

**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**IN THE BAUCHI JUDICIAL DIVISION**  
**HOLDEN AT BAUCHI**  
**ON TUESDAY THE 14<sup>TH</sup> DAY OF MARCH, 2017**  
**BEFORE HIS LORDSHIP HONOURABLE JUSTICE M.SHITU ABUBAKAR**

**CHARGE NO. FHC/BAU/102C/2015**

BETWEEN

**FEDERAL REPUBLIC OF NIGERIA ..... COMPLAINANT**

**AND**

**ABDULLAHI MUHAMMED SHOLI..... DEFENDANT**

**Judgment**

By a charge dated 21<sup>st</sup> and filed on 22<sup>nd</sup> day of September, 2015, the Defendant was charged with one count charge which reads as follows:

That you **Abdullahi Muhammed Sholi**, male, adult, on or about the **16<sup>th</sup> day of September, 2015** at **Hardawa Market, Misau Local Government Area of Bauchi State**, within the jurisdiction of this Honourable Court, was found in possession of 200grammes of cannabis Sativa, a narcotic drug, similar to Cocaine, Heroin and LSD without lawful authority and thereby committed an offence

contrary to and punishable under section 11c of the NDLEA Act Cap N30 Laws of the Federation of Nigeria 2004.

On 16<sup>th</sup> March, 2017 when the charge was read over and interpreted to the defendant in his vernacular he pleaded guilty to it. In view of the plea of guilty the prosecution counsel, Bundi Suleiman Esq. applied for the case to be adjourned to another date to enable him review the facts of the case. The application was granted and the matter was thus adjourned to 9/5/16. Subsequently the case suffered series of adjournments due to the failure of the prison authority to produce the defendant before the court.

On 14/3/2017 when the defendant was produced before the court, the prosecution counsel told the court that on 16/09/2016 the defendant was arrested at Hardawa Market in Misau LGA of Bauchi State in unlawful possession of 200grammes of dry weeds suspected to be Cannabis Sativa, a narcotic drug similar to cocaine, heroin and LSD. The prosecution counsel then tendered the bulk of the dry weeds, the drug analysis report and the confessional statement of the defendant and same were admitted as Exhibits A, B & C respectively.

Counsel then urged the court to convict the defendant on his plea of guilty and the additional evidence before the court.

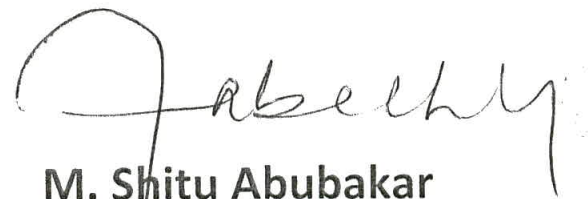
On his part, the defendant did not show any cause or reason why he should not be convicted of the offence with which he is charged and which he pleaded guilty.

It is a settled law that a defendant can be convicted on his own plea of guilty provided the plea is voluntary and unambiguous. See for instance S.274 (2) of the Administration of Criminal Justice Act, 2015 and the cases of NKIE VS FRN (2014) ALL FWLR (PT. 754)178 S.C and KAYODE VS STATE (2008)1 NWLR (PT. 1068)281.

From what transpired in court both on **16/03/2016** and **14/03/2017**, I am satisfied that the defendant has understood the meaning of the charge in all its essentials ingredients and also the effect of his plea. I am also satisfied that the plea of the defendant was quite voluntary and unambiguous and by it he intended to admit the commission of the offences with which he is charged and which he pleaded guilty. I am further satisfied that the defendant has no cause to show why he should not be convicted of the offence.

I have further studied the additional evidence adduced by the prosecution. In particular I have studied Exhibit B which is a chemical analysis report which proved beyond reasonable doubt that the dry weed found on the defendant was actually Cannabis Sativa.

Consequently I find the defendant guilty of being in possession of Cannabis Sativa, a narcotic drug similar to cocaine, heroin and LSD without lawful authority. Accordingly I convict the defendant of the offence of possession of Cannabis Sativa, a narcotic drug similar to cocaine, heroin and LSD without lawful authority contrary to S. 19 of the NDLEA Act Cap. N30, LFN 2004 as amended.



**M. Shitu Abubakar**  
**Presiding Judge**  
**22/3/2017**

### **Allocutus**

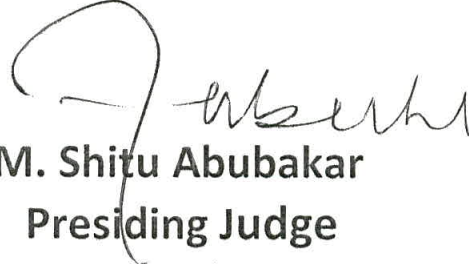
Court: Do you wish to make any Allocutus?

Convict: - I plead for leniency because I am a first offender. I also want the court to take into account of my long detention in prison before the judgment. I only smoke and do not sell.

Suleiman: - There is no record of previous conviction against the defendant.

### **Sentence**

Court: - I have considered the Allocutus made by the convict and accordingly I have considered the fact that the convict has been in detention since 16/9/2015. I have also considered the fact that the convict is a first offender. I have further considered the small quantity of the Cannabis Sativa found on him which is 200grammes. For these reason I am ready to be merciful and lenient to the convict. Accordingly I sentence the convict to 2years (two years) imprisonment and the sentences shall start running from the day the convict was arrested and put in detention, that was 16<sup>th</sup> day of September, 2015. The Cannabis Sativa shall be kept by the NDLEA Exhibit keeper for security reason.

  
**M. Shitu Abubakar**  
**Presiding Judge**  
**22/03/2017**