

14.07.2026
Sl. No. 79-82
Ct No. 5
SG

W.P.A. 5826 OF 2026
[CRR 322 OF 2026 Assigned]
[CRM (M) 556 OF 2026 Assigned]

AUTHENTIC TEA PRIVATE LIMITED
VS.
THE STATE OF WEST BENGAL AND OTHERS

With

CRM (M) 556 OF 2026
(ASSIGNED)

AMAR KUMAR SAHA
VS.
STATE OF WEST BENGAL AND OTHERS

With

CRR 322 OF 2026
(ASSIGNED)

RAJA BHATTACHARJEE AND OTHERS
VS.
THE STATE OF WEST BENGAL AND ANOTHER

With

W.P.A. 27942 OF 2025

AMAR KUMAR SAHA
VS.
THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Sharequl Haque, Adv.
Mr. Aditya Ratan Tiwary, Adv.

...for the Petitioner
(In WPA 5826 of 2026
& CRR 322 of 2026)
&
For the private respondent
(In CRM (M) 556 of 2026 & WPA 27942 of 2025)

Mr. Sourav Chatterjee, Sr. Adv.
Mr. Moyukh Mukherjee, Adv.
Ms. Sagnika Banerjee, Adv.
Mr. Sarmistha Basak, Adv.

...for the Petitioner
(In WPA 27942 of 2025)

& CRM (M) 556 of 2026)
 &
 For the Respondent No.6
 (In WPA 5826 of 2026)
 &
 For the Opposite Party No.2
 (In CRR 322 of 2026)

Mr. Debabrata Das, Adv.
 Mr. A. Sarkar, Adv.
 Mr. Pratik Acharjee, Adv.

...for the Respondent No.4
 (In WPA 5826 of 2026)

Mr. Sankar Biswas, Adv.
 Mr. Swastik Saha, Adv.
 Mr. Ananya Adhikary, Adv.

... for the Respondent No.5
 (In WPA 5826 of 2026)

Mr. Partha Chakraborty,
 Ms. Sneha Chatterjee.

...for the State

1. Communication dated 13th July, 2026 of Inspector-in-Charge, New Town Police Station, Bidhannagar Police Commissionerate is filed in Court and same is taken on record.
2. Two writ petitions, one criminal revisional application being CRR 322 of 2026 and another application seeking cancellation of bail being CRM (M) 556 of 2026 are taken up together.
3. Writ petition being WPA 27942 of 2025 was preferred by one Amar Kumar Saha, erstwhile director of Authentic Tea Private Limited, seeking necessary steps to be taken by the concerned police authorities in connection with New Town Police Station Case No. 186 of 2025 dated 14th September, 2025 under Sections 318(3)/ 316(2)/ 336(3)/ 61(2)/3(5) of BNS, 2023. On that writ

petition an order was passed by a Co-ordinate Bench on 17th December, 2025 directing the concerned investigating agency to take steps with regard to the aforesaid criminal prosecution. Pursuant to the said order dated 17th December, 2025 bank account being no. 77730200003859 maintained with Bank of Baroda, Church Lane, Siliguri was debit frozen prompting the petitioner company in WPA 5826 of 2026 to approach this Court with the writ petition questioning actions of the police authorities.

4. Mr. Ayan Bhattacharjee, learned senior advocate representing the petitioner in WPA 5826 of 2026 placing reliance on Section 107 of BNSS, 2023 submits that procedure contemplated under Section 107 is not adhered to while freezing aforesaid bank account and as such actions of the police authorities cannot survive.

5. Mr. Sourav Chatterjee, learned senior advocate representing the petitioner in WPA 27942 of 2025 relies upon Section 106 of BNSS, 2023 in order to substantiate freezing of aforesaid bank account and in addition thereto reliance is also placed on the order passed by the Co-ordinate Bench on 17th December, 2025 in WPA 27942 of 2025.

6. Section 106(1) of BNSS, 2023 provides any police officer may seize any property which may be alleged or suspected to have been stolen or which may be found under circumstances which create suspicion of the commission of any offence. Since allegation is cheating

and criminal breach of trust consequently enriching the aforesaid bank account in question, Court at this stage while considering prayer for interim protection needs to take into consideration consequences of defreezing aforesaid bank account. It was also observed by the Coordinate Bench in the order dated 17th December, 2025 that petitioner in WPA 27942 of 2025 lost Rs.2,41,50,000/- which is the basis of initiation of aforesaid criminal proceeding; at this stage defreezing of said bank account may frustrate investigation considering complaint lodged by the petitioner in WPA 27942 of 2025.

7. Considering the provisions contained under Sections 106 and 107 of BNSS, 2023 act of debit freezing said bank account may not be in consonance with Section 107 but why such action is contrary to Section 106 needs further consideration. Moreover, steps taken by the concerned police authorities in debit defreezing the bank account were after the order passed by the Coordinate Bench on 17th December, 2025 in WPA 27942 of 2025 and against said order dated 17th December, 2025 no appeal is preferred as it is submitted on behalf of the petitioner in WPA 5826 of 2026. According to the complainant alleged involved amount is Rs.2,41,50,000/- whereas it is submitted on behalf of the petitioner in WPA 5826 of 2026 that at present approximately Rs.44 lakhs is lying in the said account.

8. Therefore, prayer for interim order thereby directing the concerned police authorities to defreeze the said bank account is refused.

9. Parties are directed to exchange affidavits by four weeks from date.

10. Let the matters appear under the heading 'Hearing' in the Combined Monthly List of September, 2026.

(Saugata Bhattacharyya, J.)