

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

CORRUPTION AND ECONOMIC CRIMES DIVISION

(MOSHI DISTRICT REGISTRY)

AT MOSHI

ECONOMIC SESSION CASE NO. 12 OF 2022

REPUBLIC

VERSUS

JUMANNE AWAMI IDD

J U D G M E N T

Date of last Order: 30/06/2023

Date of Judgment: 13/07/2023

K. D. MHINA, J.

Jumanne Awami Iddi, stand charged with the offence of trafficking in narcotic drugs contrary to Section c/s 15 (1) (a) and (3) (iii) of the Drugs Control and Enforcement Act [Cap 95] as amended by Section 18 of the Written Laws (Miscellaneous Amendment) Act No. 5 of 2021 read together with paragraph 23 of the 1st schedule to and Sections 57 and 60 of the Economic and Organised Crime Control Act [Cap. 200 R.E. 2022]

It was alleged that, on 2 August 2022, at Kileo Village, within Mwanga District in Kilimanjaro Region, the accused person was found unlawfully trafficking narcotic drugs namely, *Catha edulis*, commonly known as Mirungi, weighing 111.45 kilograms. The accused person pleaded not guilty to the

information.

During the Preliminary Hearing conducted under Section 35 of the Economic and Organized Crime Control Act, Cap. 200 R.E. 2022, the accused admitted only his name and that he was arrested. He flatly disputed all other facts read over to him.

The Republic thus paraded **five witnesses** in a bid to prove their case. The witnesses were Erasto Mbalamwezi Lawrence (PW1); G 6001 D/ Corporal Joshua (PW2); G. 6772 Corporal Graciano (PW3); Emmanuel Elirehema Ndimandori (PW4); and F. 8476 D/ Corporal Emmanuel (PW5).

Besides, they tendered **ten (10) exhibits**, which were admitted as follows: Exhibit P1, Sample submission form (DCEA 001); Exhibit P2, Sample receipt notification form (GCLA 01); Exhibit P3, Government Laboratory report (DCEA 009); Exhibit P4, Two sacks (one white and another green labelled A and B respectively) containing dry/decompose leaves of khat with GCLA seal; Exhibit P5, Certificate of Seizure; Exhibit P6, Handing over certificate dated 3/8/2022 at 00:30 hours; Exhibit P7, A black Motorcycle labelled MWG/IR/795/22 make Sinoray without plate numbers; Exhibit P8, Exhibit Register (PF 16); Exhibit P9, Handing over certificate dated 5/8/2022

at 06:30 hours; Exhibit 10, Handing over certificate dated 5/8/2022 at 18:40 hours;

The Republic was represented by Ms. Sabrina Joshi, learned Senior State Attorney and Ms. Monica Matwe and Ms. Wanda Msafiri learned State Attorneys, Learned State Attorneys. On the other hand, Mr. Emmanuel Antony, Learned Advocate represented the accused person.

The prosecution witnesses testified as hereunder;

On 2 August 2022 evening, **PW2** (G. 6001 D/ Corporal Joshua), with other police officers while on patrol at Kileo area, saw a motorcycle at a high speed with its light on. They signalled the rider to stop, but when he stopped and discovered that they were police officers, he jumped from the motorcycle, which carried two sacks commonly known as sulphate bags and took to his heels. PW2 chased and succeeded in apprehending him after a distance of about 70 metres.

PW2 further testified that after the arrest, they took the accused person back to where there was a motorcycle. At the scene, they wanted to search the two sulphate sacks; one was bigger with white colour and a smaller one with green colour. They search for independent witnesses and found two persons, Emmanuel Elihuruma (**PW4**) and Hamis Dhahir. After they introduced themselves that they were police officers, the accused person mentioned his name as Jumanne Awamu Idd.

In his testimony, **PW4** (independent witness) testified that on that date at about 17:00 hours, he was from his farm at Kileo area. On the way, a motorcycle carrying two sacks passed him at high speed. When certain people stopped that motorcycle, the rider jumped and started to run. He was chased by one of the people who stopped it. After about 100 meters or a distance of a football field, that rider was apprehended and taken to where he left the motorcycle. After that, he was called to witness the search by those people who introduced themselves as police officers.

After that, the search was led by PW2, and when he opened the white sulphate sack, he found 153 khaki envelopes and five small sisal bags containing 372 bundles of suspected khat wrapped in newspapers. Searching the second sack with green colour, he found 76 bundles of khat wrapped in newspapers.

