

**IN THE HIGH COURT OF CROSS RIVER STATE OF NIGERIA  
IN THE CALABAR JUDICIAL DIVISION  
HOLDEN AT CALABAR  
BEFORE THIS LORDSHIP, HON. JUSTICE ELIAS O. ABUA,  
JUDGE  
THIS TUESDAY 14<sup>TH</sup> DAY OF DECEMBER 2021**

**Suit No. HC/63<sup>C</sup>/2021**

**BETWEEN**

**THE FED. REP. OF NIGERIA...COMPLT/RESP.**

**AND**

**PROF. BASSEY JAMES EJUE ...DEFT/APPLICANT**

## **RULING**

This ruling is based on the summons to admit to bail taken out by the defendant, dated, and filed the 6<sup>th</sup> day of December 2021. The defendant as noted in an earlier ruling delivered on the 13<sup>th</sup> of December 2021, is standing trial on a one count charge of spending funds meant for one service, on another. Till now, the prosecution is yet to enlighten this Court on what 'service' it is talking about in this case. This Court ordered the remand of the defendant who had pleaded guilty to the charge as there was no application for his bail made by the defence counsel and the Court could not rule on the Plea Bargain Agreement endorsed by the parties the same coming before the Court for the first time

that day. This Court needed to peruse the said process vis a vis the charge laid, to come to an informed decision on its content and purport.

On the same 6<sup>th</sup> of December 2021 and after this Court's proceedings for the day had ended, a summons to admit to bail filed some hours after the remand order had been made, was brought to me for my signature and which I did endorse. This summons has an affidavit of 11 paragraphs allegedly deposed to by the Applicant in person, Professor Bassey James Ejue. Now, I find this fact very disturbing and baffling, to say the least. Here is a man ordered remanded in the Custodial Centre, Calabar, and is taken away from the Court Hall ostensibly and presumably to the custodial facility, then a few hours later, he deposes to an affidavit in support of his application for bail! Could it be said that the Court Registry moved to the Custodial Centre for the purpose of his making his affidavit thereat seeing that this application had not been made when the defendant was in Court? Or was it that the defendant was never really taken to the Custodial facility as ordered by this Court?

This sure, appears to be the ninth wonder of the World! And it tells how manipulatable our national institutions processes, the World look up to, from us!. In fact, it was banded a few years ago that a celebrated felon and fraudster, put his wife in the family way while serving time in prison! Certainly, this is possible only in a nation bereft of values, integrity, and sense of shame! No wonder corruption thrives so much and can't be put down no matter how many anti-corruption agencies that are set up to do just that. Not only is this affidavit deposed most absurd, but also unthinkable and unimaginable, to a sane mind!

If I am to speak further on this affidavit placed before me in support of the summons to admit to bail, it might be to say that the prosecution in this case knows exactly, what's happening here. I pray it is not what I think! This affidavit shows how easily the system could be manipulated - that a man sent to prison would from there depose to an affidavit in a judicial proceeding

without the Court Registrar going to the Custodial Facility to take the affidavit? There is no paragraph of the affidavit that shows that the Registrar did attend to the deponent in the Custodial Centre! This is really a feat only celestial bodies can accomplish!

I will in the circumstance order this affidavit struck out and expunged as the same is not sworn properly before this Court. It is a piece of inadmissible evidence deserving of no probative value or ascription with the consequential effect that there is no proper summons for bail placed before this Court, this being invalid as having no affidavit filed in support thereof.

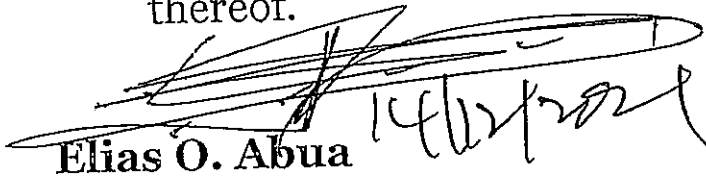
Be that as it may, I have noted that the offence charged here, is one that entitles the defendant to bail facility as it is a misdemeanour, carrying only one year sentence as punishment and why even in the face of the evidence available to the prosecution based on the findings of the Governing Council Panel which sat, invited both written and oral representations from the defendant and others, and its recommendations, leaves much to be desired. That the others with similar recommendations from the Panel as the defendant have not been charged for the crimes they allegedly committed in the same transaction as the defendant, is worthy of note. Methinks this case is to test the waters!

I would therefore be in order making an order granting bail to the defendant but not based on the application filed on his behalf but on the ground that the offence is one that isailable. I would therefore grant him bail and I order as follows:

**Orders:**

1. Bail hereby granted the defendant in the sum of NGN10, 000. 000. 00 (Ten Million Naira) only with one surety in like sum.
2. Surety shall swear to an affidavit of means and deposit his certificate of occupancy over landed property situated within Calabar, with this Court.

3. The defendant shall not travel outside of this State during the pendency of these proceedings until determination thereof.



**Elias O. Abua**

**Hon. Judge**

**14<sup>th</sup> December 2021**

Parties: Defendant in Court

**J. O. Abolarin** for the Prosecution

**Joseph Oloko** with **Ogar Ojugbo** for the Defendant.