

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA**

BEFORE HIS LORDSHIP: HON. JUSTICE. H. MU'AZU

SUIT NO: FCT/HC/CV/2380/2024

DELIVERED ON THE 08/07/2024

BETWEEN:

IBRAHIM HABIB IBRAHIM.....APPLICANT

AND

**1. ECONOMIC AND FINANCIAL CRIMES COMMISSION }
2. AUWAL IBRAHIM (IVESTIGATION OFFICER, EFCC) } .RESPONDENTS**

JUDGMENT

By an originating motion brought pursuant to order 2 rules 1 and 2 of the fundamental rights (enforcement procedure) rules, 2009; sections 34, 35 & 41 of the constitution of the federal republic of Nigeria, 1999 (as amended), articles 6, 12 & 14 of the African charter on human and peoples' rights (ratification and enforcement) act (cap a9) laws of the federation of Nigeria and the inherent jurisdiction of this Honourable court as recognised and preserved under section 6(6) of the 1999 constitution (as amended). The Applicant praying for the following orders to wit:-

*1) A Declaration that arrest and detention of the Applicant, Seizure of the Applicant Nigerian International passport Number **B00933180** and the Applicant Vehicle*

*with Registration No. **KN 122 DAL**, Mercedes Benz on the 10th May, 2024 by the Respondents is unlawful, illegal and unconstitutional under the Nigerian laws and a Violation of the Applicant Fundamental right to dignity of human person, right to personal liberty and Freedom of movement and right to own and acquire property, right to fair hearing enshrined in the Constitution of the Federal Republic of Nigeria and the African charter on human and Peoples right.*

*2) AN ORDER directing the immediate release of the Applicant and Applicant's Nigerian International Passport with No. **B00933180** and the Applicant's Vehicle with Registration No. **KN 122 DAL** Mercedes Benz, Black in Color forthwith.*

*3) AN ORDER OF **PERPETUAL INJUNCTION** restraining the Respondents by themselves, or their agents, servants and/or privies or howsoever otherwise described from further arresting and or detaining the Applicant without lawful justification and from further interfering with the fundamental right of the Applicants in any manner whatsoever.*

*AND FOR SUCH **FURTHER AND ANY OTHER ORDER OR ORDERS** as this Honourable Court may deem fit to make in the circumstance.*

The Application was predicated on 21 grounds as endorsed on the body of the Application.

In the AFFIDAVIT IN SUPPORT OF ORIGINATING MOTION, the deponent, Umar Aminu Kano, of No. 737 Sani

Mainagge, opposite Aminu Kano way, Kano, the cousin brother to the Applicant who was with him when he was arrested and subsequently detained at the facility of the Zonal Command of the 1st Respondent. averred inter alia that he been visiting the Applicant where he is being detained. Hence, the applicant is unable to deposed to this affidavit himself. He is conversant with the facts of this case. All the facts deposed are facts within his personal knowledge unless otherwise stated. On 10th May, 2024, the applicant was arrested by the men and officers of the 1st respondent in his hotel room at about 1pm while in preparation for Visa biometrics scheduled on 15th May, 2024 to travel to United States of America. The applicant's arrest was embarrassing as he was about going out for Friday Juma'at Prayer when some men and officers of the 1st Respondent approached him and called out his name which he confirmed and thereafter arrested him. The 1st Respondent men merely stated that they are officers from the 1st Respondent and had to track the Applicant's telephone numbers, without any prior invitation to appear before the 1st Respondent. The officers immediately took the Applicant to his room in the hotel, ransacked everywhere but got nothing incriminating against the Applicant. The officers however, confiscated and seized the applicant's international passport meant for Visa biometrics appointment the next day and thereafter whisked him away to the Abuja zonal office of the 1st Respondent. **Copy of the International Passport was attached and marked as Exhibit 1.**

After some moment the 2nd Respondent brought the Applicant out and suggested to the Applicant that one Hussaini Ahmad Muhammad under their custody told them that the Applicant funded an account of one Nahuce Nigeria Limited domiciled with GTB Bank of unspecified sum of money. The Applicant denied funding the account and requested for the details. The Applicant however admitted knowing the said Hussaini Ahmad Muhammad having met him in the Kingdom of Saudi Arabia 13 years ago and last seen in Kaduna 7 years ago.

