GAHC010084332026

2026:GAU-AS:13907

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2308/2026

ISMAIL HUSSAIN
S/O ABDUL RAHIM, VILL- BESIMARI, P.S.- JOGIGHOPA, DISTRICT- BONGAIGAON, ASSAM

VERSUS

THE BANDHAN BANK AND 2 ORS
REPRESENTED BY ITS CHAIRMAN, HAVING ITS HEAD OFFICE AT FLOORS 12-14, ADVENTZ INFINITY ALIAS 5, BN5, SECTOR V, SALT LANE, KOLKATA- 700091, WEST BENGAL

2:THE REGIONAL MANAGER OF BANDHAN BANK
FIRST FLOOR
BIBEKANANDA COMPLEX
G.S. ROAD
GUWAHATI- 781005

3:THE BRANCH MANAGER
BANDHAN BANK
CHALANTAPARA BRANCH
P.O. AND P.S.- JOGIGHOPA
DISTRICT- BONGAIGAON
ASSAM
PIN- 78338

Advocate for the Petitioner : MR. M ALI, H R KHAN,MR. J UDDIN

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT

Date : 18.09.2026

Heard Mr. M. Ali, learned counsel for the petitioner and Mr. M. Sharma, learned counsel for all the respondents.

2. The petitioner has stated that he is a businessman running a footwear shop at Chalantapar, Bongaigaon. To run his day-to-day affairs and the business transactions, the petitioner has been maintaining a Current Bank Account no. 10190000521713 at Chalantapara Branch of the respondent Bandhan Bank [the respondent no. 3]. The Current Bank Account has been blocked entirely since December, 2020 without any prior notice or information to the petitioner. It is submitted that when the petitioner made an enquiry with the respondent Bandhan Bank authorities, he was informed that there was a suspicious transaction/credit in the Bank Account of the petitioner amounting to Rs. 1,700/- and the said transaction occurred on 18.08.2020. The petitioner has stated that at the time when the suspicious transaction/credit occurred, there was more than Rs. 20,000/- deposit in the Bank Account of the petitioner. As no further information has been provided to him regarding resolution despite repeated approaches, the petitioner is before this Court by the instant writ petition contending that if there is any suspicious transaction/credit amounting to Rs. 1,700/- then the action taken by the respondent Bank authorities to keep the entire Bank Account block/debit freeze is an action which is arbitrary. It is contended that instead of keeping the entire Bank Account blocked/debit freezed, the respondent Bank authorities should have allowed the petitioner to operate the Bank Account keeping a lien on such alleged suspicious transaction/credit of Rs. 1,700/-.

3. Mr. Sharma, learned counsel appearing for the respondent Bandhan Bank authorities has submitted that the Current Bank Account of the petitioner has been kept blocked/debit freezed due to receipt of a cyber complaint through the Cyber Crime Incident Response Unit, Ahmadabad, whereby, the matter of alleged suspicious transaction/credit amounting to Rs. 1,700/- was informed and it was due to the information regarding the cyber crime complaint,

the Current Bank Account of the petitioner has been kept blocked/debit freezed. He has submitted that it is not an action which has been taken by the respondent Bank authorities independently.

4. Having considered the submissions of the learned counsel for the parties, this Court is of the considered view that the action of the respondent Bank authorities in keeping the Current Bank Account of the petitioner blocked/in debit-freeze condition is not sustainable to the extent that it exceeds the scope of direction received from the investigating authority. A power exercisable by the respondent Bank is not an independent power. The Bank apart from implementing the directions made by the investigating authorities, also acts as the custodian of Bank Accounts of the customers/account holders. Though it is submitted by the learned counsel for the respondent Bank that in view of the suspicious transaction/credit, there is possibility of receiving more complaints as regards suspicious transactions/credits at a later point of time, such submission advanced on behalf of the respondent Bank, in the considered view of this Court, is not acceptable at this stage. The apprehension expressed on behalf of the respondent Bank regarding possibility of receiving complaints in future cannot be a basis for keeping the entire amount in the concerned Bank Account of the petitioner on hold over and above Rs. 1,700/-.

5. The Hon'ble Supreme Court in the case titled **State of Maharashtra vs. Tapas D. Neogy, [1999] 7 SCC 685**, took a view that the Bank Account of an accused or any of his relations is 'property' within the meaning of Section 102, Code of Criminal Procedure, 1973 ['the CrPC', for short] and a police officer can seize or prohibit the operation of the said account if such assets have direct links with the commission of the offence which the police officer is investigating into.

6. In **M.T. Enrica Lexie and another vs. Doramma and others, [2012] 6 SCC 760**, the Supreme Court has observed as under :-

> 14. The police officer in course of investigation can seize any property under Section 102 if such property is alleged to be stolen or is suspected to be stolen

> or is the object of the crime under investigation or has direct link with the commission of offence for which the police officer is investigating into. A property not suspected of commission of the offence which is being investigated into by the police officer cannot be seized. Under Section 102 of the Code, the police officer can seize such property which is covered by Section 102[1] and ***no other***.

7. The provisions contained in Section 106, Bharatiya Nagarik Suraksha Sanhita, 2023 are similar to the provision contained in Section 102, CrPC.

8. An order of freezing of a Bank Account of a person, thereby, restricting him from doing any transactions brings in serious and adverse consequences and impacts on the person's right to earn livelihood and/or to carry out business transactions. An order of freezing on the entire amount kept in deposit in a Bank Account when suspicion exists with regard to a part of the total deposit in such Bank Account due to any criminal investigation/complaint of suspicious transactions/credits, directly affects the person's right to earn livelihood, which comes within the right to life guaranteed under the Constitution. When the investigating agency has suspicion about a specific transaction or amount credited to a Bank Account, it is not reasonable to freeze the Bank Account totally. The freezing of the entire Bank Account in such a situation, when the Account holder's involvement as a culprit in a crime has not been prima facie established at the particular moment, is not justified. The object of the investigating authority, during the stage of investigation, is to seize the amount suspected to be involved in a crime.

9. It is not the projection of the respondent Bank authorities that the petitioner has been arraigned as an accused in any criminal case, which is an assertion made by the petitioner. This Court is of the considered view that whenever a direction is received from the investigating authority specifying a particular amount, the Bank is required to place a lien to the extent specified by the investigating authority and is to permit the account holder to operate the concerned Bank Account in so far as the remaining balance in the Bank Account is concerned, unless the direction itself is for complete freezing of the Bank Account or there

is a statutory mandate.

10. Having considered the entire aspects of the matter, this writ petition is allowed to the extent that the debit freeze/block instruction made by the investigating authority for the amount of Rs. 1,700/- is to be executed by the respondent Bank authorities, by keeping a lien over the said amount of Rs. 1,700/-, at this stage. In other words, the respondent Bank authority shall restrict the freezing order operative over the petitioner's Current Bank Account no. 10190000521713 only to the extent of Rs. 1,700/- and the petitioner is to be allowed to operate the Bank Account in respect of the balance amount lying credited thereof, subject to submission of the KYC form, and any other or further instructions made by any competent authority in accordance with law. No cost.

Ananta Konwar
2026.09.18 19:06:43
+05'30'

JUDGE

Comparing Assistant