

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON THE 4TH DAY OF NOVEMBER, 2019

BEFORE HIS LORDSHIP: HON. JUSTICE K.N. OGBONNAYA

COURT 26.

SUIT NO.: FCT/CV/1789/2018

BETWEEN

DESMOND ABIODUN-----PLAINTIFF

AND

1. INTERCONTINENTAL DISTILLERS LTD
2. MRS. SUNDAY EZE (TRADING UNDER THE NAME

AND STYLE OF OWUSA GI IMARU IFE HOUSE WINE)----- DEFENDANTS

JUDGMENT

On the 14th day of May, 2017 the Plaintiff Desmond Abiodun a businessman who resides in Bwari FCT. Instituted this action against the Defendants – Intercontinental Distillers Limited 1st Defendant, producers of Hot drinks produced by distillation with her head office at in Lagos. They have a branch office at Zuba FCT. The 1st Defendant carries business of distribution and sale of the Hot drinks in Abuja FCT. The other Defendant is also a businessman and retailer of the 1st Defendant's drinks, trading in the name and style of (Owusa Gi Imaru Ife House Wine). He has his shop at Bwari FCT.

The Plaintiff alleged that on the 25th April, 2017 after the Easter celebration, he bought some 10 bottles of Gin products of 1st Defendant's shop at Bwari. The amount was N9,600 (Nine Thousand Six Hundred Naira) only. He attached the cash invoice of the said purchase which is marked as Exhibit A.

He also alleged one of the bottle of Gins purchased had a spider sediment in it. He equally annexed the picture of the said Bottle. He alleged that he organized a party on the 17th day of April, 2017, served some of his friends with the drinks he bought from 2nd Defendant. His attention was drawn to the bottle of London bull Gin which contained dead sediments. Meanwhile some of the content of the bottle had already been consumed. He alleged shortly after some of his friends started vomiting. He also annexed pictures of the people vomiting. He alleged that rumour went round that he had poisoned some of his guests that had attended the Easter party. He later took 3 of the affected persons to Bwari Medical Center & Maternity LTD for First Aid. He paid as alleged N12,000.00 (Twelve Thousand Naira) only. But he did not attach the Hospital Bill. He alleged that the whole incident affected him psychologically. He took ill later that night. On the 18th day of April, 2017 he went to the same Hospital where he had taken his friends the day before. He spent N4,800 (Four, Thousand Eight Hundred). He did not attach the Bill. He claimed the payment was unreceipted. He went to the 2nd Defendant's shop at about 11:30 am where he showed the 2nd Defendant the dead spider sediment in the bottle of Gin. He narrated to the 2nd Defendant how his friends that consumed the drink vomited and took ill and how he took them to hospital. He alleged that the 2nd Defendant advised him to get in touch with the 1st Defendant

and get back to him after. He alleged the 2nd Defendant pleaded for forgiveness on behalf of himself and the 1st Defendant.

He also equally told the Court that he suffer a mild Ulcer before the incident but after the incident his health has deteriorated as a result of the shock he suffered on discovering the spider sediment in the said bottle of drink. He attached a receipt for x-ray and treatment. He did not annex the x-ray film. He alleged that the 2nd Defendant later told him that he had contacted the 1st Defendant by writing a letter to them through his Counsel. That the 1st Defendant had in their replied, had instructed 2nd Defendant to collect the said contaminated bottle of Gin and send same to their laboratory at Zuba FCT. He did not attach this letter but he later threatened to take an action against the 1st & 2nd Defendant.

That on the 26th day of November, 2017 at about 9:45 pm on NTA International Channel the 1st Defendants Managing Director went on air to commence a change in the packaging of their product the London Bull Gin and gave award to its valued customer. He attached a letter written on his behalf by his Solicitor Emmanuel Okwoli Esq written on the 12th day of November, 2017.

He alleged that the negligence of the 1st Defendant had caused him a lot of pain, depression and hardship. He decided to take an action against them. He then instituted the said action claiming the following reliefs against the Defendants jointly and severally.

