

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

MISC. ECONOMIC CAUSE NO. 14 OF 2018

*(Originating from Economic Case No. 18 of 2018 of the
District Court of Dodoma at Dodoma)*

HAMISI JUMA.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

18/5/2018:

F. N. MATOGOLO, J:

The applicant Hamisi Juma, is arraigned in the District Court of Dodoma charged with the offence of unlawful possession of Narcotic drugs. It is alleged that on 28th April, 2018 at Hombolo Bwawani in Dodoma Municipality the applicant was found in unlawful possession of cannabis sativa weighing 283.3 grams. The applicant has filed this application praying for bail. The application is by way of

chamber summons supported by an affidavit of one Fred Peter Kalonga advocate for the applicant.

The application was brought under sections 148 (1) (3) and Section (5) (a) (ii) and (iii) of the Economic and Organized Crime Control Act (Cap. 200 R. E. 2002). Also sections 29 (1) (b) and (3) of the Drug Control and Enforcement Act, No. 5/2015 and sections 29 (4) (d) and 36 (1) of the Economic and Organized Crime Control Act, Cap. 200 R. E. 2002 as amended by Act No. 3/2016

Although the respondent was served with the chamber summons and the accompanying affidavit but opted not to file counter affidavit. The reason given is that they were served late yesterday. However, they are willing to proceed with the hearing of the application which was scheduled to take place today.

At the hearing, the applicant was represented by Mr. Mkama learned advocate, Ms. Magoma learned State Attorney appeared for the respondent.

Mr. Mkama applied for the supporting affidavit to be adopted and form part of their submission. Mr. Mkama informed this Court that the applicant on 11/4/2018 was brought before the District court of Dodoma charged with the offence of unlawful possession of Narcotic drugs which is cannabis sativa weighing 283.3 grams. The learned advocate submitted that as the District Court of Dodoma

has no jurisdiction to entertain bail in this case due to the amount of narcotic drugs involved, they filed this application to this Court so that this Court can admit the applicant on bail. He said the applicant undertake to comply with bail conditions to be set by this Court. That the applicant has never been charged in any offence previously. And that he has releable sureties found within the jurisdiction of this Court.

On her part Ms. Magoma learned State first did not object bail, but he went further and states, the provision cited by the applicant's advocate are proper provisions for the charged offence. And according to the amount involved in the case it is this Court which has jurisdiction to entertain the application for bail and to try the case. The learned State Attorney asked this Court in prescribing the bail conditions to consider the nature of the offences applicant is facing.

Having heard from the applicant's advocate Mr. Mkama as well as from the learned State Attorney, who essentially did not object bail. And after go through the chamber summons and the accompanying affidavit, first there is no doubt that this application is properly before the Court. This is due to the provisions cited, they have properly moved this Court to consider and grant what is sought by the applicant. There is no any other facts availed to this Court which will warrant denial of bail. That being the case therefore I grant the application and the prayer therein.

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

1. The applicant shall execute bail bond in the sum of Tshs. 5,000,000/=.
2. The applicant shall furnish two reliable sureties, residents of Dodoma Region who shall sign a bond of Tshs. 2,000,000/= each. The sureties must have fixed abode and with recognized good reputation in their society.
3. The applicant shall continue to attend to his case without unreasonably fail up to its finality.
4. The applicant shall not go outside Dodoma Region without permission sought and obtained from the Resident Magistrate incharge of the Court of Resident Magistrate Court Dodoma.
5. The Resident Magistrate incharge of the Court of Resident Magistrate Dodoma shall approve the sureties and all bail documents before the applicant is released on bail.

Ordered accordingly



Matogolo
JOHN N. MATOGOLO
JUDGE

18/5/2018