

IN THE HIGH COURT OF FIJI

AT SUVA

MISCELLANEOUS JURISDICTION

CRIMINAL MISCELLANEOUS CASE NO. HAM 021 OF 2015S

BETWEEN

THE STATE

APPLICANT

AND

RAKESH PRASAD CHARAN

RESPONDENT

Counsels : Mr. T. Qalinauci for Applicant
Mr. P. Sharma for Respondent
Hearing : 23 March, 2015
Ruling : 23 March, 2015
Written Reasons : 22 April, 2016

WRITTEN REASONS FOR REFUSING APPLICATION TO REVOKE BAIL

1. In Suva High Court Criminal Case No. HAC 196 of 2014S, the respondent faced the following information:

COUNT 1

Statement of Offence

UNLAWFUL IMPORTATION OF ILLICIT DRUGS: Contrary to Section 4(1)
of the Illicit Drugs Control Act, 2004.

Particulars of Offence

RAJEND PRASAD CHARAN between the 27th day of May, 2014 and the 9th
day of June 2014 at Suva in the Central Division, imported 105.5 grams of
illicit drugs namely Methamphetamine, without lawful authority into Fiji.

COUNT 2

Statement of Offence

UNLAWFUL IMPORTATION OF ILLICIT DRUGS: Contrary to Section 4(1) of the Illicit Drugs Control Act, 2004.

Particulars of Offence

RAKESH PRASAD CHARAN and SHALENDRA SHALVIN EDWARD NARAYAN between the 27th day of May, 2014 and the 9th day of June 2014 at Suva in the Central Division, imported 226.3 grams of illicit drugs namely Methamphetamine, without lawful authority into Fiji.

COUNT 3

Statement of Offence

UNLAWFUL POSSESSION OF ILLICIT DRUGS: Contrary to Section 5(a) of the Illicit Drugs Control Act 2004.

Particulars of Offence

RAKESH PRASAD CHARAN on the 13th day of June, 2014 at Nasinu in the Central Division, without lawful authority was found in possession of 0.5 grams of an illicit drugs, namely Cannabis Sativa.

COUNT 4

Statement of Offence

UNLAWFUL POSSESSION OF ILLICIT DRUGS: Contrary to Section 5(a) of the Illicit Drugs Control Act 2004.

Particulars of Offence

RAKESH PRASAD CHARAN on the 13th day of June, 2014 at Nasinu in the Central Division, without lawful authority was found in possession of 2.36 grams of an illicit drug, namely Methamphetamine.

2. The accused first appeared in the High Court on 11 July 2014, and had been on bail since then. On 11 August 2014, the respondent (accused) was required to fill in the High Court bail form and he did so. He had been attending court since then.

3. On 23 February 2015, the State applied to revoke the above 11 August 2014 High Court bail on the ground that while on bail for HAC 196 of 2014S, the respondent (Accused) allegedly committed another illicit drugs offence on 7 October 2014, wherein he was charged in Suva Magistrate Court Criminal Case No. 1688 of 2014. The parties had filed affidavits. I had carefully read them. On 23 March 2015, I heard the parties. I dismissed the State's application.
4. My reasons were the respondent had been attending court as and when required. He had not absconded. For the above reasons, I dismissed the applicant's application.



Salesi Temo
JUDGE

Solicitor for Applicant : Office of the Director of Public Prosecution, Suva.
Solicitor for Respondent : Rayawa Law, Suva.