1. A Declaration that the conduct of the Defendants is a gross negligence and wrongful.
2. A Declaration that the conduct of the Defendants is unwarranted, grievous, inhuman and illegal.

3. The sum of N50,000,000(Fifty Million Naira) only as general damages.
4. The sum of N1,000,000 (One Million Naira) only being the cost of prosecuting this case.

On the 12/12/18 the Plaintiff opened its case called the PW 1 who testified and tendered 4 documents. On the 6/5/19 matter was schedule for cross-examination of the PW 1 but --- hold because on the 4th day of November, 2019 the parties through the Plaintiff Counsel announced to the Court that parties have settled the case amicably and had spelt out the Terms of Settlement in writing, filed same and were ready for its adoption. The Term of Settlement was signed on 18/6/19. They adopted same and urged the Court to enter same as their Consent Judgment.

COURT:

The Rules of this Court allows parties in any matter to explore ways to amicable settlement their dispute out of Court. That has also been the global trend in other jurisdictional clime. Today all the parties in this Suit had followed that line by amicably settling their dispute. They have also spelt out clearly signed and filed the Terms of Settlement. They have respectively adopted same as the Final Terms of Settlement of all the issues in dispute in this suit. The law allows and provides that once parties have amicably settled and spelt out the terms of settlement and adopt same the court should enter such terms as the Consent Judgment of the parties.

This Court will read out the said Terms which has formed part of this Judgment after which it will enter same as their Consent Judgment and can be enforced as any Judgment of the court after full hearing. After that the case will be closed.

The said terms are as follows:

1. That the 1st Defendant agrees to give the Plaintiff the sum of N200, 000.00(Two Hundred Thousand Naira only).
2. That the 1st Defendant agrees to give the sum of N600,000.00 to the Solicitors of the Plaintiff and the 2nd Defendant as its contribution to their legal expenses in respect of this suit.
3. That the above sum shall be paid into the account of the plaintiff on or before the 31st of October,2019.
4. That the 1st Defendant has agreed to make the 2nd Defendant a reseller by allowing him to buy any of its products directly from it or from any of its authorized Deports.
5. That these Terms of Settlement do not imply liability on the side of the 1st Defendant.
6. We therefore agree to all the above Terms.

Dated 18th day of June, 2019 and duly executed by parties.

COURT: As at today 4th day of November, 2019 the parties have all fulfilled the Terms of Settlement as agreed. The Consent Judgment had already been fully enforced.

This is the Consent judgment of the parties in this suit. Delivered today 4th day of November, 2019 by me .This matter is therefore closed.

JUSTICE K.N.OGBONNAYA

Hon. JUDGE

Appearance:

Emmanuel Okwori for the Claimant . Claimant not in Court but represented by Eric Abiodun.

C.O. Owolabi for the 1st Defendant with N.T Abula for the 1st Defendant. 1st Defendant absent.

C.C. Owowo for the 2nd Defendant holding brief of Omuya Esq. 2nd Defendant in court Sunday Eze.

Court: Parties have all fulfilled the terms of settlement as agreed .Judgment already enforced fully .Matter is hereby close.

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT KUBWA, ABUJA
ON THE 4TH DAY OF NOVEMBER, 2019
BEFORE HIS LORDSHIP: HON. JUSTICE K.N. OGBONNAYA
COURT 28.

SUIT NO.: FCT/CV/1789/2018

BETWEEN

DESMOND ABIODUN-----PLAINTIFF

AND

1. INTERCONTINENTAL DISTILLERS LTD
2. MRS. SUNDAY EZE (TRADING UNDER THE NAME

AND STLYE OF OWUSA GI IMARU IFE HOUSE WINE)-----DEFENDANTS

CONSENT JUDGMENT

By Consent of the parties the Terms of settlement Dated 18th day of June, 2019 duly executed by parties is hereby entered as the Consent Judgment in this suit.

