

IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE BAUCHI JUDICIAL DIVISION

HOLDEN AT BAUCHI

ON WEDNESDAY THE 11TH DAY OF MAY, 2017

BEFORE HIS LORDSHIP HONOURABLE JUSTICE M.
SHITU ABUBAKAR

JUDGE

SUIT NO. FHC/BAU/CS/15/2017

BETWEEN

RILWANU IBRAHIM.....APPLICANT

AND

COMMISSIONER OF POLICE.....RESPONDANT

JUDGEMENT

This is a motion on notice brought under section 36 (5) of the 1999 Constitution as amended and section 162 of the Administration of criminal Justice Act. 2015 in which the applicant is praying for bail pending his final arraignment before a Court of competent jurisdiction. The application is supported by an affidavit and counsel written address.

The respondent did not file any processes in opposition to the application despite service of the originating processes on him.

I have read the motion on notice together with the supporting affidavit and counsel written address. I have also listened to A.C Amadi Esq of counsel for the applicant moving the motion and urging the Court to grant the applicant on the ground that the respondent is not opposing the application.

Consequently I am satisfied that the applicant's Counsel has made a good case for the grant of the application because it is a settled law that uncontroverted affidavit is deemed accepted by the respondent. See for instance the case of BABALE VS CHIEF EZE (2011) NWLR. (Pt.1257) 70 A-C.

Secondly by the provision of section 32(1) of the Administration of Criminal Justice Act this Court has power to grant bail to a suspect before his formal arraignment before a Court of competent jurisdiction provided the offence is triable by this Court.

By the content of the F.I.R before the Magistrate Court, the applicant was remanded on an allegation of counterfeiting of currency which offence is clearly triable by this Court.

Therefore for the above brief analysis the applicant's application is hereby granted. Accordingly the presiding Bauchi Chief Magistrate who remanded the applicant is hereby ordered to admit the applicant to bail on conditions that will ensure the appearance of the applicant at a later date pending his formal arraignment before a Court of competent jurisdiction.


HON. JUSTICE M. SHITU ABUBAKAR
PRESIDING JUDGE

11/05/2017