The Applicant demanded to know the owner of Nahuce Nigeria Limited account, the amount paid, the date and source of the payment but same were not made available to the Applicant. The 2nd Respondent however admitted that the money is not from the Applicant or has no link with the Applicant save that the said Hussaini Ahmad Muhammad mentioned the Applicant's name as the person who funded the account. The Applicant reiterate the facts of lack of closeness with Hussaini Ahmad Muhammad, lack of knowledge of the account name and stressed that he did not fund the account in his written statement with the Respondent. Nonetheless, the Respondent took the mere mention of the applicant's name as a strong suspicion of the Applicant's involvement of the alleged crime being investigated. The Applicant expressed his business schedule and the need to meet Visa biometrics on Wednesday and to travel for his business trip in May, 2024 and the irreparable loss his incarceration will occasion but the Respondent refused to oblige. For no just cause, the Respondent arrested and detained the Applicant, seized his

International Passport and also held on to the Applicant's vehicle, Mercedes Benz with Registration Number: **KN 122 DAL** he was about driving to Juma'at service. Picture of Applicant's vehicle seized by the Respondents was attached and marked as **Exhibit 2**. The action of the Respondents has caused the Applicant untold hardship, irreparable injury and inestimable damage because of his impending International trip. The Applicant has pleaded profusely to be let out on bail with his passport and is ready to enter into a monetary bail bond to save him the loss of his Visa biometrics and International business trip that could ruin the Applicant irreparably but Respondents have refused to yield to the demand. The Applicant has been in detention since 10th May, 2024 and he has not been taken to any Court of Law.

In support of the Application, Applicant's counsel submitted a lone issue for determination, to wit:

Whether or not, the Respondents have breached the fundamental right of the Applicant, capable of being enforced under the Nigerian Law.

Learned counsel argued the issue in urging the court to grant the reliefs sought.

In response to the Application the Respondents filed a counter affidavit deposed to by Abubakar Salihu Wara, Esq, a member of the team of lawyers attached to the 1st respondent, Economic and Financial Crimes Commission. The deponent averred inter alia that on the 28th day of May, 2024 at about 15:30pm in an official briefing at his office located at 301/302 institution & research district Jabi, Abuja he was further

informed by Auwal Ibrahim of his findings and **he** also gathered in the cause of the prosecution of this matter **as** follows;

a. That by virtue of my position aforesaid, I am conversant with the facts and circumstances of this case, except otherwise stated.

b. That the Economic and Financial Crimes Commission is in receipt of a petition from Unity Bank Plc., against one Jide Abdulfatai and a syndicate of fraudsters, alleging fraudulent withdrawals from customers' accounts amounting to **N458,396,967.50**.

c. That upon receipt of the said petition, same was assigned to my section for discrete investigation and report.

d. That upon assignment to Capital Market Section of the EFCC, investigation commenced in earnest, which investigation revealed the modus operandi of the syndicate is to compromise bank computer system and furtively move funds from customers' accounts to nominated accounts

e. That the Applicant demanded bank accounts from one Hussaini Ahmed Mohammed wherein illegally obtained funds were sent in other to conceal the origin.

f. That the said Hussaini Ahmed Mohammed has been invited to the Commission wherein he volunteered his statement.

g. That investigation led to the tracing of two members of the syndicate whose role in the scheme of fraud is to

provide bank accounts that was used in laundering the proceeds of the unlawful act.

h. That upon gaining unlawful access into the bank's database, funds were moved to various nominated accounts by the syndicate, with the Applicant playing active role of providing bank account details and collected proceeds of the unlawful act converted to United States Dollars.