1. That the 1st Defendant agrees to give the Plaintiff the sum of N200, 000.00(Two Hundred Thousand Naira only).
2. That the 1st Defendant agrees to give the sum of N600,000.00 to the Solicitors of the Plaintiff and the 2nd Defendant as its contribution to their legal expenses in respect of this suit.
3. That the above sum shall be paid into the account of the plaintiff on or before the 31st of October,2019.
4. That the 1st Defendant has agreed to make the 2nd Defendant a reseller by allowing him to buy any of its products directly from it r any of its authorized Deports.
5. That these terms of settlement do not imply liability on the side of the 1st Defendant.
6. We therefore agree to all the above terms.

K.N.OGBONNAYA,

Hon. Judge,

4th November,2019.

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON THE 7TH DAY OF NOVEMBER,2019

BEFORE HIS LORDSHIP: HON.JUSTICE K.N.OGBONNAYA

COURT 26.

SUIT NO.:FCT/HC/CR/172/2017

BETWEEN

INSPECTOR GENERAL OF POLICE-----COMPLAINANT/RESPONDENT

AND

1. ABDULAFIS SALAUDEEN
2. OKEKE IFIANY -----DEFENDANTS/APPLICANTS
3. OJO SUNDAY
4. IBRAHIM MUHAMMED

RULING

By a Motion on Notice with No: M/5312/19 dated 10th October,2019 and filed on the 15th April,2019 brought pursuant to Sections 35, 36(5) of 1999 Constitution as Amended, Section 162 ,165 ACJA (2015) and under the inherent jurisdiction of this Honorable Court. The 1st Defendant/ Applicant is praying for the following:

1. AN ORDER OF THIS HONORABLE COURT ADMITTNG THE 1ST DEFENDANT/ APPLICANT TO BAIL PENDING THE DETERMINATION OF THIS CASE.

2. AND FOR SUCH FURTHER OR OTHER ORDERS AS THIS COURT MAY DEEM FIT TO MAKE IN THE CIRCUMSTANCES OF THIS CASE.

In support is an 8 paragraphs affidavit deposed to by one Samuel Jacob a law office Clerk in the office of Counsel representing the defendant/applicant reliance was place on all the paragraphs. Also attached to the application is a written address same was adopted as oral argument in support of the application. That the Applicants are presumed innocent, that the Applicants are entitled to bail in line with the law, that the offences as contained in the charge sheet are all allegations, that Applicant has pleaded not guilty to the charge sheet, that Prosecution will not complete this trial quickly among others in conclusion Counsel urge the Court to admit the 1st Defendant to bail. In their written address Counsel submitted that application of this nature is always at the Court's discretion. On the presumption of innocence counsel relied on section 35 of the Constitution. Counsel also cited the case of Fashehun Vs. A-G of the Federation (2006) 43 WRN 99 @ 111 wherein section 36(5) of the Constitution presumes in favour of the liberty and innocence of the applicant notwithstanding the gravity or seriousness of the charge pending against him. On factors or criteria to be taken into consideration in granting bail pending trial Counsel relied on Adams Vs. A-G of the Federation (2006) 44 WRN 46 @ 73-74 that the factors are not exhaustive relying on Bamaiyi Vs. State (2001) 8 NWLR (PT 715) 270 @ 291 paragraph F-H, Dokubo-Asari Vs. FGN (2007) 12 NWLR (PT1048) 320 @ 362. That the main function of bail is to ensure the presence of the accused at the trial and cited R VS. Jammal 16 NLR 54 among other cases cited.that applicants were arrested and detained since 10/6/2016, brought to Court after one year, arraigned on the 18/5/2019 and it took prosecution 3years to call 1 witness. Counsel submitted that by virtue of Section 35(4) of the Constitution the right of the accused to bail is unassailable. Counsel urge the court to admit the Applicant to bail either conditionally or upon such terms necessary to ensure the availability of the accused at trial. And cited M.K.O Abiola Vs FRN (1995) 1 NWLR (PT 370) 155 @ 181 finally counsel urge the Court to grant the relief sought.

