the report confirming that Exhibit P3 consists of narcotic drugs are deemed conclusive. This determination, however, does not suffice to conclude that the sulphate bags seized from the accused contained cannabis sativa weighing the amount stated in Exhibit P3. To confirm this, it must be proven that PW1 analyzed the substance in

the seized sulphate bags, not a different substance. To put it simply, the Court must be satisfied that the chain of custody for the suspected narcotic drugs was intact from the time of seizure through to their analysis by PW1, and their subsequent presentation as evidence in court. It is crucial to highlight that this matter was investigated by police officers, who were obligated to adhere to Police General Orders (PGO) No. 14 229, paragraph 15, which prescribes the requirements for maintaining the chain of custody in the following terms: “Whenever an exhibit is passed from the custody of one officer to that of another, the officer who hands over the exhibit shall record in the presence of the latter officer the name, rank and number of the officer to whom he hands over the exhibit and the date and time of the handing over on the back of the Exhibit Label (P.F. 145)” The rationale behind maintaining a proper chain of custody was examined in Paulo Maduka & Others vs. Republic (Criminal Appeal No. 110 of 2007) [2009] TZCA 69 (28 October 2009), where the Court underscored its role in proving that the evidence is genuinely connected to the crime rather than being fabricated to falsely implicate an individual. The chain of custody requires that from the moment the evidence is collected, each transfer from one person to another must be documented [See also Chacha Jeremiah Murimi & Others vs Republic (Criminal Appeal 551 of

2015) [2019] TZCA 52 (4 April 2019)] However, in line with established principles in a plethora of authorities including Huang Qin & Another vs Republic (Criminal Appeal 173 of 2018)

[2021] TZCA 210 (25 May 2021) and Marceline Koivogui vs Republic (Criminal Appeal 469 of 2017) [2020] TZCA 252 (26 May 2020), the chain of custody can be proven not only through documentation or a paper trail but also through oral evidence provided by credible witnesses or a combination of both documentary and oral testimony. In this case, the prosecution did not produce a paper trail to prove every movement of the suspected narcotic drugs seized from the accused. Instead, they relied on witness testimony and documentary evidence including, Exhibits P1, P2, P3, P5, and P7. The evidence of PW2 and PW5, supported by Exhibit P5, reveals that the 12 sulphate bags passed from the accused persons to the seizing officer (PW2). After the seizure, PW2 and PW5 testified that the 12 sulphate bags with suspected narcotic drugs, along with the motorcycles (Exhibit P6), remained in the custody of PW5, who transported them to Kisarawe Police Station, where he handed them over to PW4, the exhibit keeper. PW2’s testimony does not specify what happened upon his arrival at the Kisarawe Police Station. His evidence only indicates that he handed over the exhibits to PW4. However, PW4, to whom the exhibits were handed over, states that he was outside the police station when PW2 brought the exhibits. During cross-examination, PW4 testified that PW2 phoned him, instructing him to return to the police station as there were exhibits he wanted to hand over. PW4 was firm in his testimony that the exhibits (12 sulphate bags) were in the CRO (Crime Records Office) and that PW2 was not among the people he found there. This evidence reveals that the sulphate bags were not in PW2’s possession at all times. As established in the Court of Appeal’s decision in Abuhi Omari Abdallah and 3 Others v. Republic, Criminal Appeal No. 28 of 2010, CAT at Dar es Salaam (Unreported), the failure to call the person responsible

for the custody of the exhibits during PW2's absence at the CRO creates a reasonable doubt. This is further supported by PW5's failure to indicate whether he was in charge of the exhibits in question when PW2 was away. Moreover, PW4 admitted, upon cross-examination, that he was not aware of what had transpired with the sulphate bags. Another issue raising concern about the chain of custody of the seized sulphate bags is what happened when the 12 sulphate bags changed hands from PW2 to PW4. According to PW4, he promptly recorded the sulphate bags in the exhibit register (Exhibit P7) under entry number 43 and sequentially numbered them from 1 to 12. Thereafter, PW3, who arrived during the numbering process, then took custody of the 12 sulphate bags for sealing and labelling before their submission to the Government Chemist. PW4 further explained that PW3 returned the sulphate bags approximately few minutes later, and their handover was documented in the exhibit register under entry 17 number 45. He mentioned that he stored them in the exhibit room until he handed them over to PW3 on 23/01/2023 for submission to the Government Chemist. However, this account is materially contradicted by PW3, who, apart from labelling and sealing the exhibits, was also the initial investigator of the case. Certainly, PW3 does not mention taking the exhibits from PW4 on 21/01/2023. His testimony indicates that he was instructed to continue with the investigation on 23/01/2023, when, among other things, he labelled and sealed the 12 sulphate bags with suspected narcotic drugs before submitting them to the Government chemist that same day. The Court is mindful of the long-standing position that contradictions must go to the heart of the case in order to detract from a witness's credibility, as established in *Mohamed Said Matula v. Republic* [1995] T.L.R. 3. In this matter, the date on which the sulphate bags containing suspected narcotic drugs were handled is critical to establishing the chain of custody and the credibility of PW3 and PW4. Therefore, it cannot be taken lightly. Conversely, if PW3 did not receive the sulphate bags on 21/01/2023, then who removed them from the exhibit room as indicated in PW4's testimony and Exhibit P7? If PW3 indeed received them on 21/01/2023, it is illogical that he, as the investigator, would forget such a significant fact and instead claim that he collected them on 23/01/2023 (two days later) for sealing and submission to the Government chemist. Even if the Court was to assume that PW3 merely overcooked the date and that the labeling of the 12 sulphate bags took place on 21/01/2023, there remains a significant inconsistency in the prosecution's case regarding the handling of these exhibits. The labels affixed to each sulphate bag (Exhibit P4) and signed by PW3 indicate that sealing was conducted at 16:04 hours. However, the exhibit register (Exhibit P7) shows that PW4 received the 12 sulphate bags from PW2 at 16:47 hours. Moreover, as previously noted, PW4 testified that immediately upon receiving the exhibits, he handed them over to PW3 for sealing, and Exhibit P7 further shows that PW3 returned the exhibits to the exhibit room at 16:50 hours. If Exhibit P4 correctly reflects that PW3 sealed the exhibits at 16:04 hours, then logically, by the time PW2 handed them over to PW4 at 16:47 hours, as stated in Exhibit P7, they should have already been labelled, raising questions about the necessity of any subsequent sealing. It is the considered position of this Court that the precise recording of the time when exhibits are received, transferred, or sealed is not a

