



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT GARSEN

HCCRA No. 9 OF 2017

ALI BAKARI SHELALI.....APPELLANT

-VERSUS-

REPUBLIC.....RESPONDENT

*(Being an Appeal from the judgment of Hon. Njeri*

*Thuku (PM) of Lamu law courts on 28/3/2017)*

**JUDGEMENT**

1. The Appellant was sentenced to 10 years imprisonment for the offence of being in possession of Narcotic Drugs contrary to section 3 (1) as read with section 2 (a) of the Narcotic and psychotropic substances (control) Act No. 4 of 1994
2. The particulars of the charge were that on 3/6/2016 at around 1600 hours at Ndau village Lamu East sub-county, the appellant was found to with six half rolls of cannabis sativa (bhang) of a street value of Kshs. 3,000 which was not in any medical preparation in contravention of the said Act.
3. The Respondent conceded this Appeal on the ground that crucial witness such as the captain of the boat were not called and also that the prosecution evidence was contradictory.
4. The appeal is accordingly allowed on those two grounds and the Appellant is set free unless lawfully held for any other reason

***Due to the security situation at Hindi Prison, the appellant could not be availed to court for this judgment which has been long pending and the judgment is now delivered on this 28<sup>th</sup> day of February, 2018 in the absence of the Appellant.***

\_\_\_\_\_ for the Appellant.

Mr. Kasyoka for the Respondent

***Order to issue accordingly.***

**ASENATH ONGERI**

**JUDGE.**