The Prosecution counsel on their part filed a 5 paragraph Counter affidavit deposed to by one Noma Ganau a litigation Clerk in the Department of Public Prosecution in the office of the Attorney General of the Federation filed on the 20th September,2019 reliance was placed on all the paragraphs .Also in support is a written address same was adopted as their oral submission is support of their argument. Counsel submitted that there is a great likelihood that the defendant if admitted to bail would abscond due to the severity of the punishment for the offence he and the other defendants are standing trial, that if the defendant is granted bail, it will provide an escape route for him to thwart the cause of justice. That the Prosecution is ready to give this case an accelerated hearing if this Honorable Court deems it fit. That Paragraphs 5i of the Defendant/Applicant's affidavit is merely speculative. In their written address the Prosecution Counsel submitted that the Defendant/ applicant has not placed relevant and substantial materials before the Honorable Court to substantiate his bal application and urge the court not to exercise its discretion in favor of the Applicant. That the conditions are exhaustively considered by the Supreme Court in Bamaiyi Vs The State (2010) 8 NWLR (PT 715) 291, Abacha Vs The State (2002) 9 NSCQLR 305.

That in a plethora of judicial pronouncement the Court held that where the offence is prevalent the court can exercise its discretion in refusal of application for bail. Cited Adam VS A-G Federation (2007)

All FWLR Pt. 355 P.429 @ ratio 5. That this discretion is governed by several factors which are not necessarily constant as they do change with changing circumstances and cited Onwughalu Vs State (2008) All FWLR (pt.420) 764 R 1 Counsel also Cited Adam Vs. A-G Federation (2007) All FWLR Pt.355 P.429 and Adamu Vs C.O.P Plateau State (2006) All FWLR (Pt.298) P.1348 R 8.

That the right to bail is not absolute by mere mention of section 36 that the Court must consider whether bail can achieve the same purpose as detention or remand. That the application for bail by the 1st Defendant has no merit and urge the court to refuse and dismiss the said bail application for being unmeritorious.

On points of law the 1st defendant counsel submitted that the counter affidavit s in default of the provision of Sections 107 and 112 evidence act 2011. That for the affidavit to be effective must be sworn to, deposed to before a person authorized to so seal. That same was not done, that the submission of the prosecution were speculations cited Section 115 evidence act 2011 that bail s at the discretion of the court and urge the court to grant the application.

Counsels to 2,3 & 4 Defendants aligned there selves with the submission of the Counsel to the 1st Defendant and urge the Court to grant 1st Defendant bail.

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON THE 7TH DAY OF NOVEMBER,2019

BEFORE HIS LORDSHIP: HON.JUSTICE K.N.OGBONNAYA

COURT 26.

SUIT NO.:FCT/HC/CR/172/2017

BETWEEN

INSPECTOR GENERAL OF POLICE-----COMPLAINANT/RESPONDENT

AND

1. ABDULAFIS SALAUDEEN
2. OKEKE IFIANY -----DEFENDANTS/APPLICANTS
3. OJO SUNDAY
4. IBRAHIM MUHAMMED

RULING

By a Motion on Notice with No: M/3215/19 dated 2nd November,2018 and filed on the 7th December,2018 brought pursuant to Sections 36(5) of 1999 Constitution as Amended, Section 158 & 162 ACJA (2015) and under the inherent jurisdiction of this Honorable Court. The 3rd Defendant/ Applicant is praying for the following:

1. AN ORDER OF THIS HONORABLE COURT ADMITTNG THE 3rd DEFENDANT/ APPLICANT TO BAIL PENDING THE HEARING AND DETERMINATION OF THE CHARGE PREFERRED AGAINST HIM.

