



**REPUBLIC OF KENYA**

**Odhiambo v Republic**

**High Court, at Mombasa July 31, 1992  
Omolo J**

**Criminal Application No. 122 of 1992**

**July 31, 1992, Omolo J delivered the following Ruling.**

This applicant is also supposed to have pleaded guilty to the charge that he was found in possession of 11 rolls of bhang nor in medicinal form. The applicant was charged with 3 other people and all of them are supposed to have pleaded guilt before the magistrate. Each of them is recorded as saying "plead guilty". The language in which that plea was taken is not shown. The facts stated by the prosecutor merely show that the applicant and his colleagues were found in possession of 11 rolls of a dried plant material which the police suspected to be bhang. There is no categorical assertion tht the 11 rolls were in fact bhang. As

Mr. Metho for the republic says, that may well be fatal to the conviction of the applicant and his colleagues. His colleagues have not made any application for release but in the circumstances, I allow the applicant's application and order that he be released on a bond of Shs.10,000/- and one surety in similar amount, acceptable to the Deputy Registrar of the Court.