

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**Cril.Petn. No. 14 of 2026 with
MC(Cril.Petn.) No. 11 of 2026**

Central Bureau of Investigation

.....*Petitioner/s*

- Versus -

Sh. Tuanzakhup

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

21.02.2026

[1] Present Mr. W. Darakishwor, learned Special PP for the CBI along with Ms. H. Lenina, learned counsel and Mr. Sunil Kesla, Dy. SP, CBI and Mr. Serto T Kom, learned counsel along with Mr. RP. Daida, learned counsel on behalf of the sole respondent.

[2] The present criminal petition has been filed by the CBI challenging the impugned order dated 05.02.2026 passed by the learned Sessions Judge, Churachandpur in Cril.Misc.(AB) Case No. 1 of 2026 whereby the respondent herein is granted interim anticipatory bail for 15 days w.e.f. 05.02.2026 to 19.02.2026 with certain conditions.

[3] The main ground for challenge is that the place of occurrence is in Champhai District, Mizoram and the learned Sessions Judge, Churachandpur has no territorial jurisdiction for entertaining an anticipatory bail application as a jurisdictional Court. The Hon'ble Supreme Court held in the case of **Priya Indoria vs. State of Karnataka: (2024) 4 SCC 749** that the High Court and Sessions Court can pass transit interim anticipatory bail so as to enable the accused to approach jurisdictional Court.

[4] On 07.02.2026, this Court issued notice and stayed the impugned order dated 05.02.2026. However, this Court directed that no coercive action be taken against the respondent/accused till the next day and the interim order has been extended from time to time. The proceeding dated 07.02.2026 is reproduced below for clarity:

“ This matter is taken up on mention as unlisted item as supplementary-1 due to urgency involved in the present case.

[2] Heard Mr.W.Darakeshwar, learned Spl PP for CBI.

[3] By the present petition under Section 528 of the BNSS, 2023, the petitioner/CBI has challenged the impugned order dated 5.2.2026 passed by the learned Sessions Judge, Churachandpur, in Cril Misc (Anticipatory Bail) Case No.1 of 2026 whereby the respondent herein, is granted ad interim anticipatory bail for 15 days w.e.f. 5.2.2026 to 19.2.2026 with certain conditions.

[4] Learned Spl PP for CBI submits that FIR No.RC0212026A0002 dated 3.2.2026 has been registered by CBI ACB, Imphal having jurisdiction over the States of Manipur, Mizoram & Nagaland under Sections 7 of the PC Act 1988 13(2) r/w 13(1)(a) of PC Act 1988 and Section 120 B r/w 409 IPC and the place of occurrence is given as District, Champhai, Mizoram.

[5] The respondent herein is one of the accused along with other two named persons and other unknown persons. Learned Spl Judge, PC Act, Mizoram, Aizawl issued search warrant dated 4.2.2026 for searching the residence of respondent herein, who was Superintendent, Custom Preventive Force, Champhai (now retired) at Church Road, Vengnuam, New Lamka, Churachandpur, Manipur. It is stated that on 5.2.2026 search was conducted at the residence of the respondent herein. Vide order dated 5.2.2026 passed by the learned Sessions Judge, Churachandpur in Cril Misc (Anticipatory Bail) Case No.1 of 2026, without serving copy to the petitioner or to the prosecution, ad interim anticipatory bail for 15 days was granted. It is submitted that the place of occurrence is at District Champhai, Mizoram and the Court of learned Sessions Judge, Churachandpur does not have any territorial jurisdiction for entertaining the regular anticipatory bail under Section 482 of the BNSS.

It is stated that at the most, learned Sessions Judge can entertain an application for transit interim anticipatory bail so as to enable the respondent/accused to approach the jurisdictional court seeking relief as per law.

*[6] Mr.W.Darakwshwar, learned Spl PP for CBI refers to the decision of the Hon'ble Supreme Court in the case of **Priya Indoria Vs State of Karnataka: (2024) 4 SCC 749** wherein the Hon'ble Supreme Court laid down the principles that High Court and Sessions Court can entertain application for transit interim anticipatory bail so that the accused may approach jurisdictional court for regular anticipatory bail. For passing transit interim*

anticipatory bail also, Court has to satisfy that there is reasonable ground for passing such order after due notice to the Investigating authority/Prosecution.