2. AND FOR SUCH FURTHER ORDER(S) AS THIS COURT MAY DEEM FIT TO MAKE IN THE CIRCUMSTANCES.

In support is an 8 paragraphs affidavit deposed to by one Philemon Asuachuara reliance was place on all the paragraphs. Also attached to the application is a written address same was adopted as oral argument in support of the application. That the Applicants is innocent, that the Applicant was arrested and detained since 4/9/2016, that the applicant is married with children and will not jump bail nor interfere with investigation of this case or commit any other offence while on bail, that the applicant is diabetic and suffers from high blood pressure and will require access to adequate medical attention which is not available while in detention, that the offence isailable, that the Court has the discretion to entertain this application and that the complainant will not be prejudiced by the grant and it is in the interest of justice to grant this application. In their written address Counsel submitted that Accused persons brought to Court on charges other than those that attract capital punishment is entitled to bail. That every accused person standing trial in a Court of law is presumed innocent until proven otherwise. On facts to be considered in granting bail Counsel cited Anajemba Vs. FGN . ICC cited in the Nigeria Criminal Cases by Funmi Quadril @ pg .390 Vol. 1, on the Nature of Charge Counsel relied on Section 36(5) 1999 Constitution and the cases of Ikhazuagbe Vs. C.O.P (2004) @1336-1337 Para G-B Ratio 3 and Olawove Vs C.O.P (2006) All FWLR, PT. 309, PG [.1483@1495](#), Ratio 3. On the gravity of the punishment in the event of conviction that the offence areailable and cited Momodi Vs. The State (2008) All FWLR Pt.477 PG. 677. On the previous criminal record of the accused person, if any cited Umanna Vs. Attah (2004)7 NWLR ,Pt. 871 Pg 63. On the probability that the accused may not surrender himself for trial rely on Omodara Vs State (2004) 1 NWLR Pt. 853 pg 89-90. On the discretion of the court cited Olumesan vs. Ogundepo (1996) 2 SCJN [pt.173@175](#) Ratio 13 and Nikita Vs. C.O.P (2002) FWLR pt. 106. On the procurement of substantial sureties cited Bamaiyi VS The State (2000)FWLR Pt.40 Pg956@984 that denial of bail cannot be used to punish an accused person for a crime with which he is charged and for which he is not yet tried. Ikhazuagbe Vs C.O.P (supra) and Dago Vs. C.O.P (1980)1 NLR PG1. That the application for bail is necessary because of ill health and length of time in detention cited Shugaba Umar Gana Vs State (2012) 7 NCC PG 376 makes ill health a condition of special circumstance for bail and cited Ogbemhe Vs C.O.P (2002) FWLR pt 103 among others . Counsel urge the Court to grant bail relying on Section 36(5) 1999 Constitution and Section 162 ACJA 2015. Counsel in conclusion urge the Court to grant bail based on the fact that the 3rd Defendant is a family man attached to his family and will not engage in any act that will sever him from his family. And urge the court to exercise its discretion in favor of the 3rd Defendant.

The Prosecution counsel on their part filed a 5 paragraph Counter affidavit deposed to by one Noma Ganau a litigation Clerk in the Department of Public Prosecution in the office of the Attorney General of the Federation filed and dated on the 21th June,2019 reliance was placed on all the paragraphs .Also in support is a written address same was adopted as their oral submission is support of their argument. Counsel submitted that there is a great likelihood that the defendant if admitted to bail would abscond due to the severity of the punishment for the offence he and the other defendants are standing trial, that if the defendant is granted bail, it will provide an escape route for him to thwart the cause of

justice. That the Prosecution is ready to give this case an accelerated hearing if this Honorable Court deems it fit. That Paragraphs 3f of the Defendant/Applicant's affidavit is merely speculative. In their written address the Prosecution Counsel submitted that the Defendant/ applicant has not placed relevant and substantial materials before the Honorable Court to substantiate his bail application and urge the court not to exercise its discretion in favor of the Applicant. That the conditions are exhaustively considered by the Supreme Court in *Bamayi Vs The State* (2010) 8 NWLR (PT 715) 291, *Abacha Vs The State* (2002) 9 NSCQR 305.

That in a plethora of judicial pronouncement the Court held that where the offence is prevalent the court can exercise its discretion in refusal of application for bail. Cited *Adam VS A-G Federation* (2007) All FWLR Pt. 355 P.429 @ ratio 5. That this discretion is governed by several factors which are not necessarily constant as they do change with changing circumstances and cited *Onwughalu Vs State* (2008) All FWLR (pt.420) 764 R 1 Counsel also Cited *Adam Vs. A-G Federation* (2007) All FWLR Pt.355 P.429 and *Adamu Vs C.O.P Plateau State* (2006) All FWLR (Pt.298) P.1348 R 8.

