

**IN THE HIGH COURT OF MALAWI**

**MISCELLANEOUS CRIMINAL APPLICATION NO. 76 OF 2002**

**BARTON MALOYA**

**VERSUS**

**THE REPUBLIC**

**CORAM: TWEA, J.**

**Absent, of Counsel, for the State**

**Chirwa, of Counsel, for the Applicant**

**Vokhiwa(Miss), Official Interpreter**

**JUDGMENT**

This is a second bail application by the applicant.

This application was according to the affidavit, is prompted by the health of the applicant. It is deponed that his blood pressure is high and according to the document exhibits to the affidavit, it was 170/95 on the date he was examined at the Prison Clinic on 27th May, 2002. The Clinical Officer then recommended that he be released on bail because they had no drugs at the clinic.

Shortage of drugs at Prison Clinic is not a new thing. It is not even deponed that the applicant failed to get drugs at the hospital or is unable to acquire drugs that are required himself. In my view such a shortage does not amount to exceptional reasons that would incline this court to grant bail. The applicant can be taken to hospital or can acquire drugs that he needs.

This application therefore must fail.

**Pronounced** in Chambers this 11th day of July, 2002 at Blantyre.

E.B. Twea

**JUDGE**