



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 2711 of 2026

Tarkeswar Tiwari

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 6 Others

.....Respondent(s)

Counsel for Petitioner(s) : Malik Juned Ahmad
Counsel for Respondent(s) : Abhishek Ahuja, C.S.C., Satish Chaturvedi

Court No. - 2

HON'BLE ATUL SREEDHARAN, J.

HON'BLE SIDDHARTH NANDAN, J.

1. Heard learned counsel for the petitioner, Mrs. Swati Agarwal Srivastava, learned counsel for respondent no.2, Sri Abhishek Ahuja, learned counsel for respondent no.3 and learned Standing Counsel for the State.
2. Learned counsel for the petitioner states that all his bank accounts has been frozen. There are several accounts of the petitioner, who is a retired C.R.P.F. Constable and now in the business of trading in agricultural merchandise. He has filed one sheet of his account statement with Axis Bank (one of the respondents) which shows that there was transaction as recent as 04.01.2026. In other words till 04.01.2026 there was no order freezing the account.
3. Learned counsel appearing on behalf of Axis Bank submits that the entries in the statement of account reflect that the petitioner is in the illegal activities. Such is the allegation of the learned counsel for the respondent-Axis Bank.
4. Under the circumstances, in order to get greater clarity in this case, this case be listed with all other similar matter on 10.02.2026 for analogous hearing. In the meanwhile, the petitioner shall file an additional affidavit therein giving the details of the nature of the business transaction, bills raised and money received corresponding to the bills raised, and also the I.T. Returns of the last three years. He shall also provide these documents

relating to the accounts of his wife, who is also assisting the petitioner in the same business and is petitioner in Writ-C No.2577 of 2026. The said petition be connected with the present one.

5. Connect this petition with Writ-C No.1489 of 2026 (Ashish Rawat vs. Union of India and others).
6. List for analogous hearing with all other such cases on 10.02.2026.

(SiddhARTH Nandan,J.) (Atul Sreedharan,J.)

February 4, 2026

S.Prakash



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Court No. - 2

**HON'BLE ATUL SREEDHARAN, J.
HON'BLE SIDDHARTH NANDAN, J.**

1. Heard Sri Zaheer Asghar and Sri Syed Ahmad Faizan learned counsel for the petitioner, Ms. Pratima Vishwakarma, holding brief of Ms. Swati Agarwal Srivastava, learned counsel for the respondent nos. 2.
2. In furtherance of the order dated 04.02.2026, the present batch of petitions has been listed before us, as the same relates to a common question of law.
3. By way of last order dated 04.02.2026, the petitioner in the present case was directed to file an additional affidavit therein giving the details of the nature of the business transaction, bills raised and money received corresponding to the bills raised, and also Income Tax Returns of the last three years.
4. The similar details with respect to the wife of the petitioner herein was also sought who has filed Writ-C No. 2577 of 2026. However, though supplementary affidavit has been filed but only the income tax returns have been filed, which is not in compliance of last order of this Court.
5. Therefore, it is directed that without fail, on the next date of listing, a supplementary affidavit shall be filed along with the documents as recited in the order dated 04.02.2026. In addition to the document mentioned in the said order, the petitioner shall also bring on record the pass book with entries from January 2025 till date with respect to the account in question.
6. Sri S.P. Singh, learned Senior Counsel appearing on behalf of the Union has placed before us Standard Operating Procedure (SOP), for NCRP-

CFCFRMS, Custody, Restoration of money and Grievance Redressal dated 02.01.2026 issued by the Ministry of Home Affairs.

7. We have gone through the said SOP and find that only a procedure has been prescribed when the bank account is freezed.

8. At this stage, the Court is examining the procedure adopted by the authorities concerned in relation to freezing the account as various writ petitions before us disclose that banks have freezed the bank accounts and when the account holders approach them, they are only informed that the accounts have been freezed on letter either by the Police authorities or the Cyber Crime. However, the said letters till date have not been brought on record in spite of the specific instructions on the previous dates.

9. However, as a last opportunity is given to the counsels appearing for banks in this batch of writ petitions to bring on record the letters of the authorities, for which the said accounts have been freezed; and a detailed chart of the bank accounts shall be prepared, along with the bank statement of each account, for the financial year, shall also be annexed by the bank authorities. It shall also be stated in the affidavit as to whether the entire bank accounts have been freezed, or a lien to the extent of the amount indicated in the letters of the authorities, as alleged, has been put.

10. On specific queries to the learned counsel for the Union, as to what procedure is being adopted under the SOP dated 02.01.2026, at the stage prior to the freezing of the account; he has not indicated any such conditions or procedure. Accordingly, it is expected that on the next date of hearing, the said issue will be specifically addressed.

11. On careful examinations of the various orders passed by this Court as well as the Apex Court, we find that Courts have dealt with issues with respect to powers of the Investigating Agencies to examine, under Section 106 of the BNSS; but the issue which is being considered in the present batch of writ petitions, needs to be addressed to settle the said procedural anomaly, for the contingencies under which the bank account are being freezed and which is a necessary step towards ensuring that the banks concerned and the bank account holders, may continue to operate and retain the mutual trust, with their hard-earned money, and the only exception to such a procedure, will be a procedure prescribed by law, with no element of discrimination and element of high handedness.

12. Put up this case as fresh on 26.02.2026 at 2:00 P.M.

13. It is also made clear that in case any of the account holders in the present and the connected writ petitions approaches the bank, it shall be the duty of the bank to provide the statement of account as desired by him / her. The aforesaid direction is in addition to the directions given to the respective banks to file statement of account of the previous financial years along with the detailed chart as indicated herein.

14. Sri S.P. Singh, learned Senior Counsel appearing on behalf of the Union has also indicated that they shall bring on record by way of an affidavit, dealing with the followings contingencies:-

(i). The contingency under which an account can be freezed i.e. a procedure prescribed under any Statute, Rules or Regulations.

(ii). The amount to be freezed shall be specifically indicated in each of said orders, failing which the concerned bank will be at liberty to seek such instructions and then only proceed to freeze the account, i.e. only to the extent of the amount indicated.

(iii) As soon as such communication is received by the bank, the bank shall be under obligations to intimate the same within 24 hours to the bank account holders on his given address or preferred mode of communication.

(iv) The SOP dated 02.01.2026 shall also be brought on record, along with the said affidavit with specific indication to the procedure, if any, with respect to prior to freezing of the bank accounts.

15. As Sri Zaheer Asghar and Sri Syed Ahmad Faizan, Advocates has entered appearance on behalf of the petitioner in Writ-C No. 2711 of 2026, their names shall be reflected in the cause list, when the case is listed next.

February 10, 2026

Vikram

(Siddharth Nandan,J.) (Atul Sreedharan,J.)