That the right to bail is not absolute by mere mention of section 36 that the Court must consider whether bail can achieve the same purpose as detention or remand. That the application for bail by the 3rd Defendant has no merit and urge the court to refuse and dismiss the said bail application for being unmeritorious.

On points of law the 3rd defendant counsel submitted that it is a fundamental principle that a Defendant is presumed innocent until proven guilty. That bail should not be used as punishment for a person who has not been tried. That the Court should consider the length of time the Defendant had been in detention. That if the 3rd Defendant continues to be in detention his health condition will further deteriorate and urge the court to admit the 3rd Defendant to bail.

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON THE 7TH DAY OF NOVEMBER, 2019

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA

COURT 26.

SUIT NO.: FCT/HC/CR/172/2017

BETWEEN

INSPECTOR GENERAL OF POLICE-----COMPLAINANT/RESPONDENT

AND

1. ABDULAFIS SALAUDEEN
2. OKEKE IFIANY -----DEFENDANTS/APPLICANTS
3. OJO SUNDAY
4. IBRAHIM MUHAMMED

RULING

By a Motion on Notice with No: M/6111/18 dated 14th May, 2018 and filed on the 16th May, 2018 brought pursuant to Sections 35 and 36(5) of 1999 Constitution as Amended, Sections 158, 159, 161 & 165 ACJA (2015) and under the inherent jurisdiction of this Honorable Court. The 3rd Defendant/Applicant is praying for the following:

1. AN ORDER OF THIS HONORABLE COURT ADMITTING THE 4th DEFENDANT ON BAIL .
2. AN ORDER OF THIS COURT GRANTING BAIL TO THE 4TH DEFENDANT ON HEALTH GROUNDS.

3. AND FOR SUCH ORDER/ ORDER(S) AS THIS COURT MAY DEEM FIT TO MAKE IN THE CIRCUMSTANCES.

In support is an 18 paragraphs affidavit deposed to by one Mohammed Yaya Dada a brother to the 4th Defendant reliance was place on all the paragraphs. Also attached is a medical Report from Asokoro District Hospital marked as Exhibit A and also a written address was filed same was adopted as oral argument in support of the application. That the Applicants was diagnosed of Hepatitis B at Asokoro Hospital, that the offence of receiving stolen property is bailable, that the Applicant needs routine medical checkup and follow up, that the prison facility does not have the facility to treat such ailment ,that the applicant have no criminal record with the police or any Court of law. That the applicant undertake to provide reliable sureties if admitted to bail, that applicant will not jump bail ,also undertake to be present at trial and not to commit any offence , that bail will not prejudice proper trial in this case.

In their written address Counsel submitted that every accused person standing trial in a Court of law is presumed innocent until proven otherwise. Relying on Section 35 1999 Constitution that bail is at the discretion of the Court and the fulfillment of the conditions as stated by the law cited Dantata VS The Police (1958) NNLR 3, Abacha Vs The State (2002) 2 FWLR (pt.98) 863 and Bamaiyi Vs The State (2001) 4 SCNJ 103 . that granting bail to an accused person on a mere statement that the accused is sick is not enough it has to be accompanied with a medical report cited C.O.P Vs Chinemelu (1995) 4 NWLR (pt. 390) 467 @ 486 Counsel refers to Exhibit A and urge the Court to use his discretion to grant this application. On the right of an accused to bail counsel rely on Section (4) and (7) 1999 Constitution and cited Atiku Vs The State (2002)4 NWLR (pT.575) 265 @ 276-277. On the length of time of detention Counsel cited Section 162 (1) (2) (b) ACJA 2015. Counsel urges the Court to grant this application.

