

**IN THE SUPREME COURT OF SEYCHELLES**

THE REPUBLIC

VERSUS

DANIEL CHARLES

**ACCUSED**

**Criminal Side No 77 of 2007**

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Miss T. Micock for the Republic

Mr. D. Lucas for the Accused

**RULING**

**Gaswaga J**

This is an application for release on bail. The hearing herein has already commenced. Having diligently considered the submissions of both Counsel on the matter, I shall first state that bail is a Constitutional right only to be limited or curtailed according to law. See Art 18(7). Although cases are to be heard within a reasonable time a justified delay thereof, once one is charged, should be permitted and such delay cannot vitiate the seriousness of the offence to warrant his release on bail. **See. R. Vs. Cliff Emmanuel & Or Cr. No. 85 of 2003.**

It was also held in **Dunval Vs. District Magistrate of Flocq of App (1989) MLR 166** that “our law like that of England (as well as Seychelles) does not set as a general rule anytime limit for a criminal Prosecution to be started”.

The accused stands charged with the offence of trafficking in a controlled drug which is so rampant in our Society now and causing a Public outcry. Considering the

authority of R. Vs. Gerard Kate and that of R. Vs. Maxwell Duval Cr. No. 49 of 2007 I conclude that all these factors point to the seriousness of that offence. In such circumstances if the accused is released on bail there are high chances of him not returning into the hands of the Court.

Accordingly bail is denied and he is further remanded under Section 179 of the Criminal Procedure Code for 14 days from today.

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D. GASWAGA

**JUDGE**

Dated this 10<sup>th</sup> day of September 2008