HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 27868 of 2026

Mohd Azam Khan

.....Petitioner(s)

Versus

Directorate Of Enforcement And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : In Person, Mohammad Khalid
Counsel for Respondent(s) :

Court No. - 46

HON'BLE RAJIV GUPTA, J.

HON'BLE DEVENDRA SINGH-I, J.

1. Heard Sri Kapil Sibal, Senior Advocate (through Video Conferencing), Sri Imran Ullah, Senior Advocate assisted by Sri Mohammad Khalid, learned counsels for the petitioner, Sri S.V. Raju, Senior Advocate, Addl. Solicitor General, Sri Zoheb Hossain, Senior Advocate (through Video Conferencing) assisted by Sri Sushant Chandra, learned counsels for respondent Nos. 1 and 2.

2. The instant writ petition has been filed by the petitioner for the following reliefs:-

Main Prayer :-

(a) Issue an appropriate writ, order or direction, declaring the arrest of the Petitioner by Respondent Nos. 1 and 2 on 31.10.2026 outside the District Jail, Rampur to be illegal and in violation of Articles 21 and 22 of the Constitution of India and Section 19 of the Prevention of Money Laundering Act, 2002, set aside the consequential order dated 01.11.2026 passed by the Ld. Special Judge, Anti-Corruption, CBI, Ghaziabad in ECIR/07/LKZO/2019 remanding the Petitioner to judicial custody, and direct that the Petitioner be released forthwith; on such terms, as this Hon'ble court may deem fit, pending the disposal of the writ petition.

(b) Issue a writ, order or direction that the Petitioner shall not be arrested or taken into custody in FIR No. 0224 of 2026, PS Azeem Nagar, Rampur, FIR No. 0018 of 2026,

PS U.P. Vigilance Establishment, Lucknow Sector, ECIR/07/LKZO/2019, or in any other FIR, ECIR or complaint arising out of facts relating to any period prior to the date of filing of this petition, without the prior leave of this Hon'ble Court;

(c) Pass any other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

Prayer For Interim Relief:-

It is therefore respectfully prayed that this Hon'ble Court may be pleased to:

(a) Direct the interim release of the Petitioner from custody forthwith, on such terms as this Hon'ble Court may deem fit, pending the disposal of the present Writ Petition;

(b) Direct that during the pendency of the present Writ Petition the Petitioner shall not be arrested or taken into custody in FIR No. 0224 of 2026, PS Azeem Nagar, Rampur, FIR No. 0018 of 2026, PS U.P. Vigilance Establishment, Lucknow Sector, ECIR/07/LKZO/2019 or in any other FIR, ECIR or complaint arising out of facts related to any period prior to the date of filing of this petition, without the prior leave of this Hon'ble Court;

(c) Pass any other order as this Hon'ble Court may deem fit in the facts and circumstances of the case.

3. During the course of arguments, learned counsel for the petitioner Sri Kapil Sibal, Senior Advocate, has submitted that an amendment application has been filed by the petitioner with the prayer to to make certain amendments in the prayer clause of the writ petitioner, however, he is not pressing the said amendment application today and he may be heard only on the question "issuing an appropriate" *writ, order or direction, declaring the arrest of the Petitioner by Respondent Nos. 1 and 2 on 31.10.2026 outside the District Jail, Rampur to be illegal and in violation of Articles 21 and 22 of the Constitution of India and Section 19 of the Prevention of Money Laundering Act, 2002, set aside the consequential order dated 01.11.2026 passed by the Ld. Special Judge, Anti-Corruption, CBI, Ghaziabad in ECIR/07/LKZO/2019 remanding the Petitioner to judicial custody, and direct that the Petitioner be released forthwith; on such terms, as this Hon'ble court may deem fit, pending the*

disposal of the writ petition".

4. Learned counsel for the petitioner has further submitted that the instant writ petition was earlier preferred before the Hon'ble Apex Court being Writ Petition (Criminal) No. 461 of 2026 (Mohd. Azam Khan Vs. Directorate of Enforcement and Another).

