


SL. No	Date	Office Notes, reports, orders or proceedings or directions or orders with Registrar's order with Signatures	<p style="text-align: right;">COURT'S OR JUDGES'S</p>  <p style="text-align: right;">2026:UHC:3116</p>
			<p><u>BA1 No. 334 of 2026</u> Nitin KumarApplicant Vs. State of UttarakhandRespondent <u>Hon'ble Ashish Naithani, J.</u> Mr. S.R.S. Gill and Mr. Milind Raj, learned counsel for the Applicant.</p> <p>2. Mr. N.S. Kaniyal, learned A.G.A. for the State of Uttarakhand.</p> <p>3. The present Bail Application has been moved by the Applicant—Nitin Kumar, S/o Shri Satya Pal, R/o 33 Malhupura, Sarwat Road Muzaffarnagar, District Muzaffarnagar, Uttar Pradesh. The Applicant is in judicial custody in connection with Range Case No. 46/Roorkee/2025-26, registered at Police Station Forest Department, Haridwar, for the offences punishable under Sections 2, 9, 12, 39, 40(2), 44, 49, 50 and 51 of the Wildlife (Protection) Act, 1972.</p> <p>4. Heard Mr. S.R.S. Gill and Mr. Milind Raj, learned counsel for the Applicant, and Mr. N.S. Kaniyal, learned A.G.A. for the State. Perused the record.</p> <p>5. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present case and is languishing in jail since 22.10.2025. It is submitted that the Applicant is a valid license holder for keeping such snakes for extraction of venom used in preparation of life-saving medicines. It is further submitted that the license of the Applicant had been renewed for a period of one year and was valid till 31.12.2023, and thereafter though after a lapse of about ten months, the Applicant applied for renewal on 28.10.2024. Learned counsel further submits that as the renewal</p>

process was taking time, the Applicant moved an application on 08.09.2025 before the Director, Rajaji Tiger Reserve, for release of the snakes, but no decision was taken thereon and the matter remained pending, whereas prior thereto on 22.10.2025, the Applicant came to be arrested. It is further submitted that the snakes and venom allegedly recovered were kept under a valid license and at best the lapse, if any, relates to pendency of renewal, for which the Applicant cannot be subjected to incarceration. It is also submitted that *prima facie* no offence under the aforesaid provisions is made out against the Applicant. The Applicant is stated to be engaged in the said business since long and there is not even a single complaint regarding misuse of the terms and conditions of license. It is further submitted that though 89 venomous snakes have been shown to have been recovered from his possession, the same by itself does not establish illegal possession in the facts of the case. On such grounds, prayer has been made to enlarge the Applicant on bail.

6. Per contra, learned State Counsel opposed the Bail Application contending that the license had expired and some of the snakes had died and, therefore, the Applicant is alleged to have committed offences under various provisions of the Wildlife (Protection) Act, 1972. It is further submitted that the Applicant was engaged in extracting snake venom and illegally trading the same outside the State and, therefore, he is not entitled to be enlarged on bail.

7. After hearing learned counsel for the parties and upon perusal of the record, this Court finds sufficient grounds to allow the bail application. *Prima facie*, it appears that the Applicant had earlier been operating under a valid license and had also moved an application for renewal prior to the raid in question, which aspect

lends some substance to the submissions raised on his behalf. Further, the Applicant had been granted license for the purposes of scientific collection of snake venom and the wildlife involved in the present case consists of poisonous snakes found in the possession of the Applicant in caged condition. At this stage, it is evident that the Applicant had previously been authorized under a valid licence and merely on the ground that the licence had expired and could not be updated or regularized in time, continued incarceration of the Applicant does not appear justified. The question as to whether the acts alleged amount to deliberate illegal trade or arise out of non-renewal and regulatory lapse is a matter requiring trial.

8. Considering the nature of allegations, the period of incarceration undergone, absence of any criminal antecedents brought to notice, and without expressing any opinion on the merits of the matter, this Court is of the view that the present case is fit for grant of bail at this stage.

9. Accordingly, the Bail Application is allowed.

10. Let the Applicant be released on bail upon executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned.

11. All pending applications, if any, stand disposed of.

(Ashish Naithani, J.)

24.04.2026

Shiksha