2026:AHC:98292-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 382 of 2026

Sanjay Yadav

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajay Srivastava, Sumit Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 44

HON'BLE SIDDHARTH, J.
HON'BLE VINAI KUMAR DWIVEDI, J.

1. Heard Sri Ajay Srivastava, learned counsel for the petitioner; learned AGA for State-respondents and perused the material on record.

2. The present habeas corpus writ petition has been filed by learned counsel for the petitioners seeking the following reliefs:-

i. Issue a writ order or direction in the nature of certiorari to quash the remand order dated 9.9.2025 and 30.9.2025 and set the petitioner at liberty.

ii. Issue a writ, order or direction in the nature of mandamus directing respondents to release the petitioner forthwith in crime no. 134 of 2025, under sections 191(2),191(3), 190, 109(1), 110, 115(2), 118 (1), 352, 351(3),117(2), 118(2),61(2) B.N.S. and section 3(1)D, 3(1) Dha and section 3(2), 5A of SC/ST Act P.S. Bahariyabad District Ghazipur.

iii. Issue any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances existing in the present case.

iv. Award the cost of the petition in favour of the petitioners.

3.Shri Abhimanyu Singh,. Special Judge, (E.C. Act), Ghazipur sent comment dated 23.4.2026, which shows that he has not understood the law laid down by the Apex Court mentioned by this court in the order dated 17.4.2026.Therefore District Judge, is directed to look into the comments sent by Shri Abhimanyu Singh to us and our order dated 17.4.2026. If his understanding of law continues like this he shall be directed to be sent for training to J.T.R.I., Lucknow, in future.

4. Learned counsel for the petitioner has submitted that memo of arrest has been made on old proforma wherein no grounds of arrest have been mentioned. The remand orders passed by the Remand Magistrate, Ghazipur dated 9.9.2025 and 30.9.2025 do not show any consideration of the arrest memo.Therefore Remand Orders are violative of constitutional mandate of Article 22(1) of the Constitution of India and also the judgement passed by this court in the case of **Umang Rastogi and Another Vs. State of U.P. and three others, passed in Habeas Corpus Writ Petition No.35 of 2026**.

5. Learned AGA for State-respondents has opposed the

submissions made by learned counsel for the petitioners, but could not dispute the aforesaid facts.

6.We are of the view that arrest of the petitioner is against the requirements of law. The arrest of petitioner is against the guidelines issued by the Hon 'ble Supreme Court in the case of in the case of Mihir Rajesh Shah Vs.State of Maharashtra and another (2025) SCC Online SC 2531; Gautam Navlakha vs. National Investigation Agency, (2022) 13 Supreme Court Cases 542; Anwar Dhebar vs. State of U.P. and 2 others, Criminal Misc. Writ Petition No. 12507 of others,2024 and judgment of the Bombay High Court in the case of Ajit Khan More vs. State of Maharashtra,through Inspector of Police of Wadgaon Nimbalkar Police Station, 2025 SCC Online Bom 2899.The first remand order dated 9.9.2025 is on printed proforma , which cannot be upheld.

7. The aforesaid remand orders dated 9.9.2025 and 30.9 2025 are hereby quashed.

8. The above noted habeas corpus writ petition is allowed.

9. Petitioner is directed to be released from custody forthwith without waiting for supply of the certified copy of this order by the C.J.M. Ghazipur .

10. Office is directed to issue certified copy of this order to the petitioner on payment of usual charges tomorrow.

11. The Remand Magistrate is directed be cautious in future while passing remand orders.

12. The Registrar (Compliance) of this Court is directed to communicate this order to the District Judge, Ghazipur, and Senior Superintendent of police, Ghazipur for appropriate action against the investigating officer of this case within three days.

13. It is open for the respondents to proceed against the petitioners afresh in accordance with law.

(Vinai Kumar Dwivedi,J.) (Siddharth,J.)

April 30, 2026
Atul K. Sri.

Digitally signed by :-
ATUL KUMAR SRIVASTAVA
High Court of Judicature at Allahabad