After that, he filed and signed the certificate of seizure. Because of the small space in the form, he filled all the seized items in two forms. The accused person and independence witnesses also signed. To this effect, he tendered:

- i. Certificate of Seizure (form No. DCEA 003) as Exhibit P5.*

ii. Motorcycle make Sinoray black in colour, labelled MWG/IR/795/22 as Exhibit P7.

In his evidence, PW4 testified that he witnessed the search, and during the search, when the white sack was opened, there were 156 khaki envelopes filled with fresh leaves, and there were five small bags made by sisal where 372 bundles of fresh leaves were uncovered. When the second sack with green colour was opened, 76 bundles of fresh leaves were uncovered.

PW4 stated that after that discovery, the police officer filed a paper which he signed. Also, the accused person signed that paper. (He identified his signature on Exhibit P4)

According to PW2, after the seizure, they took the accused person and the seized exhibit to the police vehicle. They continued with police patrol until 23:00 hours when they returned to Mwanga Police Station. At the Police Station, he opened the police case file No. MWG/IR/795/2022 and handed the seized items to the exhibit keeper, G. 6772 Corporal Graciano (**PW3**). After that, PW3 recorded the exhibits in the exhibits register (PF 16). To this effect, he tendered

i. Handing over certificate dated 3 May 2022 at 00:30 hours as Exhibit P6.

- ii. Two sacks (one white and another green labelled A and B respectively) containing dry/decomposed leaves of khat with GCLA seal as Exhibit P4*

In his evidence, PW3 testified that he was handed by PW2 the exhibits by Exhibit P6. The exhibits were a white sack with 156 khaki envelopes containing suspected and five small bags made of sisal with 372 bundles of suspected khat wrapped in newspapers. The second sack with green colour containing 76 bundles of suspected khat wrapped in newspapers, and the motorcycle black in colour, make Sinoray which he remembered the first for initials in the chassis as LD3P and the last five numbers of the chassis as 12114. After that, he recorded the exhibits in the exhibit register with serial number 5 of 2022 and kept the exhibit in the exhibit room. To that effect, he tendered

- i. Exhibit Register (PF16) as Exhibit P8.*

On 5 August 2022 at 06:00, PW3 handed the exhibit (a white sulphate sack with 153 khaki envelopes containing suspected khat and five small sisal bags containing 372 bundles of suspected khat wrapped in newspapers. And a green sack containing 76 bundles of khat wrapped in newspapers) to F.

8476 D/ Corporal Emmanuel (**PW5**) to submit to GCLA for Laboratory analysis. To this effect, he tendered:

- i. Handing over certificate dated 5 August 2022 at about 06:30 hours as Exhibit P9.*

On the same date, PW5 submitted the exhibit to GCLA Arusha, where he was received by Government Chemist Erasto Mbalamwezi Lawrence (**PW1**). PW1 testified that he was handed a white sulphate sack with 153 khaki envelopes containing suspected khat and five small sisal bags containing 372 bundles of suspected khat wrapped in newspapers labelled A. And a green sack containing 76 bundles of khat wrapped in newspapers labelled B. After inspecting the exhibit, he registered the exhibit in the Laboratory by registration number NZL 841/2022.

Then he removed the leaves from their packages and measured the weight of the khat leaves. After that, he took the samples from the bundles and envelope. When finished, he sealed the exhibits and returned them to PW5. To this effect, he tendered:

- i. Laboratory submission form (Form DCEA 001) dated 5 August 2022 as Exhibit P1.*

ii. Sample Receipt Notification (GCLA 01) dated 5 August 2022 as Exhibit P2.

At the Government Chemist Laboratory Agency, **PW1**, after measuring the weight of the khat, which he found to be 111.45 kilograms, he took the samples from each bundle and envelope and performed Laboratory analysis. He conducted an initial/ preliminary test and later confirmatory test.

In the preliminary test, he grinded the samples and mixed them with an acetic acid reagent. Then he added copper sulphate. The mixture turned blue and later brownish orange when he added sodium hydroxide. He testified that the brownish orange indicated the presence of cathine and cathinone, the chemicals only found in khat leaves.