i. That armed with the finding of our investigation, the Applicant/Respondent was traced apprehended.

j. That upon the apprehension of the Applicant/Respondent, he was brought to the office of the 1st Respondent where he was processed and granted bail condition accordingly.

k. That the Applicant/Respondent failed to cooperate during investigation and when confronted with the allegation against him refused reacting in writing.

l. That in order to carry out in-depth investigation, the Applicant/Respondent was granted administration bail and served with the conditions.

m. That upon failing to meet the conditions of bail, the Respondents sought for and obtained a remand warrant to enable them keep the Applicant/Respondent in custody, which remand is valid, pending and subsisting.

n. That the Applicant has since been charged before the Federal High Court Lagos Judicial Division in FRN v. IBRAHIM HABIB IBRAHIM with Charge No: **FHC/L/3350C/2024.**

o. That this Applicant on the 28th day of May, 2024, filed a bail application in Charge No: **FHC/L/3350C/2024**. Attached and marked as **Exhibit EFCC 01** is the said bail Application filed by the Applicant.

p. That the application of the Applicant has now been overtaken by event and of no legal bases.

q. That the proper place for the Applicant to seek for bail is before the Federal High Court Lagos Judicial Division and not this Honourable court.

In the Respondent's written address in support of its counter affidavit, counsel formulated a sole issue for determination, to wit: **whether the applicants are entitled to the reliefs sought.**

Learned counsel argued the issue in urging the court to grant the reliefs sought.

In a further challenge to the Application, the 2nd Respondent also filed a notice of preliminary objection brought pursuant to section 6 (6) (b) of the 1999 constitution (as amended) and under the inherent jurisdiction of this honourable court. Wherein the 2nd Respondent is praying the court for the following orders:

1. AN ORDER of this Honourable Court dismissing/striking out the suit for want of jurisdiction, together with all the exhibits attached thereto, filed by the Applicant dated 24th May, 2024.

2. AN ORDER of this Honourable Court setting aside the Order made on the 24th May, 2024 on ground of suppression of material facts.

3. AND FOR SUCH FURTHER OR OTHER ORDERS as this Honourable Court may deem fit to make in the circumstances of this case.

Grounds upon which this application is brought are:

1. That this Honourable Court has the inherent power to grant this preliminary objection.
2. That the action that arose, necessitating the filing of the Applicant's application occurred in Lagos state.
3. That by reason of the above, this Honourable Court lacks the requisite territorial jurisdiction to hear and determine this present suit following the Supreme Court decision in the case of ***MUHAMMED DELE BELGORE V. FEDERAL REPUBLIC OF NIGERIA & ANOR (2021) 3 NWLR (PT. 1764) 503.***
4. That the further hearing of this suit before this Honourable Court would be an exercise in futility as this Honourable Court clearly lacks the requisite jurisdiction following the decision of the Apex Court in ***MADUKOLU & ORS V. NKEMDILIM (1962) 2 NSCC 374***
5. That the Applicant suppressed material facts to the effect that there is a valid, pending remand warrant against him and that the bail granted to the Applicant was not administrative.

The 2nd Respondent filed an affidavit in support of the preliminary objection. In the 17 paragraph affidavit deposed to

by one Auwal Ibrahim, an Officer of the Economic and Financial Crimes Commission, 15A, Awolowo Road, Ikoyi, Lagos, it was averred inter alia that the Economic and Financial Crimes Commission is in receipt of a petition from Unity Bank Plc., against one Jide Abdulfatai and a syndicate of fraudsters, alleging fraudulent withdrawals from customers' accounts amounting to **₦458,396,967.50**. **The said petition was attached and marked Exhibit EFCC 01.** Upon receipt of the said petition, same was assigned to his section for discreet investigation and report. The investigation commenced in earnest, revealing the modus operandi of the syndicate. This involves compromising banks computer system and furtive movement of funds from customers' accounts to nominated accounts. The investigation led to the tracing of two members of the syndicate whose role in the scheme of fraud is to provide bank accounts that was used in laundering the proceeds of the unlawful act. That upon gaining unlawful access into the bank's database, funds were moved to various nominated accounts by the syndicate, with the Applicant playing active role of providing bank account details and collected proceeds of the unlawful act converted to United States Dollars. That armed with the finding of their investigation, the Applicant/Respondent was traced and apprehended. Upon the apprehension of the Applicant/Respondent, he was brought to the office of the 1st Respondent where he was processed and granted bail condition accordingly. **But, that** the Applicant/Respondent failed to cooperate during investigation and when confronted with the

