



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.26891 of 2025

CNR No. ODHC010659602025

Azmat Khan @ Azamat Khan

.....

Petitioner

Represented by Adv. -
Laxmidhar Dash

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. -
Sasmita Nayak, A.S.C.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

24.08.2026

Order No.

09.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the writ application as well as the prayer made therein.
3. By filing the present writ application, the Petitioner falls in question the conduct of the competent authority in confiscating the vehicle of the Petitioner which was involved in an excise offence.
4. Learned counsel for the Petitioner, at the outset, contended that the order of confiscation of the vehicle dated 11.03.2025 which was confirmed in appeal vide order dated 17.07.2025 at Annexure-8 is bad in law inasmuch as the Petitioner was not afforded any opportunity of hearing. It is the specific case of the Petitioner that the order dated 11.03.2025 was passed an ex-parte and that the Petitioner was not duly notice and was not given any opportunity to



participate in such confiscation proceeding.

5. The same was objected to by the learned counsel for the State. Learned counsel for the State, on the basis of the record in her possession, stated before this Court that the Petitioner was granted three opportunities to participate in the confiscation proceeding despite such requisite notice, the Petitioner failed to appear before the competent authority in the confiscation proceeding.

6. In view of the aforesaid position, learned counsel for the State is directed to file her specific affidavit with regard to the notices issued to the Petitioner and when it was received by the Petitioner by the next date, after serving a copy thereof on learned counsel for the Petitioner.

7. List this matter in the next week.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 25-Aug-2026 18:59:49

