



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MURANG'A**

**CRIMINAL APPEAL NO 108 OF 2015**

**(Appeal against Conviction and Sentence in Kangema SPM Criminal Case No 232 OF 2015 – W M Kagoni, SRM)**

**JANE WACHERA MWANGI.....APPELLANT VERSUS**

**REPUBLIC.....RESPONDENT**

**R U L I N G**

1. The Appellant in this appeal, **Jane Wachera Mwangi**, has applied by **notice of motion dated 09/11/2015** to be released on bail pending disposal of her appeal. The Respondent does not oppose the application.
2. The Appellant was convicted after trial of ***being in possession of ten (10) stones of narcotic drugs (bhang) with a street value of KShs 2,000/00 which was not in the form of a medical preparation***, contrary to **section 3(1)** of the ***Narcotic Drugs and Psychotropic Substances (Control) Act, No 4 of 1994***. She was sentenced to serve five (5) years imprisonment. She has appealed against both conviction and sentence.
3. Learned ***Prosecution Counsel*** for the Respondent stated that the Republic shall not support the conviction at the hearing of the appeal, upon the ground that possession was not proved.
4. I have read through the record of the trial court (including the judgment). I am satisfied that this is a proper case to admit the Appellant to bail pending disposal of her appeal. She shall be released upon her own cognizance in the sum of KShs 10,000/00 and one surety in like sum. It is so ordered.

**DATED AND SIGNED AT MURANG'A THIS 15<sup>TH</sup> DAY OF APRIL 2016**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 15<sup>TH</sup> DAY OF APRIL 2016**