

REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
MISC. CRIMINAL APPLICATION NO. E005 OF 2026

CHRISTINE

SALOME

KAENI

.....**APPLICANT**

VERSUS

**OFFICE OF THE DIRECTOR OF
PUBLIC PROSECTIONS..... 1ST
RESPONDENT**

**ANTI-NARCOTICS UNIT NYERI 2ND
RESPONDENT**

RULING

1. This application dated 17/2/2026 was filed on 18/2/2026. It however could not be shown on the dashboard. The application has now been placed before me. It seeks the following orders:

- a) That this application be certified urgent, the same be heard ex parte in the first instance.
- b) That the investigating officer through the 2nd Respondent be directed to immediately take photographs of the subject motor vehicle registration No. KDQ 690H make Toyota Harrier that is black in colour and currently in the custody of the 2nd Respondent and present the

- photographs as evidence in the intended prosecution, if any.
- c) That the motor vehicle registration number KDQ 690H make Toyota Harrier that is black in colour currently in the custody of the 2nd Respondent be released immediately to the Applicant and/or her Advocates upon compliance with Order number (b) above.
 - d) That the Applicant be directed to present the motor vehicle KDQ 690H, make Toyota Harrier, black in colour, before the Honourable Court and/or before the Respondents within a reasonable time of request, if need be.
2. The application is premised on the alleged recovery of narcotic drugs from the motor vehicle. The applicant alleges that the vehicle was with a third party on 14.02.2026. There is no indication of what the status of the investigations is, and whether anyone has been charged.
 3. The matter therefore remains pending investigations. However, the applicant seeks that the court orders the Respondent, essentially, on how to conduct their investigations.
 4. It is unknown whether the vehicle will be subject to forfeiture proceedings under Section 20 of the Narcotic Drugs and Psychotropic Substances (Control) Act, Cap. 245 Laws of

Kenya. The application thus seeks to interfere with the Respondents' competency to deal with the matter. There is no indication whether the decision to charge had been made or the role of the second respondent. The vehicle is said to be in the custody of the National Police Service, Chaka Police Station. It is unknown who the second respondent is.

5. The powers to investigate are given to the Inspector General of police, established under Article 245 of the Constitution. The officer commanding the station to whom the IG of Police has delegated powers in respect of this matter is not a party to the case.
6. The applicant has not even shown the nexus between them and the vehicle. The application is meant to obscure issues and hinder the police from doing what they must. The application is thus premature before a decision to charge is made. Civil losses must fall where they are due. The court will not aid in obstructing investigations.
7. There is nothing to hear in the application because the same is premature. The same is hereby struck out.
8. The file is closed.

DELIVERED, DATED and **SIGNED** at **NYERI** on this **23rd** day of **February, 2026**. Judgment delivered through Microsoft Teams Online Platform.

KIZITO MAGARE
JUDGE

Issued extempore

Court Assistant – Michael