17.11.2026
Ct. No. 6
Sl. No.9
akd

In the High Court at Calcutta
Circuit Bench at Jalpaiguri

W. P. A. 2910 of 2026

[Rahul Banik -Vs- The State of West Bengal & Ors.]

Mr. Partha Sarathi Das
Ms. Avipsa Dutta Roy
Ms. Sukanya Bhaumik
... ... for the petitioner

Mr. Milindo Paul
Mr. Nabankur Paul
Mr. Subham Das
Mr. Bodhisatya Ghosh
... for respondent nos.4 & 5
[State Bank of India]

Mr. Arijit Ghosh .. ld. Sr. G.P.
Mr. Bibek Tarafder
... ... for the State

1. Affidavit-of-service filed in court today is taken on record.

2. The petitioner has preferred the present writ petition seeking de-freezing of the bank account bearing No. 31904853703 maintained with the State Bank of India, Main Branch, Club Road, Jalpaiguri.

3. It is the case of the petitioner that he had purchased an eye massager device from one '*Vision Veda*' on 12.03.2026 for a sum of Rs.2,999/-. The petitioner, being dissatisfied with the product, allegedly on the account of its unsuitability for his eye condition sought a refund and lodged a grievance with the National Consumer Helpline on 14.03.2026 being Grievance No. 8884144. On 22.04.2026, the company sought the petitioner's bank details for processing the refund and on 25.04.2026, a sum of Rs.2,999/- was refunded to his bank account. The petitioner further contends that on 28.04.2026, a sum of Rs.2,649/-, lying with the petitioner's bank account,

was put on hold in connection with the complaint lodged by one Sanjay Dharma on the National Cyber Crime Reporting Portal being Acknowledgment No. 30804260024037. On 02.05.2026, the petitioner was denied access to his account and was informed that the same had been blocked. Thereafter, the petitioner submitted a representation before the Station House Officer, Cyber Crime Police Station, Dwarka, Delhi on 03.05.2026. He had further issued legal notices to the Branch Manager, State Bank of India on 09.05.2026 and to the Station House Officer on 25.08.2026. However, no steps have been taken for restoration of the said account.

4. Learned counsel for the petitioner submits that the freezing of the said account is contrary to law. He relies on the judgments passed by a coordinate Bench of this Court in WPA 5961 of 2026 (*Zephyrtech Consulting Private Limited vs. The State of West Bengal & Ors.*) as well as WPA 19956 of 2025 (*Tamasha Samanta vs. Union of India & Ors.*) respectively.

5. The dicta of both these judgments lay down that the police authorities do not have the power to freeze the bank account under Section 106 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Attachment or freezing of bank accounts, being measures directed at securing alleged proceeds of crime, can be undertaken only under Section 107 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and strictly upon orders of a competent Magistrate, after following the prescribed procedural safeguard.

6. Learned counsel for the petitioner further submits that the same has not been adhered to in freezing the bank account of the petitioner.

7. Learned counsel for the respondent nos. 4 and 5 (State Bank of India) submits that the bank account of the petitioner had been frozen on the request of the Cyber Crime Cell of Delhi Police.

8. Heard the learned counsel for the respective parties and perused the documents placed on record.

9. This Court finds that the bank account of the petitioner has been frozen only on receipt of e-mail from the Cyber Crime authorities but failed to show that the cyber crime agencies have obtained any order from the competent court for freezing the bank account of the petitioner.

10. In these circumstances, this Court finds no justification for the petitioner to continue to suffer on account of indefinite and unreasoned freezing of his bank account, if any investigating agency is in possession of material suffering the petitioner's complicity, such agency is at liberty to take appropriate action, if any, strictly in accordance with law.

11. In view of the above, the present writ petition is disposed of with the following directions :-

a) The respondent-State Bank of India shall forthwith defreeze the account of the petitioner by keeping an amount of Rs.2,649/- on hold;

b) If the enforcement or investigating agency proposes to initiate or is conducting any investigation against the petitioner, it shall be at liberty to do so in

accordance with law and the petitioner shall fully cooperate with such investigation, if any.

12. With the aforesaid directions, the present writ petition is disposed of.

13. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

14. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)