GAHC010120482026

2026:GAU-AS:11406

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

Case No. : WP(C)/3196/2026

JABBAR ALI SHEIKH
S/O- CHAN MIYA SHEIKH.
VILLAGE- DAKSHIN MAKRA, P.O.- SHILBARI ABADIPARA, P.S.- BIJNI,
DISTRICT- CHIRANG (BTR) ASSAM, PIN- 783313 .

VERSUS

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

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

3:THE BRANCH MANAGER
BANDHAN BANK
KAWATIKA BRANCH
P.O. P.S. BIJNI
DISTRICT- CHIRANG (BTR)
ASSAM
PIN -78339

Advocate for the Petitioner : MR. M ALI, J. UDDDIN

Advocate for the Respondent : MR M SARMA,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 12.08.2026

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

2. In this writ petition under Article 226 of the Constitution of India, the petitioner has assailed an action on the part of the respondent Bandhan Bank authorities in keeping the petitioner's Savings Bank Account no. 50170008626418 on hold/blocked.

3. The petitioner has stated that he carries out business in the name of his proprietorship concern, M/s Jasmine Enterprise from its principal place of business at Dakhin Makra No. 3, Chirang.

4. It is the case of the petitioner for carrying out day-to-day business transactions, the petitioner has been maintaining the Savings Bank Account at Kawatika Branch, Police Station – Bijni, District – Chirang [BTR], Assam [the respondent no. 3] of the respondent Bandhan Bank. According to the petitioner, the balance in the Savings Bank Account, as on date, is more than Rs. 3,00,000/-. It is stated that the petitioner has been stopped from operating the Savings Bank Account since January, 2026 on the pretext that there were number of suspicious transactions / credits in the Bank Account of the petitioner. The petitioner has been informed that due to receipt of complaints regarding such suspicious transactions / credits from investigating agencies, the Savings Bank Account of the petitioner has been kept on hold.

5. Mr. Sharma, learned counsel appearing for the Bank authorities has submitted that he has received instructions to the effect that the debit freeze instructions were received from three investigating agencies, namely, [i] Madhya Pradesh Cyber Crime; [ii] Kolkata Police, West Bengal; and [iii] DIG Cyber Crime, Agra; to the extent of Rs. 8,419.45 and Rs. 50,000.00, that is, Rs. 58,419.45 in total. He has submitted that as on date, though three

complaints regarding suspicious transactions / credits amounting to Rs. 58,419.45 are received and since there are already two suspicious transactions / credits in the Savings Bank Account of the petitioner, there is possibility of receiving further complaints of suspicious transactions / credits in the Savings Bank Account of the petitioner. Mr. Sharma has further submitted that the Savings Bank Account of the petitioner can be put on hold also when the customer does not submit Know Your Customer [KYC] form in time and in the case in hand, the petitioner till date, has also not submitted KYC form.

6. 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 Savings Bank Account of the petitioner in debit-freeze condition is not sustainable to the extent that it exceeds the scope of direction received from the Investigating Agencies. 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 suspicious transactions / credits, 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. 58,419.45.

7. 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 the accused or any of his relations is 'property' within the meaning of Section 102, Code of Criminal Procedure, 1973 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.

8. 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***.

9. 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.

10. It is not the projection of the Bank authorities that the petitioner has been arraigned as an accused in any criminal case. 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.

11. Having considered the entire aspects of the matter, this writ petition is allowed to the extent that the debit freeze / withhold instruction made by the investigating authority for the amount of Rs. 58,419.45 is to be executed by the respondent Bank authorities by keeping a lien over the said amount of Rs. 58,419.45 at this stage. In other words, the respondent Bank authority shall restrict the freezing order operative over the petitioner's Bank Account only to the extent of Rs. 58,419.45 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.

12. The writ petition is allowed to the extent indicated above. No cost.

JUDGE

Comparing Assistant