allegation against him refused reacting in writing. The Applicant/Respondent was granted administration bail and served with the conditions. **The said bail form was attached and marked Exhibit EFCC 02.** That upon the Applicant's failure to meet the condition of bail, the Respondents sought for and obtained a remand warrant to enable them keep the Applicant/Respondent in custody, which remand is valid, pending and subsisting. **Copy of the said remand warrant was attached and marked Exhibit EFCC 03.** The Deponent further averred thus:

- a. That this Honourable Court lacks the requisite territorial jurisdiction to hear and determine this matter following the decision of the Apex Court in the case of ***MUHAMMED DELE BELGORE V. FEDERAL REPUBLIC OF NIGERIA & ANOR (2021) 3 NWLR (PT. 1764) 503*** because the alleged act that gave rise to the Applicant/Respondent action occurred in Lagos.
- b. That the Applicant/Respondent's application, being instituted before the High Court, Abuja Judicial Division and not the Lagos Division is invalid and ultra vires.
- c. That this action of the Applicant/Respondent constitutes Forum Shopping and an abuse of court process against Defendants.
- d. That the interest of justice will be served if this Honourable Court upholds our Preliminary Objection.
- e. That the grant of the Applicant/Respondent's application will prejudice the Respondents/Applicant.

f. That the Applicant/Respondent's application is a ploy to frustrate the Respondents from carrying out their statutory mandates which includes discreet investigation and diligent prosecution of economic and financial crimes.

The Applicant/Respondent filed a counter-affidavit in opposition to the notice of preliminary objection. The Deponent, Ulan Kumadem, of No 4, Casablanca Street, off Misratah Street, off Parakou Street, Wuse II, Abuja, averred inter alia that the Applicant has been in detention and custody of the EFCC since his arrest on the 10th of May, 2024 and so could not depose to the affidavit. The Applicant deny paragraphs 6-17 of the Respondents' affidavit in support of the Notice of the preliminary Objection filed on 27th May, 2024 seeking to strike out the suit for want of jurisdiction and to set aside the Order of this Honourable Court made on the 24th May 2024 in this present suit along with some grounds. Paragraphs 6-11 of the affidavit in support of the Notice of the preliminary Objection are false. The complaint (**Exhibit EFCC1**) is not against the Applicant. The Applicant was not mentioned or indicted or listed amongst the culprits or beneficiary of the alleged fraud in the complaint. Further, the Respondent did not conduct any investigation into the matter but simply arrested the Applicant without any lawful basis. There was no finding in any preliminary investigation of funds linking the Applicant to the alleged fraud. Paragraphs 12, 13, 14 & 15 of the affidavit in support of the Notice of the preliminary Objection are false. The Applicant/Respondent