He used the Thin Layer Chromatography (TLC) for the confirmatory test. On this, he extracted the samples by using methanol after grinding the same. After that, he filtrated the mixture and subjected the filtrates to the TLC plate and left it to dry for a few minutes. Then he took the TLC plate to a dark room. Using UV light, he found the presence of cathinone and cathine, the chemicals found in khat leaves. After that, he filed and signed the laboratory analysis report. To that effect, he tendered;

i. Government Laboratory Analysis Report (Form No. DCEA 009) as Exhibit P3.

On the same date at 18:40 hours, PW5 returned the exhibit to the exhibit keeper (PW3), who acknowledged receiving the same and tendered.

1. Handing over certificate dated 5 August 2022 at 18:40 hours as Exhibit P10.

In his defence, DW1 denied having committed the offence of trafficking in narcotic drugs. He testified that he was at his farm at Kileo kwa Mlaki Village, within Mwanga District, at about 17:00 hours. Then he heard an alarm whistle which was blown. Suddenly, he saw a person running passing where he was, and that person told him there was danger. Because he thought there could be bandits or any other danger, he started to run towards the direction that person was running.

There were trees and bushes in that area, and it was a farming season. After running for a few paces, he became tired because he was from farming; therefore, he fell. At that time, the person who told him there was danger was very far away.

Suddenly, he appeared a person who arrested him while he was down after falling. He was taken to the road where there was a vehicle make canter, four people, a motorcycle and a green sack.

Then the person who arrested him introduced himself as a police officer. After that, they started to count the items/ things, which were green sack, which he did not know. They counted and found 76 items.

Then they took a paper, and he was told to sign, whereby he refused because he did not know what was written. After he was forced, he signed, and then he was taken to a vehicle make canter with a motorcycle and a green sack to Mwanga Police Station.

Having considered the evidence on record, the main issue before this Court for determination is whether the prosecution has proved the case beyond a reasonable doubt. However, the determination of this issue rests on five other sub-issues, namely, **one**, *whether the accused person was properly identified at the scene of crime*; **two**; *whether the search was properly conducted and the two sacks containing khat were retrieved from the accused persons and the chain of custody was maintained*; **three**, *whether the substance contained in the exhibit was narcotic drugs* and **last**, *whether the defence case raised any reasonable doubt against the prosecution case*.

The first sub-issue on *whether the accused person was properly identified* is posed because, in his defence, he raised an issue of mistaken identity.

On this, through the evidence on record testified by PW2 and PW4, it goes thus; the accused person was arrested during the evening. And PW2 said he was stopped after they signalled him to stop his motorcycle. But upon discovering that the persons who stopped him were the police officers, he jumped from the motorcycle and took to his heels. PW2 chased him and successfully apprehended him after a distance of 70 metres.

The evidence of PW2 was corroborated by PW4, an independent witness who at first saw the accused person on a motorcycle when he was stopped, jumped from the motorcycle and took to his heels. He also saw the accused person apprehended and brought back to where he left the motorcycle. In cross-examination, PW4 stated that the accused person ran away along the road and not toward the farms.

From the above evidence, there is no doubt that the accused person was properly identified at the crime scene because the incident took place in broad daylight, where the conditions for identification were favourable.

Further, the distance from where he started to run up to where he was apprehended was short, considering that after he started to run, PW2 also started to chase him, and the chase was for about 70 meters. Therefore,

there is no possibility of mistaken identity by arresting another person other than the accused person. Therefore, the conditions and circumstances were favourable for the proper identification of the accused person. The Court of Appeal in **Salum Said Matangwa@Pangadufu vs. Republic**, Criminal Appeal No.292 of 2018 (Tanzlii) it was held that;

"We entertain no doubt as to the identification of the appellant at the scene of crime. The incident took place in broad daylight."

From the above discussion, there is no doubt that the arrest of the accused person was in favourable conditions, eliminating the possibility of mistaken identity.

On the second issue of *whether the search was properly conducted, the two sacks containing khat were retrieved from the accused persons, and the chain of custody was maintained.*

In the determination of this sub-issue, I will start by citing section 48(2)(c)(vii) of the DCEA, Cap 95, which governs the procedure of search and seizure in the control of narcotic drugs and psychotropic substances. The sections read as follows;

"Searches for an article used or suspected to have been used in the commission of an offence shall:

(vii) record and issue a receipt or fill in the observation form an article or thing seized in a form set out in the third schedule to this Act."

