GAHC020005402026 2026:GAU-NL:575

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

Case No. : WP(C)/122/2026

BABUL UDDIN
(PROPRIETOR OF AFRIDA HEALTH CARE LOCATED AT WARD NO. 11, 7TH MILE, CHUMUKEDIMA, P.O. P.S. AND DISTRICT CHUMOUKEDIMA, NAGALAND, INDIA), S/O FAJAL HAQUE, VILLAGE - GARALA GAON, P.O. P.S. BAGHBOR, BARPETA, ASSAM - 781308

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME AFFAIRS, NORTH BLOCK, NEW DELHI - 110001

2:THE INDIAN CYBER CRIME COORDINATION CENTRE
14C 5TH FLOOR
NDCC II BUILDING
JAI SINGH ROAD
NEW DELHI - 110001.

3:THE CANARA BANK
REPRESENTED BY ITS CHAIRMAN
HAVING ITS CORPORATE OFFICE AT 112
J.C. ROAD
BENGALURU
KARNATAKA - 560002

4:THE ZONAL MANAGER
CANARA BANK
ZONAL OFFICE
1ST FLOOR
DEE BEE GRANDE

PANJABARI ROAD SIX MILE
GUWAHATI
ASSAM - 781022

5:THE BRANCH MANAGER
CANARA BANK
CHUMUKEDIMA BRANCH
P.O. P.S. AND DISTRICT CHUMOUKEDIMA
NAGALAND - 79710

Advocate for the Petitioner : ATSIZO KENSE, M ALI

Advocate for the Respondent : ,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

JUDGMENT

Date : 29-10-2026

Heard learned counsel for the petitioner, Mr. M. Ali. Also heard the learned counsel Mr. Mhasilezo for the respondent No.1/Union of India.

2. This Court, vide order dated 01.10.2026 had directed the petitioner to serve a copy of the order dated 01.10.2026 to the respondent Nos. 2, 3, 4 and 5 and to file an affidavit enclosing therein the acknowledgement of the receipt of the order dated 01.10.2026 issued to the R-2, 3, 4 and 5. It was further directed that in the event by the next date the respondents do not enter appearance and/or do not file affidavit in the matter, this Court would consider the issue arising in the writ petition basing on the materials already available on record.

3. In compliance of the said direction of this Court an affidavit has been filed by the petitioner on 28.10.2026. A perusal of

the affidavit would show that the copy of the order dated 01.10.2026 has been served on the respondent Nos. 2, 3, 4 and 5 by Speed Post and the tracking report is also enclosed as Annexure-C series wherein it is indicated that the Speed Post consignment has been delivered on the respondent Nos. 2, 3, 4 and 5. None appears for the respondent Nos. 2 to 5. Accordingly, the matter is taken up for disposal today.

4. The petitioner herein is a businessman by profession and he is running a pharmaceutical business under the name and style of "Afrida Health Care" situated at Ward No. 11, near SBI ATM, 7th mile Chumoukedima and is dealing with retail sale of pharmaceutical and medical goods, cosmetic and toilet articles. He was running his business with a Trade License dated 08.04.2024 issued by the Chumoukedima Town Council and a Trade Drug License dated 27.05.2024 issued by the Deputy Drugs Controller, Nagaland, Kohima. For the purpose of running his business the petitioner has been maintaining and operating a current bank account no. 120031778744 at the Canara Bank, Chumoukedima Branch in the name of "Afrida Health Care". However, on 08.11.2024, the said Bank had frozen his current bank account stated above without giving him any prior notice or information.

5. The learned counsel for the petitioner, Mr. M. Ali, has submitted that the petitioner approached the Branch Manager of the Canara Bank, Chumoukedima Branch on several occasions and requested him to defreeze his bank account so that he can continue his daily transactions relating to his business as well as for his day-to-day expenses. However, the respondent Bank No. 3, 4 and 5 did not

take any action till date. Being aggrieved the petitioner had approached this Court by filing the instant writ petition.

6. Mr. M. Ali, the learned counsel for the petitioner submits that the petitioner is running a legal business and there is no fraudulent transaction of any kind related with any offence. The learned counsel further submits that the action of freezing his account has been taken by the Bank Authorities without giving any prior notice to the petitioner and the same has caused prejudice to him. It is further submitted that even assuming but not admitting that there was a criminal case, the jurisdictional investigating agency has to intimate the petitioner under Section 106(3) of the BNSS about the seizure of his account so that he can take recourse through the appropriate forum.

7. Learned counsel for the petitioner further submits that in similarly situated matters directions have been passed by the various High Courts allowing the petitioners to run their respective bank accounts. In support of his submissions the learned counsel has relied upon the following cases:

1) Md. Saifulla v. RBI and ors. WP/25631/2024 passed by the Madras High Court,
2) WP(C)/17905/2024 in Neelkanth Pharma Logistics v. Union of India by the Delhi High Court,
3) WP(C)/664/2026, Istakul Hussain and Anr. v State Bank of India and 3 ors. by the Gauhati High Court, wherein by order dated 13.03.2026, the State Bank of India was directed to defreeze the account of the petitioner forthwith.

8. This Court has duly noted the submission of the learned counsel appearing for the petitioner and has perused the pleadings and the judgments relied upon.

9. In view of the decisions of the various High Courts beings similarly situated matters, the instant petition is allowed and it is directed that the petitioner shall be allowed to operate his current bank account No. 120031778744 maintained with the Canara Bank, Chumoukedima Branch in the name of "Afrida Health Care".

10. It is also observed that while the petitioner should be allowed to operate his aforesaid current account, the petitioner shall execute a bond with regard to the amount of Rs. 6,86,807.48/- (Rupees Six Lakhs Eighty-Six Thousand Eight Hundred Seven and Forty-Eight Paise), which is the available balance in his bank account.

11. The respondent No.5 shall defreeze the current account of the petitioner bearing account No. 120031778744 forthwith. The petitioner shall also execute the indemnity bond with regard to the available balance in his current bank account as directed.

12. Petition stands disposed of.

13. No order as to cost.

JUDGE

Comparing Assistant