minor 19 procedural step but a crucial legal safeguard under the PGO, designed to uphold the integrity of the chain of custody. In the context of this case, the inconsistency between the sealing time of the 12 sulphate bags as recorded in Exhibit P7 and the time the same sulphate bags were received and moved from the exhibit room on 21/03/2023 directly affects the core issue of whether the chain of custody was duly maintained. Another issue that raises doubts about the chain of custody of the suspected narcotic drugs is the mode of handing over between PW3 and PW4. PW3 was firm that the handing over was done through the OB (Occurrence Book), whereas the PW4 testified that it was done through the Court Exhibit Register. It is evident that PW3 and PW4 were fully capable of distinguishing between the OB and the Exhibit Register, considering their respective roles as investigator and exhibit keeper. PW4 was resolute that any assertion of the handover being recorded in the OB was untrue, thus casting doubt on PW3's testimony. Furthermore, if the handover was indeed made through the OB as stated by PW3, it is unclear why the exhibit register (Exhibit P7) indicates that he handed over the 12 sulphate bags to PW4 on 21/01/2023. The doubt deepens further because PW3 was not shown the exhibit register (Exhibit P7) to verify that it was the one used to receive and hand over the 12 sulphate bags. 20 A fundamental principle of criminal law is that any doubt must be resolved in favour of the accused person. The stated inconsistencies in the testimonies of PW3 and PW4, along with contradictions between Exhibits P4 and P7, raise doubts about whether the exhibits examined by PW1 were indeed those seized from the accused persons. Given these uncertainties, their credibility is compromised, and the benefit of the doubt must be given to the accused persons. Accordingly, the third sub-issue is resolved in the negative. The resolution of the third sub-issue suffices for the Court to determine the main issue, leading to the finding that the prosecution has not established its case beyond reasonable doubts. While, as discussed in the first and second sub-issues, the defence raised by the accused was a general denial and appeared to be an afterthought, it is settled law that the weakness of the defence alone cannot form the basis for a conviction. In addition, the both sub-issues revolved around whether the accused persons were found with substances suspected to be narcotic drugs. Now that the third sub-issue has been resolved in the negative, the Court concludes that the prosecution has failed to meet the required standard of proof. 21 In light of the foregoing analysis, the Court finds Rajabu Seleman, Mohamed Omary and Peter Valentine @ Peter Valentino Koba not guilty and acquits them of trafficking in narcotic drugs contrary to section 15(1)(a) and (3)(iii) of the DCEA read together with paragraph 23 of the First Schedule to and sections 57(1) and 60(2) of the EOCCA. Consequently, the accused persons are to be released forthwith unless they are restrained for another cause. DATED at DAR ES SALAAM this 28th day of March, 2025. S.E. KISANYA JUDGE Judgment delivered this 28th day of March, 2025 in the presence of Mr. Ditrick Mapunda, learned State Attorney for the Republic, all accused persons, Mr. Fredrick Charles, learned Advocate for the accused, Hon. S. Minja (JLA) and Ms. A. Abasy (RMA). Right of appeal is explained. S.E. KISANYA JUDGE 28/03/2025 22 ORDER

1. The 12 sulphate bags containing bhangi (Exhibit P4) shall be destroyed under the Drug Control and Enforcement Act, Cap 95, R.E. 2019, and the Drug Control and Enforcement (General) Regulations, 2016, as amended. Until such time as this order is carried out, Exhibit P4 shall be in the custody of the Tanzania Police Force, who handled the investigation.
2. As for the two motorcycles (Exhibit P6), the prosecution is advised to proceed in accordance with the Drug Control and Enforcement Act (supra) and the Proceeds of Crime Act [Cap. 256, R.E. 2022]. Should the required steps not be taken within the timeframe stipulated by the law, Exhibit 6 shall be returned to the accused persons from whom they were seized. S.E. KISANYA JUDGE 28/03/2025 23

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Prepared on 12 October 2026 · Esheria