

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 16/2014

[2015] SCSC 049

THE REPUBLIC

versus

JEAN LUC JIMMY WAYE HIVE

First Accused

RONNY DANIEL JULIENNE

Second Accused

PAUL NORRIS ROUCOU

Third Accused

Heard:

Counsel:

Mr. Ananth, Assistant Principal State Counsel for the Republic
Mr. Bonte for the 1st accused
Mr. Camille for the 2nd Accused
Mr. Gabriel for the 3rd Accused

Delivered:

27 February 2015

RULING

Dodin J

[1] Learned Counsel for the 2nd Accused moved the Court to reconsider its last decision regarding the release of the Accused persons, particularly the 2nd Accused, on bail pending trial maintaining that:

1. The class of drug in question is only Class B Drugs.
2. The accused persons have been on remand for a long time and by the time the case is tried in August, they would have been on remand for over a year.
3. The accused persons would abide by all conditions that the Court may impose;
and
4. There is no evidence to show and nor is there intention of the accused persons to abscond or fail to attend trial.

[2] Learned Counsel submitted that this is a fit case for the Court to release the accused persons on bail with conditions as in other similar cases even with a bigger amount of drug, the Court has granted applications for bail of the accused persons once satisfied that the accused persons would attend Court for trial.

[3] Learned Counsels for the other two accuseds adopted the submission of Learned Counsel for the 2nd accused and also moved the Court accordingly.

[4] Learned Counsel for the 3rd accused further referred the Court to the case of Kenneth Esparon v Republic SCA No. 1 of 2014 in support of the application.

[5] Learned Counsel for the Republic objected to the application maintaining that all the arguments raised in this application have been dealt with by this Court on previous bail applications and there has been no change in the circumstances of any accused persons since the last ruling by the Court.

[6] Learned Counsel submitted that in particular regard to the 2nd accused, he is also charged with soliciting and attempting to bribe NDEA agents.

- [7] Learned Counsel moved the Court to maintain its previous decisions regarding bail.
- [8] I have carefully considered the submissions of Learned Counsels on the issue of bail and I have revisited my previous rulings on the issue.
- [9] Having so considered I maintain the view that in the circumstance of this case, 18 months on remand prior to trial is not unreasonable. However the Court shall revisit that issue if trial does not take place as scheduled.
- [10] I also maintain the position that the amount of drug in this case is an important issue to be considered and that since all accused persons are charged with the primary offence of trafficking in almost 8 kg of drug, it is not prudent to grant bail in the circumstances.
- [11] Consequently, this application for bail is also declined accordingly.

Signed, dated and delivered at Ile du Port on 27 February 2015



G Dodin
Judge of the Supreme Court