The evidence on this was that after PW2 apprehended the accused person at Kileo area, he looked for independent witnesses to witness the search. During the search, he uncovered 156 khaki envelopes containing suspected and five small bags made of sisal with 372 bundles of suspected khat wrapped in newspapers retrieved from a white sulphate sack and 76 bundles of suspected khat wrapped in newspapers retrieved from the green sulphate sack. His evidence was corroborated by PW4, the independent witness who was present and witnessed the search.

PW2 and PW4 testified that the accused person was also present and witnessed the search.

After the search, PW2 seized and recorded the seized items in the certificate of seizure (DCEA 003) [Exhibit P5] and signed the same. Also, according to the prosecution evidence, PW4 and the accused person signed the certificate of seizure.

In his defence, the accused person stated that at the scene, there was only a green sack with items he did not know, which, when counted,

happened to be 76 items. Then he was forced to sign the papers, which he did not know what was written. During cross-examination, when shown Exhibit P5, he admitted to signing the same.

The discussion above led me to the decision of the Court of Appeal in **Song Lei vs. DPP** and **DPP vs Xiao Shaodang, Chen Jialin and Hu Liang**, Consolidated Criminal Appeal No. 16A of 2016 & 16 of 2017 (Tanzlii), where the Court put it clear that upon signing the seizure certificate, the accused persons acknowledge being found with an exhibit. It was held;

"Moreover, having signed the certificate of seizure, which is in our considered view valid, he acknowledged that the horns were actually found in his motor vehicle".

It is quite clear that in offences of this nature, section 48(2)(c)(vii) of the DCEA, Cap 95, is sufficient enough in the compliance of search and seizure. That is the settled position of law cemented by the Court of Appeal in **Okash Ahmed vs. The Republic**, Criminal Appeal No. 331 of 2017 (Tanzlii), where it was held that;

"In the present case, the learned trial judge discussed sections 48(2)(c)(vii) of the DCEA and 38(3) of the CPA and found that the former does not imperatively provide for the need for an

independent witness while the later requires an independent witness to sign the seizure certificate if present. That is the legal position”.

Therefore, PW2 not only went beyond the imports of section 48(2)(c)(vii) of the DCEA but also in addition he invoked the provision of 38 (3) of the CPA, which in my opinion, that addition is a good practice in the principles of a fair trial because these independent does not have any interest with the outcome of the case.

Further, I understand that the cited Section 48(2) (c)(vii) of Cap 95 requires the arresting or seizing officer to record and issue a **receipt** of the seized exhibits. But the Court of Appeal in **Papaa Olesikaladai@Lendemu vs. The Republic**, Criminal Appeal No. 47 of 2020 (Tanzli) has already settled a position where the certificate of seizure is issued the receipt is not necessary. It held;

"non-issuance of a receipt will have no place in cases where a certificate of seizure is issued.

A certificate of seizure is issued and is signed by the accused person; the same constitutes evidence even without receipt”.

From the above discussion, the evidence is quite clear that the law, process and procedure of search and seizure were complied with.

Regarding the issue of chain of custody, upon arrival at the Police station, PW2, after opening the police case file No. MWG/IR/795/2022, he handed the seized exhibits to the exhibit keeper, G. 6772 Corporal Graciano **(PW3)**. The handing over was done through *Exhibit P6*. (Handing over report). In his evidence, PW3 testified that he was handed the exhibits, which were a white sack with 156 khaki envelopes containing suspected and five small bags made of sisal with 372 bundles of suspected khat wrapped in newspaper and the second sack with green colour containing 76 bundles of suspected khat wrapped in newspapers, and the motorcycle black in colour, make Sinoray. After that, he recorded the exhibits in the exhibits register (PF 16) as serial number 5 of 2022 (*Exhibit P8*).

The Court of Appeal in **Allan Duller vs. The Republic**, Criminal Appeal No. 367 of 2019 (Tanzlii), where it was held that;

"It is, we consider, well established in law that movement of exhibits from the time of its seizure, investigation and production in court must be of such nature that will eliminate the allaying fears about the possibilities of its tempering are avoided".

Further to that, it was settled in **Chacha Jeremiah Murimi and three Others vs. Republic**, Criminal Appeal No. 551 of 2015, CAT

(unreported) that in establishing the chain of custody, the most accurate method is on documentation as stated in **Paulo Maduka and Others vs. R, Criminal Appeal No. 110 of 2007** (unreported) but an exhibit will not fail the test merely because there was no documentation. The Court insisted that:

"Other factors have to be looked at depending on the prevailing circumstances in every particular case. For instance, in cases relating to items which cannot change hands easily and therefore not easy to tamper with".

