

25.02.2026
rc/ct.no.05
Item No.04

WPA No. 23571 of 2025
With
CAN No. 1 of 2026
Umar Ali
Versus
The State of West Bengal & Ors.

Mr. Dhiraj Kumar Trivedi
Mr. Tapodip Gupta
Mr. K. Mondal
Mr. P.K.Kundu
Mr. Suman Bhanja ..for the Petitioner

Mr. Tirthankar Dhali
Mr. Sayantan Adhya
Mr. Rajwan Ali
Mr. Parvej Alam
Mr. Md. Nadeem....for the Private Respondent No. 6

Re : CAN No. 1 of 2026

Affidavits of service filed by the petitioner are taken on record.

The State is not represented despite service.

The petitioner seeks defreezing of his bank account bearing no. 920020007820204 with Axis Bank primarily on the ground that the account could not have been frozen in compliance with a notice issued under Section 94 of the BNSS.

Learned counsel for the 6th respondent seeks necessary order.

I have considered the material on record.

It appears that in course of investigation, a notice under Section 94 of the BNSS was issued by the Investigating Officer to the Branch Manager, Axis Bank, Raghunathganj Branch, Murshidabad seeking production of certain documents including statement of accounts and also freezing the bank account of the petitioner and the co-accused.

Section 94 of the BNSS contemplates issuance of summons for production of documents or other things to aid an investigation. It does not permit freezing of the bank account of the accused.

In view of the above, this Court is inclined to hold that the act of the Branch Manager in freezing the bank account of the petitioner in compliance with the notice under Section 94 of the BNSS is not enjoined in law. The account of the petitioner being no. 920020007820204 with Axis Bank be released from attachment/freezing with immediate effect. However, the Investigating Officer is at liberty to take necessary steps for attachment of the said account in accordance with law if situation so arises.

CAN No. 1 of 2026 is disposed of accordingly.

Re : WPA No. 23571 of 2025

Affidavit in opposition filed by the 6th respondent is taken on record.

On the prayer of the petitioner liberty is granted to use affidavit in reply to the same.

Let this matter appear under the heading “Hearing” on April 17, 2026.

(Suvra Ghosh,J)