



2. The State is in the process of filing the disclosures and a consolidated information with all related matters arose out of the same facts.
3. According to the affidavit filed by the State, the Applicant is a Nigerian national. Through police intelligence, the police were able to intercept the said illicit drugs and conduct a controlled delivery which led to the arrest of the accused persons. Arrested also in this case were police officers from the Counter Narcotics Bureau (Fiji Police Force) and the Chief Customs Officer by Fiji Revenue and Customs Service. The State submits that this is a case of public and national interest and vehemently objects to the applicant's bail.

#### LIKELIHOOD OF THE APPLICANT SURRENDERING TO CUSTODY AND APPEARING IN COURT

4. Applicant is not a citizen of Fiji. He was on a visitor visa permit at the time of his arrest. He had overstayed in Fiji for 38 days. The Applicant's conduct of not adhering to his Fiji Visitor's permit by overstaying indicates that he is unlikely to obey the law and the Court orders.
5. Once the police had arrested three of the Applicant's accomplices', the Applicant had quickly purchased an air-flight ticket to flee Fiji jurisdiction. The Applicant had been offloaded by the staff of the Fiji Immigration Department and handed over to the Fiji police. The quick response from the Fiji police has prevented Applicant's escape. The State's submission that this act proves that the Applicant is a flight risk is well founded.
6. Given recent incidents of drug accused attempts to flee this jurisdiction by sea, and the fact that Applicant's co-accused were law enforcement officers at Counter Narcotics Bureau and Fiji Revenue and Customs Service, I agree with the State that forfeiture of the Applicant's passport and travel bans are ineffective and would not guarantee that the Applicant would not flee Fiji by other means to avoid the trial process.

7. The State has showed that it has a strong case against the Applicant which includes CCTV footage and mobile-phone extractions from the Applicant's phone. Given the strength of the case against the Applicant and the likely penalty the charged offences attract, if convicted, the Applicant is unlikely to appear in court to face his trial.
8. The Applicant does not have family, business or community ties in Fiji. The sureties he has proposed do not have acceptable connection to the Applicant in terms of familial, business or otherwise nor do they have financial capacity to ensure the Applicant's presence in Court when required.

#### INTEREST OF THE APPLICANT

9. The Applicant is represented by a legal counsel. Though remanded in custody, his counsel can have access to the Applicant to take instructions to defend his case. The cases involving hard drugs are given priority and fast tracked to provide judicial response to the current illicit drug problem in Fiji. The fact that one of the accused is a foreigner is another factor to try his matter at the earliest.
10. The Application for bail is refused.



Aruna Aluthge  
Judge



28 July 2025  
At Lautoka

Counsel:

- Messrs Fortis Lawyers and Consultants for Applicant
- Office of the Director of Public Prosecutions for Respondent