

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 12/2014

[2014] SCSC 443

THE REPUBLIC

versus

JOEL BARRA

Accused

Heard: 30 October 2014

Counsel: Mr. Tachett, Assistant Principal State Counsel for the Republic
Mr. Nichol Gabriel Attorney at Law for the accused

Delivered: 13 November 2014

ORDER

Burhan J

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

[2] The main grounds urged by learned counsel are that;

- a) the quantity of controlled drug is small and that accused with larger quantities have been released on bail.
- b) the accused would be in remand for a period of nine months by the time the trial starts.

- [3] Most of these issues have been answered by this court in its order dated 23 June 2014 remanding the accused into custody. The controlled drug is a Class A drug Heroin and the net quantity is 4.99 grams having a pure Heroin content of 2.14 grams. The charge attracts a minimum mandatory term of 20 years imprisonment which in itself indicates the seriousness of the offence.
- [4] The main witnesses in this case are officers of the NDEA (National Drug Enforcement Agency) and as the accused was a former NDEA officer there is a strong possibility that he would interfere with the witnesses in this case. The fact that accused in other cases were released even though larger quantities of controlled drug were involved has no bearing on this case as the facts differ from case to case.
- [5] The date given for trial is the 2nd of December 2014 which was the date agreed by his earlier counsel Mr. Juliette and now he cannot seek to complain of a delay in the hearing of the case having changed his counsel.
- [6] The trial date is a few weeks away and the accused cannot complain of any undue delay in the hearing of this case or any delay on the part of the prosecution. For the aforementioned reasons and reasons contained in the order of 23rd June 2014 the application for bail is declined.

Signed, dated and delivered at Ile du Port on 13 November 2014

M Burhan
Judge of the Supreme Court