



2026:AHC:27864-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 95 of 2026

Anoop Kumar And Another

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Raghav Dev Garg
Counsel for Respondent(s)	:	G.A.

Court No. - 46

HON'BLE SIDDHARTH, J.

HON'BLE JAI KRISHNA UPADHYAY, J.

1. Compliance affidavit filed by learned A.G.A is taken on record.
2. Heard Sri Raghav Dev Garg, learned counsel for the for the petitioners and Sri Prem Shankar Prasad, learned A.G.A appearing on behalf of State and perused the record.
3. This writ petition has been filed praying for following reliefs :-

*"A. Issue a writ order or direction in the nature of Habeas Corpus directing the respondents herein to produce and release the corpus / petitioner no. 1 from their illegal custody, while declaring the arrest, detention and remand of the petitioner as illegal, null and void for not following the directions of the Hon'ble Supreme Court in **Mihir Rajesh vs. State of Maharashtra and Another, 2025 SCC Online SC 2356**;*

B. Issue a writ, order or direction in the nature of certiorari quashing the remand order dated 20.01.2026 passed by learned Chief Judicial Magistrate, Mainpuri.

C. Issue a writ, order or direction in the nature of mandamus to initiate departmental enquiry upon the actions of errant police officials of respondent no. 1.

D. Issue any other writ, order or direction, which this Hon'ble Court deems fit and proper in the facts and circumstances of the present case.

E. To award the cost of petition."

4. Learned counsel for the petitioners has submitted that the petitioners were

arrested without providing the grounds of arrest to them and therefore the arrest of the petitioners is illegal. He has further pointed out to the arrest memo of petitioner no. 1 and grounds of arrest brought on record along with affidavit of compliance by learned A.G.A and has submitted that clearly the arrest memo and the grounds of arrest are not in accordance with law as considered by this court in the judgment passed in ***Habeas Corpus Writ Petition No. 35 of 2026, Umang Rastogi vs. State of U.P and 3 others dated 22.01.2026***. On 03.02.2026 the Director General of Police, in compliance of the judgment and order of this court aforesaid has also issued a circular which is applicable to all police officers effecting arrests all over the State.

5. Learned A.G.A has submitted that the information about the circular dated 25.07.2025 of the Director General of Police, clearly providing for the new memorandum of arrest was not in the knowledge of respondent no. 3 hence he has committed mistake.

6. The argument advanced by learned A.G.A., it is not justified. Ignorance of law cannot be a valid excuse for violating the same.

7. In view of the aforesaid facts and circumstances, the arrest of the petitioners is held to be illegal and in violation of the circular dated 25.07.2025 issued by the Director General of Police, as well as the law laid down by the Apex Court in ***Mihir Rajesh v. State of Maharashtra and Another, 2025 SCC OnLine SC 2356*** and this court in the judgment of ***Umang Rastogi (Supra)***.

8. Accordingly, the remand order dated 20.01.2026 passed by learned Chief Judicial Magistrate, Mainpuri, is hereby set aside.

9. Respondents are directed to release the petitioners from custody forthwith.

10. The writ petition is allowed.

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

12. The office is directed to issue a certified copy of this order today to the counsel for the petitioners after payment of usual charges.

February 9, 2026

Rohit

(Jai Krishna Upadhyay,J.) (Siddharth,J.)