The Prosecution counsel on their part filed a 5 paragraph Counter affidavit deposed to by one Noma Ganau a litigation Clerk in the Department of Public Prosecution in the office of the Attorney General of the Federation filed and dated on the 5th July, 2019 reliance was placed on all the paragraphs .Also in support is a written address same was adopted as their oral submission is support of their argument. Counsel submitted that there is a great likelihood that the defendant if admitted to bail would abscond due to the severity of the punishment for the offence he and the other defendants are standing trial, that if the defendant is granted bail, it will provide an escape route for him to thwart the cause of justice. That the Prosecution is ready to give this case an accelerated hearing if this Honorable Court deems it fit. That Paragraphs 3f of the Defendant/Applicant's affidavit is merely speculative. In their written address the Prosecution Counsel submitted that the Defendant/ applicant has not placed relevant and substantial materials before the Honorable Court to substantiate his bail application and urge the court not to exercise its discretion in favor of the Applicant. That the conditions are exhaustively considered by the Supreme Court in Bamaiyi Vs The State (2010) 8 NWLR (PT 715) 291, Abacha Vs The State (2002) 9 NSCQLR 305.

That in a plethora of judicial pronouncement the Court held that where the offence is prevalent the court can exercise its discretion in refusal of application for bail. Cited Adam VS A-G Federation (2007) All FWLR Pt. 355 P.429 @ ratio 5. That this discretion is governed by several factors which are not necessarily constant as they do change with changing circumstances and cited Onwughalu Vs State (2008) All FWLR (pt.420) 764 R 1 Counsel also Cited Adam Vs. A-G Federation (2007) All FWLR Pt.355 P.429 and Adamu Vs C.O.P Plateau State (2006) All FWLR (Pt.298) P.1348 R 8.

That the right to bail is not absolute by mere mention of section 36 that the Court must consider whether bail can achieve the same purpose as detention or remand. That the application for bail by the 4th Defendant has no merit and urge the court to refuse and dismiss the said bail application.

In response to the Counter affidavit filed by the Prosecution, the Counsel to the 4th Defendant filed an 18 paragraphs further Affidavit on 6th February, 2019 deposed to by one Mohammed Yaya Dada reliance was placed on all the paragraphs. Also a medical report from University of Abuja Teaching Hospital was attached showing the ill health of the applicant. They also relied on the exhibit that having not controverted the said response the Court should regard same as been admitted.

The Prosecution in response to the further Affidavit filed by Counsel to the 4th Defendant filed another Further Counter affidavit on the 6th November, 2019 deposed to by one Noma Ganau a litigation Clerk in the Department of Public Prosecution in the office of the Attorney General of the Federation reliance was placed on all the paragraphs. Also refers to their earlier written address filed an adopt same in opposition to the bail application. Prosecution urge the Court to dismiss the said application.

In response to the further Affidavit Counsel to the 4th Defendant stated that it is an abuse of Court process . that there must be an end to litigation Counsel urge the Court to discountenance that process and should not be considered.

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT KUBWA, ABUJA
ON THE 13TH DAY OF NOVEMBER, 2019
BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA
COURT 26.

SUIT NO.: FCT/CV/1903/2019

BETWEEN

MR. OSHOPO OSITADINMA-----PLAINTIFF

AND

1. GREEN WORLD NATURA SOLUTION INT. LTD
2. MR. ZHOU ZHOU ZHAOYU (STEPHEN)
FORMER MANAGING DIRECTOR GREEN
WORLD NATURAL SOLUTION-----DEFENDANTS
3. MR. RYAM
MANAGING DIRECTOR, GREEN WORLD
NATURAL SOLUTION ABUJA BRANCH

COURT ORDER TO SHOW CAUSE

UPON hearing Micheal Eleyinmi of Counsel to the Plaintiff in this Suit in an Oral application made Pursuant to Order 10 Rule 5, Order 10 Rule 12, and Order 21 Rule 9 of the High Court Civil Procedure Rules 2018.

Praying this Honorable Court for the following relief:

1. An Order that the Honorable Court enters Judgment for the Plaintiff as per the Claim in their Originating Processes. Defendants having failed to enter appearance and file Processes in defence of the Suit. After hearing notices were served on them.