was never granted bail or served with any conditions for him to comply with any administrative bail. Exhibit EFCC 2 was contrived to meet this suit and is obviously not signed by the Applicant to indicate service on him. More so, the Applicant has since his arrest, diligently cooperated with investigation and strictly acted within the bounds of the law. The Respondents obtained **Exhibit EFCC 3** in contravention and disregard of the subsisting Order of this Honourable Court granted on the **20th Day of May, 2024** with same having been served on the Respondents on 21st May, 2024. The Respondents expressly **stated that they will not obey** this Court Order since it is not from Lagos Courts. **Copy of the proof of service of the Order was attached as Exhibit 1.** The 2nd Respondent took the Applicant to a private cell where he was **tear-gassed and beaten** by the 2nd Respondent simply because they did not get the expected response from the Applicant and on account of his choice to exercise his constitutional right to remain silent. The Applicant was emotionally, psychologically, and mentally depressed and beaten by the 2nd Respondent who is within the age-range of the Applicant's grandson, or at best a child. On 24th May, 2024, this court made another Order directing the Respondents to produce the Applicant in Court on 28th May, 2024 upon fulfillment of the bail terms. The Respondents were served with the Order but still failed to comply with the Order. **Copy of endorsement was attached as Exhibit 2.** The Applicant's Solicitors wrote to the Chairman of the 1st Respondent intimating him about the flagrant disregard of the Order and

demanded for full compliance with same but to no avail. **Copy of the endorsed letter was attached as Exhibit 3.** The liberty of the Applicant is involved and exceptional hardship is caused to the Applicant by the Respondents' flagrant disregard to Court Orders. The Applicant was arrested and detained in Abuja for several days before being subsequently whisked away to Lagos. The cause of this present action arose in Abuja within the jurisdiction of this Honourable Court. The suit is not an abuse of court process and is not in any way meant to frustrate or infringe on the duties of the Respondent. The case of **Belgore v FRN** is on a substantive charge of Money Laundering and not on Fundamental Human Rights Violations. The case shows that EFCC always charged suspects in wrong courts.

In the written address in support of the counter-affidavit, counsel submitted a sole issue for determination, to wit:

“Whether this Court is *cloth* with requisite jurisdiction to determine this action?

Learned counsel for the Applicant argued the issue in urging the court to dismiss the Objection.

The Respondent/Objector filed a further affidavit in response to Applicant's counter affidavit. The Deponent, Abubakar Salihu Wara, Esq, one of the members of the team of lawyers attached to the 1st Respondent, Economic and Financial Crimes Commission, 301/302 institution & research district Jabi, Abuja, inter alia that on the 27th of May, 2024, the Applicant herein was charged before the Federal High Court,

Lagos Judicial Division in FRN v. IBRAHIM HABIB IBRAHIM with Charge No: **FHC/L/3350C/2024**. *Attach and marked exhibit EFCC 01 is a copy of the said charge.*
The attached CHARGE reads as follows:

COUNT 1

*That you **IBRAHIM HABIB IBRAHIM AND HUSSAINI AHMED MUHAMMED** on the 24th December, 2021 in Lagos within the Jurisdiction of this Honourable Court, conspired amongst yourselves to commit an offence to wit: retention of the total sum of **N458,396,967.50 (Four Hundred and Fifty Eight Million, Three Hundred and Ninety Six Thousand Nine Hundred and Sixty Seven Naira Fifty Kobo)** in an account nominated by you, **NAHUCHE MERCHANDIZING COMPANY** domiciled with GTB account no **0528706999**, which sum **you** reasonably ought to have known forms part of the proceeds of your unlawful activity, contrary to section 18 (a) of the Money Laundering (Prohibition and Prevention)Act, 2011 as amended and punishable under section 15 (2) (d) of the same Act.*

COUNT 2

*That you **IBRAHIM HABIB IBRAHIM AND HUSSAINI AHMED MUHAMMED** on the 24th December, 2021 in Lagos within the Jurisdiction of this Honourable Court, indirectly retained the total sum of **N458,396,967.50 (Four Hundred and Fifty Eight***

*Million, Three Hundred and Ninety Six Thousand Nine Hundred and Sixty Seven Naira Fifty Kobo) in an account nominated by you, **NAHUCHE MERCHANDIZING COMPANY** domiciled with GTB account no **0528706999**, which **sum you** reasonably ought to have known forms part **of** your unlawful **act** to wit: fraud contrary **to** section 15(2)(d) of the Money Laundering (Prohibition and Prevention)Act, 2011as amended and punishable under section **15 (3) of** the same Act.*

