



**Assets Recovery Agency v Nyadero; Car House Limited (Interested Party)
(Anti-corruption and Economic Crimes Miscellaneous E029 of 2025)
[2025] KEHC 10207 (KLR) (Anti-Corruption and Economic Crimes) (16 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10207 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
ANTI-CORRUPTION AND ECONOMIC CRIMES
ANTI-CORRUPTION AND ECONOMIC CRIMES MISCELLANEOUS E029 OF 2025**

**LM NJUGUNA, J
JULY 16, 2025**

BETWEEN

ASSETS RECOVERY AGENCY APPLICANT

AND

VINCENT ODHIAMBO NYADERO RESPONDENT

AND

CAR HOUSE LIMITED INTERESTED PARTY

RULING

1. The applicant, Assets Recovery Agency has moved this court by way of the Originating motion dated the 14th July 2024 brought under Sections 81 and 82 of the *Proceeds of Crime and Anti-Money Laundering Act*, 2019 and Order 51 of the *Civil Procedure Rules*.
2. The applicant has sought for preservation orders to issue prohibiting the respondent and the Interested Party and/or other employees, agents, servants or any other persons acting on their behalf, from selling, transferring or disposing of or any other dealings in any manner with motor vehicle registration number KDP 137N Toyota Mark X Chassis Number GRX130-6103945.
3. The order has been sought among other orders as set out in prayers (3), (4) and (5) of the said application.
4. The application is based on the grounds set out on the body of the same and it is supported by the annexed affidavit sworn by Bernard Muriuki, an investigator attached to the applicant. In the said affidavit, it is averred that, on the 4th February 2025, the applicant received a police file from the Directorate of Criminal Investigations regarding a case of suspected trafficking in narcotic substances



involving Chrispinus Onyango Barasa and the Respondent's motor vehicle registration number KDP 137N.

5. That acting on intelligence, police officers gained access to a homestead in Kijiwetanga area in Malindi sub-county and recovered motor vehicle KDP 137N loaded with rolls of dry plant materials suspected to be narcotic drugs, following which they arrested the said Chrispinus Onyango and upon searching his right pocket they recovered the ignition keys to the aforesaid motor vehicle.
6. In addition to the motor vehicle, the police officers recovered National Identity Card and driving licence for Chrispinus Onyango and Insurance sticker for the motor vehicle. He was thereafter charged on the 15th January, 2025 before the magistrate's court at Malindi with the offence of trafficking in *Narcotic Drugs and Psychotropic Substances (Control) Act* No.4 of 1994 in Criminal Case No. E037/2025 which is pending before court.
7. The applicant further established that the respondent herein is more than familiar with the said Chrispinus Onyango who was arrested in the motor vehicle belonging to the respondent. That the respondent and Chrispinus Onyango received and sent money to each other and due to that relationship, the respondent knew or ought to have known that his motor vehicle was used or intended for use in the commission of an offence of drug trafficking.
8. The applicant avers that the respondent is the beneficial owner of the aforesaid motor vehicle and there are reasonable grounds to believe that motor vehicle KDP 137N was purchased using proceeds of crime acquired directly or indirectly, but cumulatively over a period of a long time.
9. Having considered the application and the annexed affidavit, I am of the considered view that the applicant has established reasonable grounds to warrant the granting of the orders sought in the application.
10. In the premises, I hereby allow prayers (2), (3), (4) and (5) of the application.
It is so ordered.

DATED, SIGNED AND DELIVERED ON THIS 16TH DAY OF JULY 2025.

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L. M. NJUGUNA

JUDGE

16/7/2025

