



2026:AHC:126344-DB

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 23424 of 2026

Raja Upadhyay

.....Petitioner(s)

Versus

Reserve Bank Of India And 4 Others

.....Respondent(s)

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|---------------------------|---|--------------------|
| Counsel for Petitioner(s) | : | Piyush Shrivastava |
| Counsel for Respondent(s) | : | C.S.C.             |

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**Court No. - 39**

**HON'BLE SALIL KUMAR RAI, J.**

**HON'BLE SWARUPAMA CHATURVEDI, J.**

1. Heard learned counsel for the petitioner and learned Standing counsel for respondent no. 5.

2. Petitioner by means of the present writ petition has prayed for the following reliefs:

"I. Issue a writ, order or direction in the nature of Mandamus thereby commanding the opposite party No.3 to forthwith remove the debit freeze imposed on the petitioner's Bank Account bearing No.00000042098124588, IFS Code - SBIN0031446, maintained with State Bank of India through its Branch Manager, Branch- Sahakari Bazar, Udaipur, District Udaipur, Rajasthan.

II. Issue a writ, order or direction commanding the opposite party No.1 to ensure that the Opposite party No.2 acts strictly in accordance with law and removes the debit freeze from the Petitioner's bank account in view of the refund of the entire alleged disputed amount."

3. It appears from the pleadings of the petition and the documents annexed to the petition that grievance of the petitioner is that his account has been freezed by the State Bank of India on a notice by the Assistant Superintendent of Police, Deoria and the amount in the account of the petitioner is more than the amount involved in the complaint. The

grievance of the petitioner is that as a result of freezing of his account, the petitioner is not able to make any transaction from his account. The complaint annexed as annexure 2 to the writ petition also shows that notice of the Assistant Superintendent of Police was to hold the total amount mentioned in the complaint and freeze the said amount in account No. 42098124588 (IFS Code-SBIN0031446) of the petitioner with the State Bank of India, Branch Sahakari Bazar, Udaipur, District Udaipur, Rajasthan.

4. After hearing the counsel appearing for respective parties and perusal of records, we are of the view that the bank can lien mark the disputed amount as per law and in the facts and circumstances of this case, the action of the bank appears to be correct but only upto the extent of the disputed amount, beyond that it can not be justified.

5. This Court in **Ashish Rawat Vs Union of India and others, 2026 SCC OnLine All 2572**, has dealt with the identical issue. This Court discussed the term "property" for the purpose of seizure under Section 106 BNSS and held that:

"36... Consequently, we hold that the power of seizure is limited to the extent of the alleged or suspicious amount and cannot be construed to permit freezing of the entire operation of the bank account in absence of twin conditions prescribed in Section 106 BNSS, which empowers the police officer to seize. Property being a specific amount, the entire amount lying in a bank account cannot be frozen and operation of bank account cannot be denied."

6. In **Ashish Rawat** (supra), this court has passed various directions and one amongst them indicate that for the de-freezing of the account the bank account holder should approach the jurisdictional magistrate. The above mentioned direction reads as under:

"55.2 The petitioners are at the liberty to approach jurisdictional Magistrate wherever the bank account is frozen in non-compliance of the Section 106 of BNSS or even in the event of compliance if they believe that the complete account is

required to be defreezed as the allegation leading to the freezing is incorrect or unjustified."

7. In view of the above, the bank is directed to lien mark only disputed amount indicated by the investigating agency, i.e., cyber-crime department, and make the bank account of the petitioner having Account No. 42098124588, operational for the normal use. The petitioner is at liberty to approach the jurisdictional magistrate in case of any dispute regarding amount on which the lien mark is done by the bank and the magistrate will decide the same strictly in accordance with law.

8. However, we also make it clear that the investigating agency and the bank are at liberty to take any action including freezing of the bank account, as per law, if in future, there are other suspicious entries found in the account of the petitioner.

9. Accordingly, the petition is disposed of. No order as to cost.

**(Swarupama Chaturvedi,J.) (Salil Kumar Rai,J.)**

**June 9, 2026**

P.P.