5. Upon hearing the counsel, the Court made the following order on 05.11.2026 :-

> *1. We have heard Mr. Kapil Sibal, learned Senior Counsel for the petitioner and Mr. S. V. Raju, learned Additional Solicitor General of India for the Directorate of Enforcement (ED).*
>
> *2. It seems to us that the appropriate recourse for the petitioner would be to firstly approach the jurisdictional High Court, i.e. the Allahabad High Court.*
>
> *3. In order to expedite the hearing before the Allahabad High Court, we direct the Registry of this Court to transfer the complete original record of this Writ Petition to the Registrar General of the Allahabad High Court. The record shall be transferred within two days from the date of this order.*
>
> *4. The Registrar General of the Allahabad High Court is directed to put up the matter before Hon'ble the Chief Justice of the Allahabad High Court, even during the course of vacations, if any, and obtain appropriate orders for listing the case before a Division Bench of the High Court on 16.11.2026.*
>
> *5. The learned Division Bench of the High Court is requested to pass appropriate orders on the petitioner's prayer for interim relief on the date fixed above.*
>
> *6. The petitioner shall be at liberty to amend the prayers in his Writ Petition, apart from filing additional documents before the High Court, if so advised.*
>
> *7. It is made clear that we have not expressed any opinion on the merits, and the petitioner is at liberty to raise all his contentions before the learned Division Bench of the Allahabad High Court.*
>
> *8. The Writ Petition stands disposed of with pending application(s), if any.*

6. Pursuant to the said order dated 05.11.2026 passed by the Hon'ble Apex Court, the instant writ petition was placed before us on 16.11.2026 and further on 17.11.2026 and arguments have been heard at length.

7. Learned counsel for the petitioner has submitted that the petitioner is wholly innocent and has been falsely implicated in the present case, just out of the political vendetta.

8. It is further submitted that on 08.09.2026, the U.P. Vigilance Establishment registered an FIR No. 0018 of 2026 against the petitioner, on an enquiry ordered in May, 2024, concerning the sale of a plot of the U.P. State Haj Committee, Aishbagh, Lucknow, of which the petitioner was then the Chairman.

9. On 10.10.2026, Respondent No.1 wrote to the Director General of Police, Uttar Pradesh, under Section 66(2) of Prevention of Money Laundering Act, 2002 for registration of a fresh FIR, alleging diversion of public fund to Jauhar University between the year 2013-14 and 2016-17.

10. Consequent thereto, on 14.10.2026, another FIR No. 0224 of 2026 was registered at Police Station Azeem Nagar, Rampur, under Section 61, 316(5), 318(4) of BNS, 2023 and Sections 7, 13(1)(d), 13(2) of Prevention of Corruption Act, 1988, and on the same day, Respondent No.1 recorded the statement of the petitioner under Section 50 of the Prevention of Money Laundering Act, 2002, inside the District Jail, Rampur.

11. On 19.10.2026, respondent no.1 recorded addendum to ECIR/07/LKZO/2019, bringing 29 more FIRs within ECIR including FIR No. 0224 of 2026 and other cases, in which, the petitioner had already been granted relief by various courts, including Case Crime No. 980 of 2019 (the PAN Card case, in which, his application for suspension of sentence was pending before this Court) and Case Crime No. 04 of 2019 (the Birth Certificate case, in which, his conviction was stayed by this Court).

12. On 28.10.2026, Respondent No.1 issued Provisional Attachment Order No. 13 of 2026, attaching the land and buildings of the University.

13. This Court in Case Crime No. 980/2019 (the PAN Card Case)

suspended the petitioner's sentence and granted him bail on 29.10.2026. Pursuant to the said order dated 29.10.2026, the petitioner was physically released from jail after furnishing bail bonds and sureties on 31.10.2026. As soon as, the petitioner was physically released from jail, he was again arrested by the Respondent No.1 at the Jail Gate on 31.10.2026 at 7:10 PM.

14. Learned counsel for the petitioner has further submitted that at the time of his arrest, the grounds of arrest were not furnished to the petitioner in writing or at anytime before, he was produced for remand and it is stated by Respondent No.1 that the petitioner was served verbally and the written grounds of arrest was actually handed over to the petitioner in the court room, during hearing on his remand application.