.....
K.N. OGBONNAYA

IT IS HEREBY ORDERED AS FOLLOWS:

HON. JUDGE

1. That all the Defendants be served with hearing notices of the next adjourn date.
2. That the Defendants should show cause why the Court should not enter Judgment for the Plaintiff as sought.
3. That if the Defendants fail to appear before this Court on the next adjourn date the Court will enter Judgment as sought.

4. THAT this matter is adjourn to the 4th day of December 2019 for hearing.

ISSUED AT ABUJA under the seal of the Court and the Hand of the Presiding Judge this 13th day of November,2019.

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REGISTRAR

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT KUBWA, ABUJA
ON THE 23RD DAY OF MAY,2019
BEFORE HIS LORDSHIP: HON.JUSTICE K.N.OGBONNAYA
COURT 26.

SUIT NO.:FCT/CV/1903/2019

BETWEEN

APOSTLE EUGENE OGU-----PLAINTIFF/APPLICANT

AND

MR. LARRY OBASI -----DEFENDANT/RESPONDENT

COURT ORDER

UPON going through a MOTION EX PARTE dated the 15th day of March,2019 and filed on the 26th March,2019 coming up this morning before this Court Praying this Honorable Court for the following relief:

1. AN ORDER granting leave to the Plaintiff/Applicant to serve the Originating and all other processes t be filed in this Suit on the Defendant/Respondent by substituted means to wit: by pasting

same at the last known address of the Defendant/Respondent at NO.176, Road D, Federal Housing Authority , Nyanya-Abuja FCT.

2. AND FOR such further or other orders as the Court may deem fit to make in the circumstances of this case.

AND UPON READING an 11- Paragraphs Affidavit in Support of of Motion EX-parte deposed to by Julius Dairo of NO.27 ,Fandriana Close ,By Makaal Drive , Off Oda Crescent,Off Da res salam Crescent, Off Aminu Kano Crescent, Wuse II Abuja a Litigation Secretary in the Firm of the Counsel to the Plaintiff/Applicant.

And after listening to Emmanuel C. Obetta of Counsel to the Plaintiff/Applicant move in terms of the Motion paper.

.....
K.N. OGBONNAYA

HON. JUDGE

IT IS HEREBY ORDERED AS FOLLOWS:

1. THAT the application is granted as prayed.
2. THAT service at the address as contained on NO.176,Road D, Federal Housing Authority Nyanya-Abuja FCT.
3. THAT service to be effected by the Bailiff of Court 26.
4. That this ORDER and Hearing notice to be pasted along side the Originating Processes.
5. THAT there should be an affidavit by the Bailiff to show that the processes had been pasted.
6. THAT this matter is hereby adjourn to the 16th day of October,2019 for Hearing.

ISSUED AT ABUJA under the seal of the Court and the hand of the Presiding Judge this 23rd day of May,2019.

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REGISTRAR

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT KUBWA, ABUJA
ON THE 4TH DAY OF NOVEMBER,2019
BEFORE HIS LORDSHIP: HON.JUSTICE K.N.OGBONNAYA
COURT 26.

SUIT NO.:FCT/CV/1789/2018

BETWEEN

DESMOND ABIODUN-----PLAINTIFF

AND

1. INTERCONTINENTAL DISTILLERS LTD
2. MRS. SUNDAY EZE(TRADING UNDER THE NAME

AND STLYE OF OWUSA GI IMARU IFE HOUSE WINE)-----DEFENDANTS

JUDGMENT

On the 14/5/17 the Plaintiff Desmond Abiodun a business man who resides in Bwari FCT. Instituted this action against the Defendants –Intercontinental Distillers LTD 1st Defendant producers of Hot drinks produced by Distillation with their office address in Lagos. They have a branch office at zuba FCT. They 1st Defendant carries business of distribution and sale of his hot drinks in Abuja FCT. They other Defendant is also a businessman and retailer of the 1st Defendant Drink, Trading in the name and style of Owusa gi Imaru Ife House Wine and has his shop at Bwari.

The Plaintiff alleged that on the 25/3/17 after the Easter celebration, he bought some 10 bottles of Gin produced by the 1st Defendant, from the 2nd Defendant's Shop at Bwari. The amount was