IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.5212 OF 2026
(Arising out of S.L.P.(Criminal) No.15711 of 2026)

STATE OF BIHAR ... APPELLANT(S)

VS.

PHULPARI KUMARI ... RESPONDENT(S)

O R D E R

1. Leave granted.

2. Heard Mr. Akshay Amritanshu, learned counsel for the appellant-State of Bihar and Mr. Ranjit Kumar, learned counsel for the respondent.

3. The present appeal calls in question the correctness of the order dated 14th May, 2026 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No.56839 of 2021. By the said order, the High Court has quashed the order of cognizance dated 28th January, 2021 passed by the learned Special Judge, Vigilance, Patna in connection with Special Case No. 20 of 2015 arising out of Vigilance P.S. Case No. 37 of 2015 registered for the offences under Sections 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988 (for short, "the Act").

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Date: 2026.11.03 17:47:03 IST
Reason:

4. On 11th May, 2015, a First Information Report was registered at the Vigilance Police Station, Patna, in P.S. Case No. 37 of 2015 against the respondent under Section 13(1)(e) read with Section 13(2) of the Act as well as her husband for owning assets disproportionate to known sources of income. After obtaining sanction, on 29th July, 2020, a chargesheet was filed only against the respondent for the said offences.

5. On 28th January, 2021, the Court of Special Judge, Vigilance, Patna took the cognizance against the respondent. The respondent challenged the said order by filing Criminal Miscellaneous Petition No. 56839 of 2021, for quashing the order of cognizance. The point argued before the High Court was that under Instruction No.1916 dated 11th May, 1994 and Press Release issued by the Ministry of Finance, Department of Revenue, Central Board of Direct Taxes dated 1st December, 2016, a married woman is entitled to possess 500 grams of gold, an unmarried lady is entitled to possess 250 grams of gold and a male is entitled to possess 100 grams of gold. It was argued that since the respondent is entitled to possess gold, there could be no prosecution under the Act.

6. The appellant-State vehemently opposed the said submission and contended that those circulars have no application for determining assets disproportionate to known sources of income and for carrying on prosecution under the Act. The High Court accepted the stand of the respondent and in paragraph 6 of the impugned order held as under:

> "6. In the present case, if the gold is calculated with reference to the aforesaid Circular, the petitioner does not possess more than 750 Grams which is the permissible limit of petitioner. Thus, the Vigilance Department has seized the gold erroneously and has committee error in calculating the weight of the gold jewellery of the petitioner and determining the proportionate assets of the petitioner."

The prosecution against the respondent was quashed.

7. Mr. Akshay Amritanshu, learned counsel for the appellant-State submits that entitlement to possess gold is one thing, accounting for it when called upon in a prosecution under Section 13(1)(e) read with Section 13(2) of the Act, is a wholly different matter.

8. Learned counsel for the respondent defended the impugned order and submits that there are other aspects which will show that the assets are not disproportionate to the known source of income.

9. Having heard learned counsel for the parties and perused the records, we find that the reasoning of the High Court is totally untenable. In a prosecution under Section 13(1)(e) read with Section 13(2) of the Act, the accused is called upon to explain allegations with regard to owning assets disproportionate to known sources of income. Merely showing certain press release and circulars permitting the holding of gold to a certain extent will not amount to accounting for the possession of the said assets.

10. In view of the above, we set aside the impugned order of the High Court and restore to file the order of cognizance dated 28th January, 2021 taken by the Court of Special Judge, Vigilance, Patna in Special Case No. 20 of 2015, arising from P.S. Case No. 37 of 2015. The case shall proceed from that stage.

11. At this stage, Mr. Ranjit Kumar, learned counsel for the respondent submits that there are other aspects which the respondent would like to argue.

12. The respondent is at liberty to initiate such proceedings as are available in law before the Trial Court, and needless to say that if those proceedings are resorted to, they will be decided uninfluenced by any of the observations in the order of the High Court or in the present order.

13. The Appeal is allowed in the above terms.

.....J.
(K.V.VISWANATHAN)

.....J.
(ARUN PALLI)

NEW DELHI;
November 02, 2026

ITEM NO.54 COURT NO.12 SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 15711/2026

[Arising out of impugned final judgment and order dated 14-05-2026 in CRLM No. 56839/2021 passed by the High Court of Judicature at Patna]

STATE OF BIHAR Petitioner(s)

VERSUS

PHULPARI KUMARI Respondent(s)

(IA No. 252761/2026 - EXEMPTION FROM FILING O.T.)

Date : 02-11-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) :
Mr. Akshay Amritanshu- 3121, AOR
Mr. Sarthak Srivastava, Adv.
Mr. Akshat Aggrawal, Adv.
Mr. Utkarsh Rai, Adv.
Ms. Jyotsna Shandilya, Adv.
Mr. Atharve Tiwari, Adv.

For Respondent(s) :
Dr. Ranjit Kumar, Adv.
Mr. Karan Verma- 4227, AOR
Mr. Shobhit Ahuja, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The appeal is allowed in terms of the signed order.

3. Pending application shall stand disposed of.

(ANITA MALHOTRA) (NIKITA SINGH)
DEPUTY REGISTRAR COURT MASTER
(Signed order is placed on the file)