Therefore, this Court now must look into whether or not the chain of custody was maintained (by paper trail or orally).

According to PW3, on 5 August 2022 at 06:00, PW3 handed the exhibit (suspected khat) in its packaging to F. 8476 D/ Corporal Emmanuel (**PW5**) to submit to GCLA for Laboratory analysis. The handing over was done by a certificate (Exhibit P9). At the GCLA Arusha, PW5 handed the same exhibit to the Government Chemist Erasto Mbalamwezi Lawrence (**PW1**). The handing over was done through the Laboratory submission form FDCEA 001) dated 5 August 2022 (Exhibit P1).

According to PW1, he was handed a white sulphate sack with 153 khaki envelopes containing suspected khat and five small sisal bags containing 372 bundles of suspected khat wrapped in newspapers labelled A. And a green sack containing 76 bundles of khat wrapped in newspapers labelled B. After inspecting the exhibit, he registered the exhibit in the Laboratory by registration number NZL 841/2022. After that, he removed the leaves of the suspected khat from its packages and measured the weight, which happened to be 111.45 kilograms. Then he took samples from each bundle and envelope as samples, returned the bundles to their packaging, sealed the exhibits and returned them to PW5. This was done by a document known as sample Receipt Notification, GCLA 01(Exhibit P2).

On the same date, PW5 returned the exhibit to the exhibit keeper (PW3), and they signed a handing-over certificate (Exhibit P10), and later, PW1 tendered the two sacks in Court as evidence (Exhibit P4).

From the above prosecution evidence, my analysis and determination led me to hold that;

One, it is trite that every witness is entitled to credence as it was held in **Goodluck Kyando v. R** [2006] TLR 363, where it was stated that:

"It is a trite law that every witness is entitled to credence and must be believed and his testimony accepted unless there are good and cogent reasons for not believing a witness."

There is nothing to disbelieve the prosecution witnesses' testimonies in this case. Their testimonies were credible, consistent and coherent. Despite their oral evidence, the prosecution witnesses tendered the documents to support their testimony. Nothing on record suggests any chances of narcotic drugs, namely khat, being tempered. Further, the items seized were handed over properly to the exhibit keeper, who registered the same in PF 16 after being seized. Further, it was sealed again at the GCLA by PW1.

Though the narcotics drugs (khat) passed through different hands from PW1, PW2, PW3 and PW5, but the evidence (paper trail) and oral testimony show how and what exactly was received from each stage, from seizure to when the same tendered in court.

Therefore, the chain of custody is intact based on oral and documentary evidence, and there was no evidence to suggest that the chain was broken.

Two, the nature of the exhibit involved, i.e., 111.45 kilograms of khat, it was not easy to be tempered with. The Court of Appeal in **Moses Mwakasindile vs. Republic**, Criminal Appeal No. 15 of 2017 (Tanzlii), whereby the appellant was charged with transporting 42.44 kilograms of khat, held that;

"There was no proof that the chain of custody was broken because the contraband does not change hands easily and that there was no danger of it being destroyed, polluted or tampered with".

In this case, no evidence suggests that the exhibits were tempered at any stage. As I alluded to earlier, the chain of custody was intact. Further, the evidence indicates that the movements of exhibits from one person to another were handled carefully, thus eliminating any suggestion that there were chances of tempering with the same. The seizure, control and transfer in each stage remained intact.

Three, the prosecution's documentary evidence (exhibits) regarding the chain of custody was not objected to its admission. The documents that were admitted without objection were;

- i. Laboratory submission form (Form DCEA 001) dated 5 August 2022 as Exhibit P1.*

- ii. Sample Receipt Notification (GCLA 01) dated 5 August 2022 as Exhibit P2.*
- iii. Handing over certificate dated 3 May 2022 at 00:30 hours as Exhibit P6.*
- iv. Exhibit Register (PF16) as Exhibit P8*
- v. Handing over certificate dated 5 August 2022 at about 06:30 hours as Exhibit P9.*
- vi. Handing over certificate dated 5 August 2022 at 18:40 hours as Exhibit P10.*

The effect of the above is that once certain evidence goes into the record unchallenged, in law, it is taken to have been admitted by the accused as it was held by the Court of Appeal in **Anna Moises Chissano vs. The Republic**, Criminal Appeal No. 273 of 2019(Tanzlii), where it was held that;

"An accused is expected to challenge a witness's testimony by way of cross-examination or object to the tendering of a documentary or physical exhibit during the trial. Once certain evidence goes into the record unchallenged, it is, in law, taken to have been admitted by the accused".