*[7] It is submitted that the impugned order is in violation of the law laid down in **Priya Indoria** case (supra) as the same was passed without any jurisdiction and consideration of relevant materials. It is submitted that the same may be stayed during pendency of the present petition as it is illegal and void ab initio.*

It is also clarified that Spl Court (PC), Aizawl, has already issued search warrant and CBI issued notice to the respondent for appearance before the Investigating Officer on 9.2.2025 at CBI, ACB, Aizawl Unit, Mizoram, vide notice dated 5.2.2026.

[8] Issue Notice to the sole respondent and petitioner is directed to take steps by dasti and file affidavit for proof of service.

*[9] From perusal of the impugned order and materials on record, it is seen that the learned Sessions Judge, Churachandpur seems to lack territorial jurisdiction to entertain regular anticipatory bail under Section 482 BNSS in terms of the law laid down in **Priya Indoria** case (supra). In the circumstance, order dated 5.2.2026 is stayed till the next date.*

In the nature of the allegation against the accused/respondent (now retired), no coercive action shall be taken against him till the next date. However, he shall cooperate with the investigation. It is clarified that there is no stay on the ongoing investigation done by the CBI.

[10] Furnish a copy of this order to learned Spl Counsel for the CBI in the course of the day by WhatsApp or any other available means.

List on 19.2.2026.”

[5] Today, when the matter is taken up for consideration, Mr. Serto T Kom, learned counsel for the respondent, produces a medical report. The respondent was discharged on 03.01.2026 with a complaint of pain even at rest, insomnia, difficulty walking, tenderness on palpation, swelling on both knees, difficulty bending, pain at night and palpitation.

[6] Mr. Serto T Kom, learned counsel for the respondent, fairly submits that three weeks' time protection may be granted to the respondent for approaching the jurisdictional Court in Mizoram.

[7] Mr. W. Darakishwor, learned Special PP for the CBI, submits that the respondent has already been given enough time by

this Court and three days time will be sufficient for approaching the jurisdictional Court in Mizoram.

[8] This Court has considered the materials on record and the submissions made at the bar. In the circumstances, the criminal petition is disposed of by giving liberty to the respondent to approach the competent Court in Mizoram for appropriate relief. In order to enable to approach the jurisdictional Court, ten days time is granted and he may approach the competent Court in Mizoram on or before 02.03.2026, if so advised.

[9] The respondent is protected by interim transit anticipatory bail in terms of the decision of **Priya Indoria case** (Supra) for the period of ten day from today i.e. 21.02.2026 till 02.03.2026 with bail bond of Rs. 1,00,000/- (Rupees one lakh) with a surety of like amount (Government Employee) to the satisfaction of the I.O. with the following conditions:

- (i) The respondent shall co-operate with the investigation;
- (ii) The respondent shall not tamper any evidence or influence witnesses acquainted with the fact of the present case;
- (iii) The respondent shall not commit similar offence during the period on transit interim bail; and
- (iv) If any of the conditions above is violated, the petitioner has right to approach this Court for cancellation of the bail.

[10] It is clarified that if 02.03.2026 happens to be a holiday, an interim protection will be extended till the next working day. The impugned order dated 05.02.2026 in Cril.Misc.(AB) Case No. 1 of 2026 passed by the Ld. Sessions Judge, Churachandpur is set aside and the whole proceeding is quashed. This Court does not express any opinion on the merit of the case except for granting interim transit anticipatory bail.

[11] With this observation, criminal petition is disposed of. Misc. application is also disposed of.

[12] Interim order dated 07.02.2026 is merged with the final order.

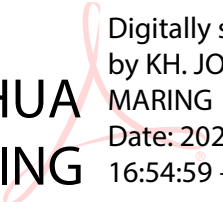
[13] Furnish a copy of this order to the learned counsel appearing for the parties through whatsapp or any available mode.

[14] Send a copy of this order to the learned Sessions Judge, Churachandpur for information.

JUDGE

Kh. Joshua Maring

KH.
JOSHUA
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Digitally signed
by KH. JOSHUA
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Date: 2026.02.21
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