15. Learned counsel for the petitioner has next submitted that the arrest of the petitioner, in the instant case, is in complete violation of his fundamental right guaranteed under Article 22(1) of the Constitution of India and Section 19(1) of Prevention of Money Laundering Act, 2002.

16. To buttress his arguments, learned counsel for the petitioner has relied upon the decision of the Hon'ble Apex Court in the cases of ***Pankaj Bansal Vs. Union of India, (2024) 7 SCC 576, Prabir Purkayastha Vs. State (NCT of Delhi), (2024) 8 SCC 254 and Mihir Rajesh Shah Vs. State of Maharashtra, (2026) 1 SCC 500 and Arvind Kejriwal Vs. Directorate of Enforcement, (2025) 2 SCC 248*** and has submitted that such non-compliance vitiates the arrest of the petitioner and any subsequent remand order and as such, the petitioner be released on interim bail.

17. Learned counsel for the petitioner has further submitted that in order to seek the remand in the aforesaid case registered vide ECIR No. 07/LKZO/2019, dated 01.08.2019, an application was filed after 7 years i.e. on 01.11.2026. The petitioner refuted the allegations made in the said remand order by filing written objections, wherein it has been categorically stated that neither at the time of his apprehension nor thereafter, was the accused furnished with any ground of arrest. No specific reasons or grounds explaining his alleged involvement in the offence of money laundering were communicated to him. The accused was merely taken away without being informed and particulars of allegations made against him.

18. Learned counsel for the petitioner has next submitted that petitioner was even taken on remand by the Enforcement Directorate for custodial interrogation, which has also been completed and presently the petitioner is in judicial custody.

19. Learned counsel for the petitioner has further submitted that infact the grounds of arrest were not in existence prior to the preparation of the remand application on 1.11.2006, which is quite evident from the circumstances that the grounds of arrest do not bear place/date/time of its preparation, rather the same is left blank, which is reiterated from the circumstance that, had they been available at the relevant time, they would have certainly been annexed with the e-mail dated 31.10.2026 at 9.19 p.m. as an attachment.

20. It is further pointed out that the grounds of arrest were not attached to the WhatsApp dated 31.10.2026 sent to his sister alongwith the message dated 31.10.2026 at 9.10 p.m. It is next submitted that as per the own admission of the Enforcement Directorate, they had video-graphed the arrest of the petitioner on 31.10.2026 but no video/photo has been produced, in which, the officer is shown, asking him to receive the grounds of arrest, which is alleged to be declined by the petitioner. It is for the first time during the hearing of the instant writ petition before this Court, a video has been introduced alleging the compliance of Article 22(1) of the Constitution of India. Surprisingly no such averments with regard to the said compliance was made by them in their remand application dated 1.11.2026 pointing out the existence of the said video.

21. It is next submitted that there is no material on record to show that the Enforcement Directorate ever attempted to serve the arrest memo, grounds of arrest upon the petitioner and the petitioner refused to receive the same.

22. It is further submitted that having regard to the backdrop of the circumstances, in which, the instant proceeding has been re- initiated after lapse of seven years clearly establishes the fact the petitioner is not being prosecuted rather is being persecuted. An unending attempt is being made to detain him in jail for indefinite period by lodging repeated fresh FIR's against him just with an intention to settle personal scores and political vendetta.

23. Learned counsel for the petitioner has next submitted that even

from the perusal of the remand order granted by the trial court vide order dated 01.11.2026, no satisfaction whatsoever has been recorded to show that the petitioner was ever served with the arrest memo, the grounds of arrest and the reasons to believe to make effect his arrest and in the absence of which, it is clear that while effecting arrest of the petitioner, the mandatory provisions guaranteed under Article 22(1) of the Constitution of India as well as Section 19 of Prevention of Money Laundering Act, 2002, has not been followed, which completely vitiates the arrest of the petitioner and makes him entitled to be released on interim bail, during the pendency of the instant writ petition.

