

**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**IN THE BAUCHI JUDICIAL DIVISION**  
**HOLDEN AT BAUCHI**  
**ON TUESDAY THE 25<sup>TH</sup> DAY OF APRIL, 2017**  
**BEFORE HIS LORDSHIP HONOURABLE JUSTICE M.SHITU ABUBAKAR**

**CHARGE NO. FHC/BAU/45C/2016**

BETWEEN

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

**AND**

**MUHAMMADU SANI..... DEFENDANT**

**Judgment**

The Defendant is charged with a 2 count charge as follows:

**Count 1**

That you **Muhammadu Sani**, male, 22years, on or about the **24<sup>th</sup> day of September, 2016** at **Bayan Gari Bauchi**, within the jurisdiction of this Honourable Court, was found in possession of 250grammes 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.

## Count II

That you **Muhammadu Sani**, male, 22years, on or about the **24<sup>th</sup> day of September, 2016** at **Bayan Gari Bauchi**, within the jurisdiction of this Honourable Court, was found in possession of 270grammes of diazepam, exol-5 and Tramadol tablets, a narcotic psychotropic substance similar to Cocaine, Heroin and LSD without lawful authority and thereby committed an offence contrary to and punishable under section 19 of the NDLEA Act Cap N30 Laws of the Federation of Nigeria 2004.

On 18<sup>th</sup> January, 2017 when the charge was read over and interpreted to the defendant in his vernacular he pleaded guilty to both counts. 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 and the application was granted and thus the matter was adjourned for review of facts.

When the matter come up today for review of facts the prosecution counsel reviewed the facts of the case and subsequently tendered

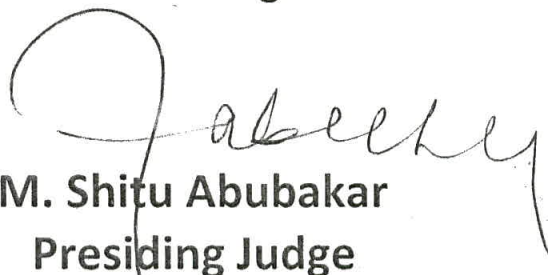
exhibit A, B, & C respectively. Exhibit A is the drug analysis report which proved by chemical analysis that the dry weeds found on the defendant was actually Cannabis and Exhibit C is the confessional statement of the defendant. The defendant did not show any cause or reason why he should not be convicted of the offence with which he is charged and which he pleaded guilty.

By the provision of S.274 (2) of the Administration of Criminal Justice Act, 2015 and plethora of decided cases, a defendant can be convicted on his own plea of guilty provided the plea is voluntary and unambiguous and by it he intends to admit the commission of the offence.

From what transpired in court both on **18/01/2017** and today I am satisfied that the plea of the defendant is quite voluntary and unambiguous and by it he intended to admit the commission of all the essential ingredients of the offence. I have also considered Exhibit A, B, & C tendered by the prosecution counsel. Consequently I find the defendant guilty of the offence with which he is charged and which he pleaded guilty.

Accordingly I convict the defendant of the offence of unlawful possession of cannabis Sativa, a narcotic drug, similar to Cocaine, Heroin and LSD without lawful authority under section 19 of the NDLEA Act Cap N30 Laws of the Federation of Nigeria 2004 as amended.

I also convict the defendant of the offence of unlawful possession of diazepam, Exol-5 and Tramadol tablets all psychotropic substance similar to Cocaine, Heroin and LSD without lawful authority contrary to and punishable under section 19 of the NDLEA Act Cap N30 of the Laws of the Federation of Nigeria 2004 as amended.



**M. Shitu Abubakar**  
**Presiding Judge**  
**25/04/2017**

### **Allocutus**

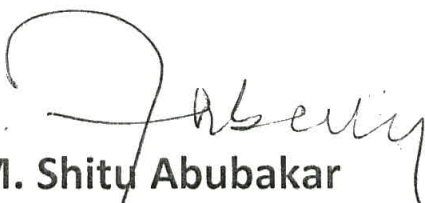
Court: Do you wish to say anything in mitigation of sentence?

Convict: - I beg for leniency because I am a stranger I come from Kano State. I am a first offender in my life.

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

### **Sentence**

Court: - I have considered the Allocutus made by the convict particularly the fact that the convict is a first offender. Consequently I am ready to be lenient to the convict. Accordingly I sentence the convict to 2years (two years) imprisonment on each count. The sentences shall run concurrently and will take effect from the day the convict was first arrested, that was 24<sup>th</sup> day of September, 2016. The Cannabis Sativa and the dangerous drugs shall be kept by the NDLEA Exhibit keeper for security reason.

  
**M. Shitu Abubakar**  
**Presiding Judge**  
**25/04/2017**