

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 02/2018

[2018] SCSC 04

THE REPUBLIC

versus

DAVE CONFAIT

CHANTAL MOUSTACHE

Accused

Heard:

Counsel: Mr Khalyann Karunakaran, State Counsel for the Republic
Mr Clifford Andre for the accused

Delivered: 09th January 2018

ORDER

L. Pillay, J

[1] This is an application under Section 179 CPC which is read with Article 18 (7) of the Constitution. It is correct as Mr Andre states that the rule is unconditional release unless there are reasons for remand.

[2] I note the following:

- 1.** The offence is one of trafficking drugs Heroin to be exact.

2. All cases counsel namely Mr Andre has referred are cases of Cannabis or Cannabis resin other than for this last one Republic vs Francis Ernesta in which he named Danny Sultan the 4th accused released on bail inspite of a charge relating to 714 grams of Heroin and Christopher Choppy.
3. These other cases he has referred to class B drugs. I note the weight in this present one of Confait and Moustache is minimal in the sense that it is 20 grams whereas the aggravated weight is over 250 grams as per MODA.
4. I note at this stage that what is important is that the accused appearance is secured for the trial. A1 has prior convictions as per the averments whereas there is no such averments made against A2 and as much as I note that according to counsel Mr Andre both accused persons cooperated with NDEA. I note that in the event that the 1st accused is convicted, the fact that he has got priors will affect the sentence imposed on him and hence likelihood of his failure to attend is higher.
5. As for A2 I am of the view that her appearance can be secured other than by remand. So I order the following.
 - i. A1 is to be remanded for the next 14 days.
 - ii. A2 is to be released on the following conditions. A2 being Chantal Valerie Moustache, A being Dave Confait.
 - iii. So A2 will be released on cash bail of Rs100, 000,
 - iv. she shall surrender her passport before she is released,
 - v. she will be placed on the stop listed immigration will be informed immediately of the two above,
 - vi. she is to report to NDEA Headquarter daily within their working hours.

[3] Unless one being Rs100,000 cash is satisfied she will not be released and two as well of course that is if she has any passport.

Signed, dated and delivered at Ile du Port on 09th January 2018

L Pillay, J
Judge of the Supreme Court