GAHC010064372026

2026:GAU-AS:15410

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

Case No. : WP(C)/1844/2026

ASHADUL ISLAM
S/O- ABDUL KARIM, RESIDENT OF VILLAGE- GARIABORI PATHAR, P.O.- HAHCHARAGAON, P.S. MOIRABARI, DISTRICT- MORIGAON, ASSAM- 782126

VERSUS

THE UNION OF INDIA AND ANR
THROUGH THE SECRETARY, MINISTRY OF HOME AFFAIRS, NORTH BLOCK,, RAISINA HILLS,, DELHI- 110001

2:STATE BANK OF INDIA
REPRESENTED BY ITS BRANCH MANAGER
BECHAMARI BRANCH

DISTRICT- NAGAON
ASSAM- 78212

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

Advocate for the petitioner(s): Mr. NK Alam

Advocate for the respondent(s): Mr. AK Sahewala

For respondent No.2

Mr. K Gogoi, CGC

Date on which Judgment is reserved : NA

Date of Pronouncement of Judgment : **12.10.2026**

Whether the Pronouncement is of the Operative Part of the Judgment : Yes

Whether the Full Judgment has been Pronounced : No

JUDGMENT & ORDER (ORAL)

Heard Mr. NK Alam, the learned counsel appearing on behalf of the petitioner. Also heard Mr. K Gogoi, the learned CGC for the respondent No.1 and Mr. AK Sahewalla, the learned counsel for the respondent No.2.

2. The petitioner is a daily wage earner working in a Veterinary Shop in the district of Morigaon. The petitioner maintains a Savings Bank Account bearing Account No.38843770402 with the respondent No.2 i.e. the State Bank of India, Bechamari Branch Nagaon.

3. The grievance of the petitioner in the instant writ petition is that the petitioner has been operating the aforesaid Bank Account bearing No.38843770402, without any interruption. However, the petitioner while trying to access the aforesaid bank account in the month of October 2025, discovered that his bank account has been frozen. On

enquiry, the petitioner was informed that his aforesaid account was freezed on account of complaint received from the Cyber Crime Reporting Portal involving a disputed amount of Rs.1000/-. However, no copy of the cyber complaint or FIR has been furnished to the petitioner by the Respondent No.2.

4. It is the case of the petitioner that since the said bank Account bearing No.38843770402 is used by the petitioner for personal purpose, the petitioner is facing extreme hardship for not being able to operate the same. The petitioner has made several requests to the Respondent Authorities, however, to no avail. It is under such circumstances, the petitioner has approached this Court by filing the present writ petition.

5. Mr. NK Alam, the learned counsel appearing on behalf of the petitioner submitted the petitioner was not aware as to how the amount of Rs.1000/- credited to the petitioner's account was involved in cyber complaint and that the said transaction is purely *bona fide* in nature. The petitioner had no role with the fraudulent transaction of any kind related to the aforesaid bank account. The learned counsel for the petitioner further submitted that the action has been taken without giving any prior notice to the petitioner, which has caused immense prejudice to the petitioner. The learned counsel for the petitioner submitted that the transaction in question involves too meager amount of Rs.1000/- which appears to be a part of a

fraudulent transaction involving the aforesaid saving account of the petitioner.

6. In this regard, the learned counsel for the petitioner has submitted that in similarly situated matters, there has been direction for keeping in lien the disputed amount and allowing the incumbents to run their respective bank accounts.

7. In support of his submissions, the learned counsel has relied upon the following case laws:

i) WP No. 25631/2024 (Mohammed Saifullah Vs. Reserve Bank of India & Ors.) [The High Court of Judicature at Madras];

ii) WP(C)/17905/2024 & CM Appl./2640/2025 (Neelkanth Pharma Logistics Pvt. Ltd.Vs. Union of India Anr.) [The High Court of Delhi at New Delhi] &

iii) Crl. Writ Pettition No. 321/2025 (Mr. Kartik Yogeswar Chatur Vs. Union of India & Ors.) [The High Court of Judicature at Bombay, Nagpur Bench, Nagpur].

8. In the case of *Mohammed Saifullah* (supra), the Hon'ble Madras High Court had observed that under the guise of investigation, order of freezing of the entire account without quantifying amount or period cannot be passed as the same would be in violation of the fundamental rights.

9. In the case of *Neelkanth Pharma Logistics Pvt. Ltd.* (supra), the Hon'ble Delhi High Court has made an observation that a balance was required to be struck regarding the rights of a complainant *vis-a-vis* the rights of an innocent and unwary account holder who is made to suffer unwarranted hardships due to blanket freezing of bank account.

10. In the case of *Mr. Kartik Yogeswar Chatur* (supra), the Hon'ble Bombay High Court was dealing with the aspect of the provisions of Section 106 of the BNSS *vis-a-vis* the order of attachment / freezing of a bank account.

11. Mr. AK Sahewalla, the learned Standing Counsel for the respondent No.2 i.e. the State Bank of India has submitted that the respondent Bank suspects the petitioner's account to be a mule account. He further submits that on 04.08.2026, the Supreme Court in the Suo Motu Case In Re: Victims of Digital Arrest Related to Forged Documents had directed the Reserve Bank of India to formally adopt and circulate the Standard Operating Procedure (SOP) prescribing action to be taken for placing **temporary debit holds** on bank accounts linked to mule activities and cyber-enabled financial fraud.

12. Mr. Sahewala, the learned counsel has submitted that at this stage, it is not known about the magnitude of the fraudulent transactions in which the aforesaid account of the petitioner may be involved and the amount quantified at this stage may not be the final

amount. Mr. AK Sahewalla, the learned counsel further submitted that in the event this Court grants any relief to the petitioner, some kind of condition be imposed in public interest.

13. After consideration of the rival submissions, it transpires that the impugned action for freezing of the bank account of the petitioner has been done on a complaint received by the respondent No.2 under the National Cyber Crime Reporting Portal.

14. It is relevant to take note of that as on date there are no directions or SOP from the Reserve Bank of India to freeze a bank account by the Bankers upon suspicion that the Bank Account is a mule account. It is the opinion of this Court that in order to freeze a Bank Account upon being suspected to be a mule account, there has to be a law in place. Else it would violate the mandate of Article 300A of the Constitution.

15. This Court is also of the opinion that interest of justice would be met, if the petitioner is allowed to operate the savings account in question with certain conditions. This Court is also of the view that in a given case, a balance is required to be struck between the interest of the investigation on cyber fraud which is creating a menace and the interest of a *bona fide* and innocent account holder.

16. This Court, accordingly observes that while the petitioner should be allowed to operate the aforesaid Savings Bank Account bearing

Account No.38843770402 with the respondent No.2 i.e. the State Bank of India, Bechamari Branch Nagaon, but the amount of Rs.1000/- be kept in lien which the petitioner also admits that he has no knowledge how the said amount was credited to his account.

17. The writ petition, accordingly, stands disposed of with the following observations and directions:

(a). The Savings Bank Account bearing Account No.38843770402 with the respondent No.2 i.e. the State Bank of India, Bechamari Branch Nagaon is directed to be defreezed forthwith.

(b). The respondent No.2 shall keep a lien on the amount of Rs.1000/- till further directions are not issued by the respondent authorities.

(c). There shall be no order as to costs.

18. Before parting with the records, this Court, however, observes that the direction herein to defreeze the petitioner's account by keeping a lien on the disputed amount of Rs.1000/- shall not come in the way of the State Bank of India to take action once the SOP is circulated by the RBI permitting such action.

JUDGE

Comparing Assistant