COUNT 3

*That you **IBRAHIM HABIB IBRAHIM AND HUSSAINI AHMED MUHAMMED** on the 24th December, 2021 in Lagos within the Jurisdiction of this Honourable Court, under the false pretense that Zenith Bank online receipt dated 31 January, 2024 credited an **account** number **9627863225** domiciled with Providus Bank with the sum **of N66,000,000.00 (Sixty Six Million Naira)**, and you thereby committed an offence contrary **to** section 5 **of** the Advance Fee Fraud and Other Fraud Related Offences Act, 2006 and punishable under section **1(3) of** the same Act.*

COURT:

I have carefully read and digested the evidence of parties in this Suit. I have also considered all arguments canvassed by counsel in support of their contentions. This being a Suit under the Fundamental Right Enforcement Procedure Rules,

2009, I am minded to consider the preliminary objection to determine from the outset whether the Court has the jurisdiction to entertain and determine the Suit.

It is the argument of the 2nd Respondent, as made by Learned Counsel that this Court lacks the requisite territorial jurisdiction to hear and determine this present suit. Counsel placed reliance on the Supreme Court's decision in the case of **MUHAMMED DELE BELGORE V. FEDERAL REPUBLIC OF NIGERIA & ANOR (2021) 3 NWLR (PT. 1764) 503**. That the cause of action arose in Lagos and not Abuja. Therefore this court is not cloth with requisite territorial jurisdiction to entertain this suit. On their part, the Applicant/Respondent counsel argued that the Defendant was arrested and detained in Abuja unlawfully leading to the filing of this suit. Further counsel argued that the matter is *sui generis* coming under the Fundamental Right (Enforcement Procedure) Rules, 2009. And therefore, by the FREP Rules this court is a proper court to sue.

After a careful consideration of evidence before the Court and the arguments canvassed it is my view that It does appear that Learned Counsel for the 2nd Respondent has lost sight of the fact that this Suit is *sui generis* in the sense that it is an application for the enforcement of the Applicant's Fundamental Rights guaranteed under Chapter IV of the Constitution.

For clarity, Section 46 (1) & (2) of the Constitution provides thus:

46(1) Any person who alleges that any of the provisions of this Chapter has been, is being or likely to be contravened in any state in relation to him may apply to a High Court in that state for redress.

(2) Subject to the provisions of the Constitution, a High Court shall have original jurisdiction to hear and determine any application made to it in pursuance of the provisions of this Section and may make such orders, issue such write and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement within that state of any right to which the person who makes the application may be entitled under this Chapter”

From the above provisions, it is quite evident that Section 46(1) refers to **“High Court in that state”** without any restriction. The violation of a citizen’s Fundamental Right is viewed so seriously that the framers of the Constitution sought to ensure that no obstacles are placed in the path of a person seeking to enforce his rights. In other words, the provisions ensure that the Applicant has access to any High Court as long as it is within the state in which the alleged infraction has occurred. Indeed, it would negate the very essence and principle behind the guaranteed of fundamental rights if a citizen were to have any obstacle placed in the part of enforcing those rights. See **FUTMINNA & ORS V. OLUTAYO (2017) LPELR – 43872 (SC)**.

It is equally instructing that, as argued by the Learned Senior Counsel for the Applicant, and also not in dispute, the initial arrest and detention of the Applicant occurred here in Abuja, within the territorial jurisdiction of this court. Without further ado, it is my considered view that the objection is lacking in merit, this Court has the jurisdiction to hear and determining the Suit as Constituted. I so hold. The Preliminary Objection of the 2nd Respondent is hereby dismissed.

Having decided that this Court has jurisdiction to hear and determine the Suit, I shall now consider the merit of the case.

SIGNED:
HON. JUDGE
08/07/2024.

RULING

I have carefully read the affidavit in support of the Originating Motion on the one hand and the counter affidavit filed by the Respondents on the other hand.

The issue “Whether the Applicant has made out a case to entitle him to the reliefs sought” is in my view up for determination.

