GAHC010211602026

2026:GAU-AS:17487

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

Case No. : WP(C)/5389/2026

IMRAN HUSSAIN
S/O JAMIR UDDIN, VILL.- TINIALI GAON, P.O. TINIALI BAZAR, P.S. LANKA, DISTRICT- HOJAI, ASSAM, PIN- 782446.

VERSUS

THE STATE BANK OF INDIA AND 2 ORS
REPRESENTED BY ITS CHAIRMAN, HAVING ITS CENTRAL OFFICE AT STATE BANK OF INDIA BHAVAN, MADAM CAMA ROAD, MUMBAI-400021.

2:THE ZONAL MANAGER
STATE BANK OF INDIA
ZONAL OFFICE
BHANGAGARH
GUWAHATI-781006.

3:THE BRANCH MANAGER
STATE BANK OF INDIA
TINIALI BRANCH
P.S. LANKA
DIST. NAGAON
ASSAM
PIN- 782446

Advocate for the Petitioner : MR. M ALI,

Advocate for the Respondent : MR. H BURAGOHAIN(R1,2,3), H. BORUAH(R1,2,3)

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 25.11.2026

Heard Mr. M. Ali, learned counsel for the petitioner; Mr. H. Baruah, learned counsel for all the respondents.

2. It is the case of the petitioner that he has been maintaining a Savings Bank Account no. 20272119675 at Tiniali Bazar Branch, Hojai [the respondent no. 3] of the State Bank of India. The petitioner has stated that he is the proprietorship firm in the name and style of M/s Assam Nursery situate at Tinali Gaon, Kaki, Lanka, Hojai. He deals with sell of agar wood, red sandalwood, bamboo, etc. He has further stated that all the business transaction of its proprietorship firm is not ordinarily is done through the said Savings Bank Account. The petitioner has approached this Court by the instant writ petition stating that the Savings Bank Account has been kept in debit-freeze condition entirely since 12.06.2025 without any kind of prior notice.

3. It is the further case of the petitioner that when he approached the respondent no. 3, he was informed that there were two suspicious transactions/credits amounting to Rs. 2,000/- on 12.06.2025 and Rs. 5,000/- on 13.06.2025, that is, Rs. 7,000/- in total. The petitioner was further informed that the respondent no. 3 had placed the instruction to keep the bank account of the petitioner on hold entirely on the basis of cyber crime complaints received through the NCCRP, which was registered at Centralised Cyber Cell, Patna. Assailing the action of keeping the Savings Bank Account of the petitioner on hold entirely, the petitioner has preferred this writ petition.

4. Ms. Baruah, learned counsel appearing for the respondent SBI authorities has referred to the statements and averments made in the affidavit-in-opposition on behalf of the said respondents. Ms. Baruah has submitted that the Savings Bank Account of the petitioner was placed under debit-freeze pursuant to a direction received from Theni Cyber Crime Police Station, Theni District, Tamil Nadu Police and the said direction was communicated to the

respondent Bank vide a Notice dated 24.05.2025 issued under Section 94 and Section 106 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Ms. Baruah has submitted that as a Public Sector Banking Institution, the respondent SBI authorities are under obligation to comply with the lawful directions issued by the law enforcement agencies.

5. 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 blocked / debit-freeze condition is not sustainable to the extent that it exceeds the scope of direction received from the investigating authorities. 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 two 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. 7,000/-.

6. 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.

7. 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***.

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

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 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.

11. Having considered the entire aspects of the matter, this writ petition is allowed to the extent that the debit freeze/block instructions made by the investigating authorities for the amount of Rs. 7,000/- is to be executed by the respondent Bank authorities, by keeping a lien over the said amount of Rs. 7,000/-, at this stage. In other words, the respondent Bank authority shall restrict the freezing order operative over the petitioner's Savings Bank Account no. 20272119675 only to the extent of Rs. 7,000/- 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. The writ petition is disposed of in the above terms. No cost.

JUDGE

Comparing Assistant