

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 43/2014

[2014] SCSC

THE REPUBLIC

versus

JOEVANIC DOMINIC LABICHE

Accused

Heard: 09 October 2014

Counsel: Mr. Benjamin, Assistant Principal State Counsel for the Republic
Mr. Juliette Attorney at Law for the accused

Delivered: 23 October 2014

ORDER

Burhan J

[1] I have considered the application for bail made by learned counsel for the accused and the objections of learned counsel for the prosecution.

[2] The main grounds urged by learned counsel for the accused are that the accused has been charged with being in possession of a Class B drug namely Cannabis and as the

seriousness of the offence is not the only ground a person can be remanded, the accused should be released on bail even on stringent conditions.

- [3] Having considered the charge the accused faces it is apparent that the said charge attracts a minimum mandatory term of 16 years imprisonment. This in itself speaks of the seriousness of the offence. It is apparent that there is a strong possibility the accused would abscond if released on bail in the face of such a serious penalty.
- [4] Another aggravating factor is that the quantity of controlled drug is large 162 grams well over 25 grams which gives rise to the presumption of trafficking.
- [5] Learned counsel referred to the case of ***Kenneth Esparon & Ors v The Republic SCA 1,2,3 of 2014*** where the accused were released on bail by the Seychelles Court of Appeal for being in possession of a larger quantity of a similar controlled drug. However it is apparent that the accused who were released on bail in the said case, were those who were not directly involved in the committing of the said offence and therefore the gravity or seriousness of the offence was less than those who had actually directly committed the offence. It is to be noted that those directly involved were not released on bail despite being over a year in remand considering the seriousness of the various charges against them.
- [6] In this instant case according to the affidavit filed by the prosecution dated 21st August 2014, the facts as set out in the affidavit indicate not only was the controlled drug found in the bedroom of the accused but another quantity of controlled drug was found hidden in his premises which allegedly was shown by the accused to the detecting officers. Therefore the alleged involvement allegedly indicates a direct involvement by the accused and not an indirect one in this instant case.

[7] Having thus considered the seriousness of the charge and the possibility of the accused absconding in the face of such a serious mandatory penalty and the aggravating factors incidental to this case set out above, the application for bail is declined.

Signed, dated and delivered at Ile du Port on 23 October 2014

M Burhan
Judge of the Supreme Court