The Applicant herein alleges the contravention of his Rights by Section 34, 35 and 41 of the 1999 Constitution of the Federal Republic of Nigeria (as Amended) when the Respondent without Justification arrest, detained, seized the Applicant vehicle on the 10/05/2024 in Abuja.

For clarity the 3 Sections are reproduced below:

“S. 34 (1) Every individual is entitled to respect for the dignity of his person, and accordingly (a) no person shall be subject to torture or to inhuman or degrading treatment; (b) no person shall be held in slavery or servitude; and (c) no person shall be required to perform forced or compulsory labour.

“S35 (1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law.

“S41 (1) Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom..”

Counsel relying on the Supreme Court decision in ***EZEIGBO V. ASCO INV. LTD (2022) 8 NWLR (1832) 373*** in submitting that personal liberty shall not be deprived of a person without just cause. It is the contention of the Applicant that Applicant was not told the reason for his arrest and subsequent detention which contravenes the provision of the constitution on his Rights.

On their part, the Respondents maintained that they were merely discharging their responsibilities under S. 7 (1) of the EFCC Act which provides thus:

S. 7 (1) the Commission has power to -

- (a) Cause investigations to be conducted as to whether any person, corporate body or organization has committed an offence under this Act or other law relating to economic and financial crimes.
- (b) Cause investigations to be conducted into the properties of any person if it appears to the Commission that the person's lifestyle and extent of properties are not justified by his income.

It was argued that there is nothing in the Applicants affidavit proving that his Right has been infringed upon. In support of the Application a Bail Application filed by the Applicants counsel before the Federal High Court Lagos was attached as **Exhibits EFCC1**.

Was the arrest of the Applicant lawful?

The Respondents contend that they were acting in the cause of investigating a petition against one Jide Abdulfatai and a syndicate of fraudsters. It is also stated that the Applicant was granted Bail but had failed to meet the Bail conditions and as a result the Respondent obtained a court order for remand.

Where is the petition granting the Investigation and arrest of the Applicant? Also, why does the Respondents requires a remand order when Bail has been granted? I am not unmindful of the fact that, the Applicant has now been charged to Court in Lagos.

The question before the Court is whether the Right of the Applicant has been infringed upon. This Court on the 20/05/2024 granted order for release of the Applicant on Bail and his passport on bond. It is clear to me that the order was not complied with. It is also curious that the Respondents are very deliberate about not stating the dates when did they grant the Applicant the purported Bail? When did they transfer the Applicant to Lagos? All these are left to speculation. I do not believe the assertion of the Respondents on what took place in Abuja.

The evidence of the Applicant is more superior. The Applicant was in custody of the Respondents between the 10/05/2024 and 20/05/2024 when the 1st Order of this Court was obtained. That is beyond the statutory period without charging him to Court.

In all therefore, I find that the Application partly succeeds. This is so because it is clear to me that the Applicant have been charged before the Federal High Court in Lagos as evidence by **Exhibits EFCC1**. I shall not make orders regarding his release.

Accordingly, Judgment is hereby entered for the Applicant and the following Relief's are hereby granted as prayed i.e.

1) A Declaration that arrest and detention of the Applicant, Seizure of the Applicant Nigerian International passport Number B00933180 and the Applicant Vehicle with Registration No. KN 122 DAL, Mercedes Benz on the 10th May, 2024 by the Respondents is unlawful, illegal and unconstitutional under the Nigerian laws and a Violation of the Applicant Fundamental right to dignity of human person, right to personal liberty and Freedom of movement and right to own and acquire property, right to fair hearing enshrined in the Constitution of the Federal Republic of Nigeria and the African charter on human and Peoples right.

In consequences of the violation, I award damages at **₦5Million** against the Respondents.

I make no further order.

SIGNED:
HON. JUDGE
08/07/2024.

Appearance:

C. Umelechi, Esq, with Lombo Sanda, Esq, holding the brief of A. M. Saleh, Esq, for the Applicant

Respondent are not Represented.