

MHCC020040502021



**IN THE SPECIAL COURT FOR NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES ACT, 1985, AT GR. BOMBAY**

ORDER BELOW EXHIBIT-782

IN

SPECIAL (NDPS) CASE NO. 344 OF 2021

1. Sandhya Chakraborty

2. Rhea Chakraborty

.. Applicants

V/s.

Union of India

(Through Narcotic Control Bureau

F.No.NCB/MZU/CR-16/2020)

.. Respondent/Prosecution

Appearance :

Ld. Adv. Ayaz Khan a/w Zehra Charania for the applicants

Ld. APP Geeta Nayyar for the respondent/prosecution.

CORAM : H.H. J. SHRI U.C. DESHMUKH

ADDL. SESSIONS JUDGE (C.R.43)

DATE : 25/04/2026

ORDER

This is an application moved by the applicants to defreeze account no.120001500538 with ICICI Bank and permit to operate it.

2. Applicants contend that the the respondent have not followed provisions of Section 68F of the N.D.Ps. Act, 1985 (in short

‘the Act’). Therefore, freezing of bank account is illegal. Hence, this application.

3. Prosecution opposes the application on the ground that from the statement of the accused Rhea Chakraborty it is seen that she is active member of drug syndicate contacted with drug peddlers and therefore, officer of the respondent is satisfied in freezing the bank accounts of the accused and therefore, prayed to reject the application.

4. Ld. advocate for the applicant has placed reliance upon the decision of the Hon’ble High court in Jatinder Kaur Chilotra Vs. Intelligence Officer, Directorate of Revenue and Ors. **[All MR (Cri) 1120]**. Wherein the Hon’ble High Court had observed that in absence of compliance of Sub-section 2 of Section 68F of the Act an act of freezing of bank account cannot be justified. The observations of the Hon’ble High Court in para 21 are relevant. Hence, reproduced hereinbelow,

“21. The approach of the Court in construing the aforesaid provisions ought to be in consonance with the constitutional recognition of the right to property. On a proper construction, the power to seize or freeze the property under Section 68F of the Act, 1985, cannot be said to be unregulated or uncanalized. The empowered officer must have reason to believe that the property is illegally acquired property and it is likely to be concealed, transferred or dealt with in any manner which will result in frustrating any proceedings relating to forfeiture of such property under Chapter VA. He is enjoined to duly inform the competent authority and also forward a copy of such order to the competent authority. Sub-Section (2) of Section 68F envisages further control over the exercise of such power, by vesting in competent authority the power to confirm such order and upon non-confirmation thereof, within a period of 30 days, render such order nugatory.

The compliance of these provisions justifies the deprivation of the right to property”.

5. Sub-section (2) of the Section 68F of the Act provides that an order of freezing or seizing the property shall have no effect unless such order is confirmed by an order of the competent authority within period of 30 days of its being made. There is no dispute that subject matter of the bank account has been freeze by the Officer of the respondent. The respondent does not deny that there is no compliance of Sub-section (2) of Section 68F of the Act. There is no order as contemplated to be passed under such provisions of Act. Therefore, in view of the observations of the Hon'ble High Court in Jatinder (supra) and provisions of Section 68F of the Act, the application is liable to be allowed. Hence, the order -

ORDER

- (i) Application (Exh.782) in Special (NDPS) Case no.344/2021 stands allowed.
- (ii) Account no. 120001500538 with ICICI Bank be defreeze.
- (iii) Applicants or the accounts holder of the bank account are hereby permitted to operate the said bank account as per rules and regulation of RBI.
- (iv) Application (Exh.782) stands disposed of accordingly.

Date : 25/04/2026



(U. C. DESHMUKH)
N.D.PS Special Judge
City Civil & Sessions Court,
Gr. Bombay (CR.43)

Signed on : 25/04/2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
25/04/2026	06:03 p.m.	Kishor P. Sherwade (Stenographer Grade-I)
Name of the Judge		H.H.J. U. C. Deshmukh NDPS Spl. Judge (C.R.No.43)
Date of Pronouncement of Judgment/Order.		25/04/2026
Judgment/order signed by P.O on		25/04/2026
Judgment/order uploaded on		25/04/2026