

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1439 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

Syed Taha Hasan Son Of Syed Moin Akhtar R/O-Bagh Kalu Khan, Patna
City, P.S.-Khajekala, Distt.-Patna

... .. Petitioner/s

Versus

1. The Union Of India Through Enforcement Directorate, Patna Regional Office Chandpura Palace, In Front Of Dadimaa Temple, Bank Road, Gandhi Maidan, Patna-1
2. The Branch Manager, Punjab National Bank Chowk, Patna City

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harish Kumar, Adv.
For the U.O.I. (E.D.)	:	Mr. Ram Anurag Singh, C.G.C.
For the Bank	:	Mr. Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 09-01-2025 The instant writ petition has been filed by the
petitioner for the following reliefs:-

“1. (i) That this writ petition is for issuance of order(s)/direction(s)/writ(s) in the nature of mandamus directing and commanding the concerned respondents to unfreeze the petitioner’s Bank Account No. 0381000101938570 of Punjab National Bank, Chowk Patna City, enabling him to operate the same as usual which has been frozen without any valid reason.

(ii) For any other relief which the petitioner may be found entitled to in the facts and circumstances of this case.”

2. It is not in dispute that the petitioner has a saving
account in Punjab National Bank, Chowk, Patna City Branch,



bearing S.B. Account No. 0381000101938570. That on 24th February, 2019, there was an outstanding balance of Rs. 6,50,000/- (Six lakh fifty thousand only) in the said account. It is stated by the petitioner that after 24th February, 2019, her marriage was solemnized with one Juli Chourasiya. The said Juli Chourasiya had a flat and she sold out the said flat at a consideration price of Rs. 67,00,000/- (Sixty Seven lakh only). Out of the said consideration price, a sum of Rs. 53,07,032/- (Fifty three lakh seven thousand thirty two) was transferred to the account of the petitioner. Since a big transaction was made in the account of the petitioner, the respondent Bank had frozen the account of the petitioner on suspicion that the said money was obtained by way of profit of a scheduled crime. The petitioner requested the Bank Authority with all documents to de-freeze the said account, but the Bank Authority denied to de-freeze the said account. Hence, the instant writ petition.

3. At the time of hearing, which was initially taken on 8th January, 2025, learned Advocate on behalf of the Enforcement Directorate and the learned counsel for the Bank were present.

4. Learned counsel for the Enforcement Directorate had no knowledge as to whether any case under PMLA was



instituted against the petitioner or that the said account was frozen by the Enforcement Directorate or not. As per the order dated 8th January, 2025, the Assistant Directorate, Enforcement Directorate, Patna circle has appeared before this Court in virtual mode.

5. It is submitted by the Assistant Director that on perusal of his official record, no case under any penal provision of PMLA has been lodged against the petitioner. Since a big transaction amounting to Rs. 53,07,032/- was made in the account of the petitioner, the Bank Authority itself has frozen the account, on the advise of Money Laundering Unit of the Bank. However, the Enforcement Directorate, does not have any case against the petitioner and has no objection, if the said account is de-freezed.

6. Petitioner has produced all documents including the deed of sale, by virtue of which the wife of the petitioner sold out her flat at a consideration price of Rs. 67,00,000/-, transfer of a portion of money to the account of the petitioner etc. On perusal of those documents, it is asserted that no unlawful transaction was made between the petitioner and his wife. Therefore, there is no reason to freeze the account of the petitioner by the Bank Authority.



7. For the reasons stated above, the instant writ petition is allowed, directing the Bank Authority, The Branch Manager, Punjab National Bank, Chowk, Patna City, respondent no.-2 herein to de-freeze the petitioner’s Bank Account No. 0381000101938570 with immediate effect.

8. Let a copy of this order be handed over to the learned counsel for the petitioner as well as the learned counsel for the Bank Authority for information to the Bank and compliance.

9. The instant criminal writ petition is accordingly disposed of.

(Bibek Chaudhuri, J)

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