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

ORDER BELOW APPLICATION EXHIBIT NO.65

IN

SPECIAL CASE NO.344 OF 2021

Rhea Indrajit Chakraborty, aged 28 years)
R/o.101, Primrose Apartment,)
Near SNDT University, Juhu Road,)
Santacruz (W), Mumbai-400 049)..Applicant/Accused No.10

V/s.

Union of India, NCB, Mumbai Zonal Unit)
F.No.NCB/MZU/CR-16/2020)..Respondent/Prosecution

Appearance :

Ld. Adv. Mr. Maneshinde for the applicant/accused.

SPP Mr. Sarpande for the respondent/prosecution.

**CORAM : H.H. THE SPECIAL JUDGE (NDPS)
SHRI D. B. MANE (C.R.NO.43)**

DATE : 26/10/2021

ORAL ORDER

1. The applicant/accused No.10 has filed this application for defreezing her bank accounts.

2. It is contended by the applicant/accused that she is an actor/model by profession. She has been arraigned as an accused in NCB/MZU/CR-16/2020 registered for an offences punishable u/s.8(c) r/w Sec.20(b)(ii)A, 22, 27-A, 28, 29 & 30 of the NDPS Act, 1985. She was arrested on 08/09/2020 and the Hon'ble Bombay High Court has enlarged the applicant/accused on bail. It is further contended that the respondent/NCB freezed the applicant's/accused bank accounts & FDs by Notice dated 16/09/2020 without reason and it is causing grave injustice & prejudice to the applicant/accused.

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3. It is further contented that respondent/NCB have not taken any action u/s.68-F of the NDPS Act within the period of 30 days as required by law. The operation of said bank account is required for making the payment of salaries of the employees of the applicant/accused and for fulfilling of the various tax liabilities including GST payments etc. The applicant/accused supports her own lifestyle from the amount in the bank accounts. Her brother is also depends upon her. Her bank accounts have been frozen for the period of 10 months and it is causing prejudice to her, so, the applicant/accused has prayed for defreezing her bank accounts and FDs No.50100260298878, 03571000027518, 50300177495818, 50300306034607 & 50300306036283 maintained with HDFC Bank.

4. The Ld. SPP filed reply at Exh.65-A, contending that financial investigation in the case is going on and it is yet not completed. If, the accounts are defreezed, then it will hamper the investigation. It is further contended that if, the bank accounts are defreezed then, there is high possibility of involving the said amount in drug mafia and drug related business, so urged for rejecting the present application.

5. Today, the Investigating Officer has filed say contending that he leave the said question for the discretion of the Court.

6. Heard Ld. Advocate appearing for the applicant/accused & the Ld. SPP appearing for respondent/NCB. The Ld. Advocate for accused submitted that due to freezing the bank accounts & FDs of the applicant/accused, it is causing great prejudice to her. It is further submitted that the matter will take its own time for disposal and it is not necessary to defreez the bank accounts & FDs of the applicant/accused for uncertain period.

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7. The Ld. SPP submitted that though the respondent has taken objection, but from the reply of the Investigating Officer, necessary order may be passed.

8. From the reply of the Investigating Officer, it appears that there is no strong objection from the respondent side for defreezing the bank accounts & FDs of the applicant/accused. There is no contention from the respondent side about taking any action u/s.68-F of the NDPS Act, 1985.

9. The applicant/accused has produced on record the copy of letter dated 16/09/2020 issued by the Investigating Officer, addressed to the Manager of HDFC Bank. As per this letter, the Branch Manager of HDFC Bank informed to the applicant/accused about freezing her bank accounts & FDs by letter dated 18/09/2020. In the said letter (Exh.E), the bank authority has mentioned in detail about the account number, type & balance amount in the said accounts.

10. This material on record establishes that the saving accounts & FDs maintained by the applicant/accused in the HDFC Bank have been freezed by the respondent/NCB. Now, there is no strong objection from the respondent side to defreez the said accounts. In such circumstances, the applicant/accused is entitled for defreezing the said bank accounts & FDs subject to conditions & undertaking supported by an Affidavit stating that during the pendency & conclusion of the trial of the case, she shall make the balance amount, as shown in the concerned account as on 16/09/2020, available for passing necessary orders, as & when required. Hence, the following order :-

ORDER

1. Application (Exh.65) in NDPS Special Case No.344/2021, is hereby allowed.

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2. Saving accounts No.50100260298878, 03571000027518, 50300177495818, 50300306034607 & 50300306036283 maintained with HDFC Bank, are hereby defreezed, subject to following conditions :-

- a. The applicant/accused is ordered to give a written undertaking supported by an Affidavit to this Court that during the pendency & conclusion of the trial of the case, she shall make the balance amount, as shown in the concerned account as mentioned in the application, available to this Court for passing necessary orders, as & when required.
- b. After the above stated undertaking is submitted by the applicant/accused to this Court, as directed above, the respondent/NCB Zonal Unit, Mumbai, shall issue necessary letters to concerned Bank regarding defreezing the bank account in question and comply with the order of this Court.
- c. The interim order, if any, in respect of bank account is hereby confirmed.

3. Authenticated copy of this Roznama be handed over to the applicant/ accused for information and taking necessary steps for execution of the order passed by this Court.

4. Application stands disposed of accordingly.

(Pronounced in open Court)

Mumbai:
Date: 26/10/2021

(D. B. MANE)
Special Judge (NDPS)
Court Room No.43, Gr. Bombay.

Dictated on : 26/10/2021
Transcribed on : 27/10/2021
Signed on :

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“Certified to be true and correct copy of the original signed order”.

29/10/2021
at about 11.00 a.m.

(Mrs. Vidya Abhijit Mande)
Stenographer (Grade-I.)
Court Room No.43, Gr. Mumbai

Name of the Hon'ble Judge : SHRI D. B. MANE,
Special Judge (NDPS)
Court Room No.43, Gr. Mumbai

Date of pronouncement of Order : 26/10/2021

Order signed by Hon'ble Judge on : 28/10/2021

Order uploaded on : 29/10/2021
at about 11.00 a.m.

Bar & Bench (www.barandbench.com)