

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE DISTRICT REGISTRY OF SHINYANGA  
AT SHINYANGA**

**MISC. CRIMINAL APPLICATION NO. 11 OF 2021**

(Arising out of Economic Case No. 10/2020 from Kahama District Court)

**1. YUNIS D/O DANIEL @NYELIGA.....APPLICANT**  
**2. JILALA LIFA @KATAMWA.....APPLICANT**  
**3. KESTER LYOBA @MAXIMILIAN.....APPLICANT**

**VERSUS**

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

**RULING**

**MKWIZU, J.:**

This is a ruling on bail application brought by the above named applicants pending hearing and final determination of Economic Case No. 10 of 2021 pending in the District Court of Kahama. The application is made under section 29 (4) of Economic and Organized Crimes Control Act Cap 200 R.E. 2019 and supported by the applicants affidavits.

All applicants jointly are facing one charge of unlawful transportation of Forest Produce contrary to section 89 (b) of the Forest Act No. 14 of 2002 read together with paragraph 33 of the First schedule to, and section 57 (1)

and 60 (2) of the Economic and Organized Crime Control Act Cap 200 R.E. 2019.

It is alleged that on the 16<sup>th</sup> day of April, 2021 during night hours applicants were found at Nyankande area in Ushetu within Kahama District, in Shinyanga Region, transporting through motor vehicle with registration No. T. 228 AAT make Scania Forest produce to wit; 770 pieces of wood PTEROCARPUS TICTORIS TYPE (MKURUNGU) worth Tsh. 19,075,700 and 114 pieces of wood PTEROCARPUS ANGOLENSIS TYPE(MNINGA) WORTH Tsh. 2,187,180/= all valued at Tsh 21,262,880/= while knowing that they were illegally obtained.

At the hearing, all the applicants appeared in person without legal representation, they adopted their affidavit in support of the application and signified their readiness to comply with the court's bail conditions. Mr Enosh Kigoryo, learned State Attorney who appeared for the respondent/Republic conceded to the application that the charge facing the applicants is bailable. Therefore, the application, be granted subject to bail conditions set by the law.

I have considered the application, affidavit in support of the application plus the parties' submissions. As correctly stated by the learned State Attorney, the offence facing the applicants is bailable and is unopposed. Bail being a constitutional right of every individual and having taken into account the provisions of section 36 (4) (e), (5) and (6) of the Economic and Organized Crimes Controls Act, I proceed to grant the application on the following bail conditions.

1. Applicants shall deposit cash TZS 10,000,000/= or deposit Title Deed of immovable properties having similar value or more value located in Shinyanga Region or in any other cities in Tanzania;
2. Each applicant must provide two reliable sureties who are to execute bonds valued TZS. 7,000,000/= each.
3. Each surety should produce in court, his/her National Identity card and a letter of introduction from their respective street or village chairpersons.
4. The Applicants' sureties shall undertake to make sure that the Applicants are available and attend court proceedings whenever required;

5. The applicants should surrender their passport, if any, and any other travelling documents to the Kahama District Magistrate;
6. The applicants should not leave the jurisdiction of the District Court of Kahama without prior permission from the District Magistrate;
7. The applicants are compulsorily bound to appear in court at any time when so required.

Verification of the sureties and bond documents shall be executed by the District Resident Magistrate, Kahama District Court.

It is so ordered.

**DATED at Shinyanga** this 16<sup>th</sup> day of **June** 2021.