Therefore, in totality, in the trail from when the narcotic drugs were seized until they were handed over to the Government Chemist for analysis

and later tendered to this Court, there was no break of chain, nor was there any chance of tempering with the exhibits.

On the third issue, *whether the substance contained in the exhibit was narcotic drugs*, this should not detain me long. According to PW1, when analysing the sample in both preliminary and confirmatory analysis, he found that the samples contained cathine and cathinone, the chemicals found in the khat leaves. His evidence was confirmed by Exhibit P3, the Government Laboratory Analysis Report (Form No. DCEA 009), which indicated that after analysis, the samples taken for laboratory analysis contained cathine and cathinone, which are narcotic drugs.

From the above discussion, Section 48A (2) of Cap 95 makes the Laboratory Analysis Report conclusive unless rebutted. The section read

*"Notwithstanding anything contained in any other law for the time being in force, any document purporting to be a report signed by a Government Analyst shall be admissible as evidence of the facts stated therein without formal proof, **and such evidence shall, unless rebutted, be conclusive.**"*

[Emphasis provided].

This position of law was underscored by this Court in **Wilson**

Ramadhani Magome vs. Republic, Criminal Appeal No. 66 of 2019, Tanzlii (HC-Moshi) while citing **Mwinyi Bin Zaid Mnyagatwa vs. Republic** [1960] EA 218 (HCZ) where it was held that;

*"The prosecution in the offences related to narcotic drugs has a duty to submit expert analysis which is mandatory as **its result is final, conclusive** and it provides check and balances that warrants convicting. [Emphasis provided]"*

The only exception to the conclusiveness of the Government Analyst report is when it is rebutted.

But from the record of this case, there is no evidence to rebut the findings of the Government Chemist, **Erasto Mbalamwezi Lawrence** (PW1).

Further, the publication released by the **European Monitoring Centre for Drugs and Drug Addiction**, accessed at [Khat drug profile | www.emcdda.europa.eu](http://www.emcdda.europa.eu), elaborates that an analysis of khat relies on the character appearance of khat and the presence of cathinone and cathine.

Therefore, it confirmed the findings of PW1 that cathine and cathinone are chemicals found in khat.

Flowing from the above discussion, it is quite clear that the law dictates

that the GCLA analysis report (Exhibit P3) be treated as conclusive proof that the exhibit was a narcotic drug, namely khat.

The last issue is whether the defence case raised any reasonable doubt against the prosecution case.

It is trite that the general duty of the accused person in criminal matters is only to raise doubt against the prosecution case and not otherwise. See, **The D.P.P vs. Ngusa Kejela @ Mtangi and another**, Criminal Appeal No. 276 of 2017, CAT (Tanzlii). See also **Thobias Michael Kitavi vs. Republic**, Criminal Appeal No.31 of 2017 CAT (unreported) at page 14.

In this case, the accused person raised the issue of mistaken identity, and that he did not know to read and that he did not know to "drive" a motorcycle.

On the issue of mistaken identity, as I alluded to earlier, the accused person was properly identified, and there was no mistaken identity.

In my opinion, the issue that he did not know read cannot raise any doubt and cannot shake the prosecution case because at the court when he was shown Exhibit P5, he identified his signature. Therefore, the defence

that he did not know how to read and write is an afterthought.

Lastly, on the issue that he did not know to "drive" a motorcycle, there was credible evidence from PW2 and PW 4, who saw the accused person ride a motorcycle at high speed.

Therefore, having gone through the defence case, it fails to raise any doubt against the prosecution case.

In the upshot, the prosecution side proves their case beyond reasonable doubt against the accused person, and consequently, I find the accused person guilty of the offence charged. I convict him forthwith for the offence of Trafficking in narcotic drugs c/s 15 (1) (a)(2) and (3) (iii) of Cap 95 R: E 2019, as amended by the Written laws [Misc. Amendment] Act No. 5 of 2021 read together with paragraph 23 of the 1st Schedule to and sections 57 (1) and 60 (2) of Cap. 200 R.E. 2022.

It is so ordered.



K. D. MHINA
JUDGE
13/7/2023