

**IN THE FEDERAL HIGH COURT OF NIGERIA**

**IN THE BAUCHI JUDICIAL DIVISION**

**HOLDEN AT BAUCHI**

**ON WEDNESDAY THE 8<sup>TH</sup> DAY OF JUNE, 2016**

**BEFORE HIS LORDSHIP HONOURABLE JUSTICE M.SHITU ABUBAKAR**

**CHARGE NO. FHC/BAU/30C/2015**

BETWEEN

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

**AND**

**ANAS MOHAMMED..... DEFENDANT**

**Judgment**

The defendant was charge as follows:-

**COUNT 1**

That you, **Anas Mohammed**, male, 22years, on or about the **6<sup>th</sup> day of March, 2015** at **Ungwar Bauchi, Bauchi State** within the jurisdiction of this Honourable Court, dealt in **110grammes 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, **Anas Mohammed**, male, 22years, on or about the **6<sup>th</sup> day of March, 2015** at **Ungwar Bauchi, Bauchi State** within the jurisdiction of this Honourable Court, dealt in 145grammes of Exol-5, Diazepam and Tramadol tablets, 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 of the Laws of the Federation of Nigeria 2004.

When the charge was read over and interpreted to him in his vernacular he pleaded guilty to it and at the instance of the prosecution counsel, the matter was adjourned for review of facts.

Today, during the review of facts, the prosecution counsel, Bundi Sulaiman Esq tendered the Drug Analysis Report, the bulk of the drugs and the confessional statement of the

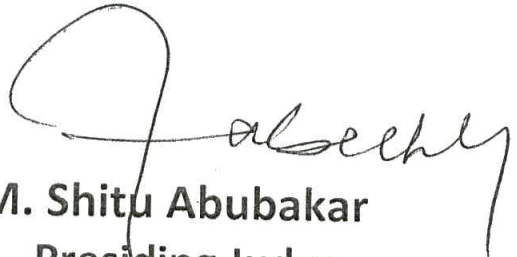
Defendant in evidence as Exhibit A, B, & C respectively. He then urged the court to convict the Defendant on his plea of guilty and the additional evidence he tendered in court.

By the provision of S. 272 of the Administration of Criminal Justice Act (ACTA) a Defendant can be convicted on his own plea of guilty provided the plea was voluntary and unambiguous.

From what transpired in court on 23/02/2016 and today I am satisfied that the defendant has understood the meaning of the charge in all its essential ingredients and also the effect of his plea. I am also satisfied that by his plea the defendant has intended to admit the commission of all the essential evidence of the offence 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 with which he is charge and which he pleaded guilty.

Furthermore I have studied Exhibit A which proved by chemical analysis that what was found on the defendant were

actually Cannabis Sativa, Diazepam and Tramadol. Consequently I found the defendant guilty of unlawful dealing in hard drugs similar to cocaine, heroin and LSD. Accordingly I convict the defendant of the offence of unlawful dealings in Cannabis Sativa contrary to S. 11 (c) of the NDLEA Act, Cap. N30 LFN, 2004 as amended. I also convict him of the offence of unlawful dealing in Exol-5, Diazepam and Tramadol tablets contrary to S. 11(c) of the aforesaid Act.

  
**M. Shitu Abubakar**  
**Presiding Judge**  
**08/06/2016**

### **Allocutus**

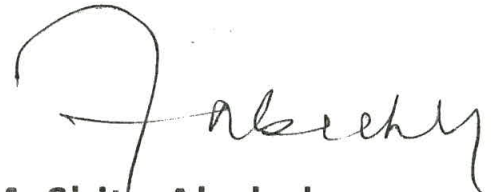
Court: Do you wish to say anything in mitigation of sentence?

Convict: - I plea for leniency. I want the court to temper justice with mercy. I am a first offender.

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

## Sentence

Court:- I have considered the plea for mitigation of sentence by the convict. In particular I have considered the fact that the convict is first offender. I have also considered the small quantity of the drugs found on the convict and I am ready to be merciful on the convict. Accordingly the convict is sentenced to two years (2 years) imprisonment with effect from the day he was first arrested that was 6<sup>th</sup> day of March, 2015. The hard drugs shall be kept by the NDLEA for security reasons.



**M. Shitu Abubakar**  
**Presiding Judge**  
**08/06/2016**