24. Per contra, learned counsel for the respondent nos.1 and 2 has vehemently opposed the aforesaid prayer and has submitted that at the time of effecting the arrest of the petitioner, the arrest memo alongwith grounds of arrest and reasons to believe the involvement of the petitioner, in the instant case, was tried to be served upon the petitioner outside the District Jail, Rampur, where his arrest was effected, however, the petitioner flatly refused to receive the grounds of the arrest and reasons to believe and as such, the said documents could not be served upon the petitioner and on the next day, while seeking his remand before the trial court, the said documents were received by the petitioner, under protest.

25. Learned counsel for the respondent Nos. 1 and 2 has further submitted that when the petitioner had refused to receive the grounds of arrest then a running panchanama was prepared, which has been filed as Annexure-D to the short counter affidavit filed today in Court.

26. Learned counsel for the respondent Nos. 1 and 2 has further submitted that in the backdrop of the aforesaid circumstances, it is evident that they had strictly adhered to the safeguard guaranteed to the petitioner under Article 22(1) of the Constitution of India as well as section 19 of the Prevention of Money Laundering Act and therefore, the petitioner is not entitled to any relief by this Court.

27. In view of the aforesaid rival submissions, we are of the considered opinion that the matter requires consideration.

28. Learned counsel for the respondent Nos. 1 and 2 has filed a short counter affidavit today in Court, which is taken on record.

29. Learned counsel for the respondent Nos. 1 and 2 further prays for and is granted a week's time to file a detailed counter affidavit.

30. Learned counsel for the petitioner prays for and is granted ten days time to file rejoinder affidavit to the short counter affidavit filed today in Court.

31. Learned counsel for the petitioner has also filed a supplementary affidavit, today in Court, which is taken on record.

32. Having considered the rival submissions made by the parties and taking into consideration the submissions made by the counsel for the petitioner that the petitioner was taken into custody in the instant case moments after he was physically released from the jail in another case (PAN Card Case) after furnishing bail bonds and sureties on 31.2.2026 at 7:10 p.m. at the jail gate itself, which clearly underlines the motivated and malafide nature of the present proceedings.

33. Further from the documents annexed with the writ petition it appears that the arrest memo, the grounds of arrest and reasons to believe the involvement of the petitioner in the instant case were not furnished to the petitioner in writing before or at any time before he was produced for remand and it is stated that the petitioner was served verbally about the said factum as he had refused to receive the aforesaid documents.

34. It is further evident from the records that the grounds of arrest do not bear the place/date/time of its preparation and the same has been left blank. It is also evident that the grounds of arrest were not attached to the WhatsApp dated 31.10.2026 sent to the sister of the petitioner along with the message dated 31.10.2026 at 9:10 p.m. It is though admitted by the Enforcement Directorate that they had videographed the arrest of the petitioner on 31.10.2026 but no video/ photo has been produced, in which, officer is shown, asking him to receive the grounds of arrest by the petitioner and he has declined.

35. Furthermore, when we go through the remand application filed by Enforcement Directorate dated 1.11.2026, we do not find any such averment of video-graphing the arrest of the petitioner on 31.10.2026 having been made in the application seeking remand of the petitioner and thus we are prima facie satisfied that in the instant case while effecting the arrest of the petitioner, the mandatory procedure

guaranteed to the petitioner under Article 22(1) of the constitution of India and section 19 of the PMLA Act has not been strictly followed by the Enforcement Directorate. The contrary submission made by the counsel for respondents during pendency of the instant writ petition requires further consideration, however, in the backdrop of the aforesaid circumstances, we are of the opinion that the petitioner is entitled to be released on interim bail on furnishing a personal bonds and two sureties of the like amount to the satisfaction of Chief Judicial Magistrate, Ghaziabad till the next date of listing.

36. List this case on 10.12.2026 and in the meantime, affidavits be exchanged between the parties.

November 17, 2026
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(Devendra Singh-I,J.) (Rajiv Gupta,J.)

Digitally signed by :-
KALIM UDDIN SIDDIQUI
High Court of Judicature at Allahabad